



Chapter 6 - Criminal Offenses

ARTICLE I - PURPOSE AND APPLICABILITY

Certain activities require regulation and enforcement to maintain order, protect property, promote business, and support the safety and welfare of the public. This chapter includes provisions to control and prohibit activities that affect the quality of life of Winooski citizens and shall apply at all times within the general limits of the City of Winooski.

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ARTICLE III - GENERAL

SECTION 6.01 - DEFINITIONS

ABANDONED AIRTIGHT CONTAINER - Unattended or discarded icebox, refrigerator or any other container of any kind which has an airtight snaplock or other device thereon for the purpose of locking the same without first removing the snaplock, other device or door from said icebox, refrigerator or container.

LAW ENFORCEMENT OFFICER - The following persons certified pursuant to 20 V.S.A. § 2358: sheriffs, deputy sheriffs, constables whose authority has not been limited under 24 V.S.A. § 1936a, police officers, state's attorneys, capitol police officers, motor vehicle inspectors, liquor investigators, state game wardens, and state police.

EXPLOSIVE - Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by



percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb.

FIREWORKS - The term "fireworks" means any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, including blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, balloons that are propelled by explosives, firecrackers, torpedoes, sky rockets, Roman candles, cherry bombs, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance, except sparklers. The term "fireworks" does not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing 0.25 grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for use, and toy pistol paper caps that contain less than 0.2 grains of explosive mixture. The term "fireworks" does not include fixed ammunition for firearms, or primers for firearms. The term "sparkler" means a sparkling item that is in compliance with the United States Consumer Product Safety Commission regulations and is one of the following:

- (1) A hand-held wire or wood sparkler that is less than 14 inches and has no more than 20 grams of pyrotechnic mixture; or
- (2) A snake, party popper, glow worm, smoke device, string popper, snapper, or drop pop with no more than 0.25 grains of explosive mixture.

Statutory Cross-Reference: 20 VSA § 3131

MINOR - Any person who has not yet attained the age of 21 shall be considered a minor for the purposes of this ordinance.



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OPEN BEVERAGE CONTAINER - A malt or spirituous container, bottle, can or vessel which is opened and from which the contents may be consumed or poured.

PERSON - As used in this chapter shall include a corporation, association, co-partnership, company, firm or other aggregation of individuals.

PLAINLY AUDIBLE - Any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if a sound source is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic base component of the music is sufficient to constitute a plainly audible sound.

PREMISES - Whenever the word "premises" is used, it shall mean place or places, to include a building or facility, including the fenced or walled (or demarcated or segregated) space surrounding it.

PUBLIC PLACE - Public place shall mean any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose. A public place shall also include but not be limited to any store, shop, bowling alley, cafe, theater, drug store, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate areas of the above. For the purposes of this chapter, any licensed establishment that sells malt, spirituous or alcoholic beverages for consumption on the premises shall be considered as public.

SIDEWALK - Shall mean that improved portion of a street between the curblines or the lateral lines of a roadway and the adjacent property lines intended for the use, or routinely used, by pedestrians.



ARTICLE IV - REGULATIONS

SECTION 6.02 - ABANDONED AIRTIGHT CONTAINERS

It shall be unlawful for any person to dispose of, abandon or have in his possession, in a place accessible to children, any abandoned airtight container as defined in section 6.01 above.

SECTION 6.03 - UNLAWFUL MISCHIEF

A person, who, having no right to do so or any reasonable ground to believe that s/he has such a right, does any damage to any personal or real property which is valued in an amount not exceeding \$1000.00 shall be in violation of this ordinance.

SECTION 6.04 - DESTRUCTION OF TREES ON PUBLIC GROUNDS

No person shall cut down, remove, mutilate or otherwise injure or destroy any fruit, shade or other ornamental tree growing in any public ground in the city, without the permission of the city.

SECTION 6.05 - TRESPASS OF A MOTOR VEHICLE

No person shall enter or remain in or on a motor vehicle without legal authority or the consent of the person in lawful possession of the motor vehicle. Motor vehicle shall include all vehicles propelled or drawn by power other than muscular power, to include tractors used entirely for work on the farm, vehicles running only upon stationary rails or tracks, motorized highway building equipment, road making appliances or snowmobiles, or implements of husbandry.

SECTION 6.06 - OPEN CONTAINER

It shall be prohibited, under the terms of this ordinance, to carry, hold or have on one's person on the streets, sidewalks, or on or within public places of the city, open containers of malt, spirituous or alcoholic beverages that are not specifically licensed.



SECTION 6.06.01 - RESTAURANT AND CABARET EXCEPTION

Notwithstanding the section 6.06 above, it shall not be unlawful to possess an open beverage container in sidewalk areas that have been appropriately requested, permitted, designated, and approved for outside consumption by the Winooski Liquor Control Board of Commissioners.

SECTION 6.06.02 - NON-APPLICABILITY

The terms of this ordinance shall not apply to certain social functions, affairs or meetings of a public or private nature where prior approval has been granted by the Mayor and city council to consume or have open beverage containers on or within a public place.

SECTION 6.07 - POSSESSION BY A MINOR

It shall be prohibited, under the terms of this ordinance, for any minor to purchase, possess or consume any malt, spirituous or alcoholic beverages within the city. The odor or presence of malt, spirituous or alcoholic beverages upon the breath of any minor shall be prima facie evidence of possession for the purpose of this ordinance.

SECTION 6.08 - DISTURBING MEETING; AIDING OR ABETTING DISTURBANCE

No person shall willfully disturb or annoy a lawful assembly, collection of persons or organized meeting of any kind, or cause the same to be done, in any manner or by any unlawful means whatsoever; nor shall any person make, aid or abet the making of any disturbance, riot or disorder, at, in or about any building or other place whatever.

SECTION 6.09 - DISCHARGING FIREARMS

No person shall, except in the performance of some duty required by law, discharge any gun, pistol or other firearm within the limits of the city.



SECTION 6.10 - DISORDERLY CONDUCT

No person shall engage in fighting or in violent, tumultuous or threatening behavior, which causes public inconvenience or annoyance, or recklessly creates a risk thereof; or obstructs vehicular or pedestrian traffic.

SECTION 6.11 - USE OF BUILDINGS BY DISORDERLY PERSONS

No person shall permit his/her buildings or other places to be used, frequented or resorted to by riotous or disorderly persons, or by any vagrant, gambler or common prostitute, or shall suffer or permit any boisterous, riotous or disorderly conduct therein or thereabout.

SECTION 6.12 - LOITERING

No person shall remain upon a sidewalk or upon a doorstep, portico or other projection from any house or other building, or in the entrance or hallway of any building, to the inconvenience or disturbance of any person.

SECTION 6.13 - INDECENT EXPOSURE

- A. No person ten (10) years old or older shall expose to view any penis, vagina or female breasts of a human body, in any public place. As used in this section, "public place" means any place where the conduct may reasonably be expected to be viewed by others. "Public place" does not include a private residence where the conduct is not easily visible from a public place or from another private place.
- B. This ordinance shall not be deemed to prohibit the use of live nude models or partially nude models, in a place where models can be seen only by artists and art students, including part time or amateur students. This ordinance shall not prohibit the natural act of "breast feeding" within a public place as defined.



SECTION 6.14 - ~~AGGRESSIVE BEGGING/PANHANDLING~~

~~No person shall approach another in an aggressive or threatening manner, for the purpose of begging or panhandling on any street or other public place within the city.~~

Repeal October 01, 2018

SECTION 6.15 - POSSESSION OF FIREWORKS

Except as hereinafter provided it shall be unlawful for any person, firm, co-partnership or corporation to offer for sale, expose for sale, sell at retail or wholesale, possess, use or explode any fireworks; and it shall also be unlawful for any person, firm, co-partnership or corporation to transport fireworks except in interstate commerce.

SECTION 6.15.01 - PERMITS

Permits for supervised public displays shall be granted in accordance with Title 20, § 3132 (b)-(d) of Vermont Statutes Annotated.

ARTICLE V - TRUANCY/DISTURBING SCHOOLS

SECTION 6.16 - TRUANCY

- A. That no person who is legally registered as a student within the Winooski School District, any other established school or recognized educational program shall be absent from school and at large within the community during the lawfully established hours of the particular educational institution:
 - 1. Pupils Under Sixteen - A person having the control of a child who allows such child to become enrolled in a public school, shall cause such child to attend such school continually for the full number of school days of the term in which s/he enrolled, unless the child is mentally or physically challenged and unable to continue or complete the tenth (10th) grade, or excused in



writing from the Superintendent of Schools or a majority of the School Board. In case of such enrollment, such person, and the teacher, child, superintendent and school board shall be under the laws and subject to the penalties relating to the attendance of children between the ages of six and sixteen years.

2. Pupils Over Sixteen - A person having the control of a child over sixteen years of age who allows such child to become enrolled in a public school, shall cause such child to attend such school continually for the full number of school days of the term in which s/he is enrolled, unless the child is mentally or physically challenged and unable to continue or complete the tenth (10th) grade, or excused in writing from the Superintendent of Schools or a majority of the School Board. In case of such enrollment, such person, and the teacher, child, superintendent and school board shall be under the laws and subject to the penalties relating to the attendance of children over sixteen years of age.
3. Exception: This section shall not apply to any student whose educational plan calls for alternative schooling times or any student who is excused from school due to illness, physician appointments, family emergency, etc. by an authorized school district representative.

SECTION 6.17 - TRUANCY PROCESS

- A. Failure to attend; notice by teacher - When a pupil between the ages of six and sixteen years, who is not excused or exempted from school attendance, fails to enter school at the beginning thereof, or being enrolled, fails to attend the same, and when a pupil who has become sixteen years of age and enrolls in a public school and fails to attend, the teacher or principal shall notify the superintendent or school board, and the designated truant officer, unless the teacher or principal is satisfied upon information that the pupil is absent on account of sickness.
- B. Notice of Complaint; Penalty - The truant officer, upon receiving the notice provided above, shall inquire into the cause of the non-attendance of the child. If the truant officer finds that the child is absent without cause, s/he shall give written notice to the person having the control of the child that



the child is absent from school without cause, and s/he shall notify that person to cause the child to attend school regularly thereafter.

- C. Failure to Comply - When, after receiving such notice, a person fails, without legal excuse, to cause a child to attend school as required by this section, such person shall be cited as provided by Chapter 1, section 1.11. Additionally, the truant office shall enter a complaint to the city grand juror and shall furnish him/her with a statement of evidence upon which the complaint is based, and the city grand juror shall prosecute the person. In the prosecution, the complaint, information or indictment shall be deemed sufficient if it states that the respondent having control of a child of school age, neglects to send that child to an approved public school or an approved or reporting private school or a home study program as required by law.

SECTION 6.18 - DISTURBING SCHOOLS

- A. It shall be unlawful for any person to willfully or unnecessarily:
1. Interfere with or to disturb in any way or in any place the students or teachers of any school within the city;
 2. Loiter about such school except on business, without the permission of the principal or his/her designee;
 3. Act in an obnoxious manner on school property; and/or
 4. Taunt, harass, or use hate speech toward a student or staff member which interferes in the educational process of that student or staff member.

ARTICLE VI - EXCESSIVE NOISE

SECTION 6.19 - INTENT

The intent of this article is to establish standards that will eliminate and reduce unnecessary noises that are physically harmful or otherwise detrimental to the enjoyment of life, property and maintenance of business. This ordinance shall not apply to commercial or industrial land uses regulated under the Winooski Zoning Ordinance.



SECTION 6.20 - NOISE ABATEMENT PERIOD 10:00PM TO 7:00AM

- A. No person may create, cause, or produce, disturbing sounds or noise on or in any land, building, part of a building, domicile, common area, roads or public area or space between the hours of 10:00 PM in the evening and 7:00 AM in the morning. This noise abatement period covers trucking, hauling, delivery vehicles, trash/rubbish/garbage pick-ups, construction, demolition, repairs, gatherings, social activities, and any other disturbing noise-producing activities.
- B. EXCEPTIONS. Trucking and hauling shall only be on approved designated routes during this period or as may be licensed by the city council.

SECTION 6.21 - NOISE REGULATION AT ALL TIMES

- A. The following acts are declared to be loud, objectionable, unnecessary noises, and are therefore a public nuisance, and are prohibited by this ordinance at all times when declared as plainly audible as defined in section 6.01. The creation of, permitting or operation of any of the above sets, instruments, devices or vehicles causing said noise in such a manner as to be plainly audible at a distance of 25 feet from a building, structure, land or vehicle from which noise emanates shall be prima facie evidence of a nuisance and a violation of this ordinance.
 - 1. Defect in vehicle or operation of vehicle. The operation of an automobile or motorcycle, which creates abnormal or unusual engine revving, squealing, squealing of tires, loud and unnecessary grating, grinding, exploding-type, rattling or other noises.
 - 2. Horns, Signaling Devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle except as a danger warning; the creation, by means of other signaling device, of unreasonably loud or harsh sound; and the sounding of any such device for unnecessary and/or unreasonable periods of time.



3. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle; except as a danger warning; so that the sounding of any such device is for unnecessary and/or unreasonable periods of time.
4. The creation, by means of other signaling devices of unreasonably loud or harsh sound; and the sounding of any such device for unnecessary and/or unreasonable periods of time.
5. Radios, Phonographs, etc. The using, operating, or permitting to be played, used or operated, of any radio or television receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sounds in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, or chamber in which such a machine or device is operated and who are voluntary listeners thereto.
6. Exhaust. The discharge into the open air of the exhaust of any steam engine, internal combustion engine, or motor vehicle except through a muffler or other device, which will effectively prevent loud or explosive noises there from.
7. Dogs, cats and other animals. The keeping of any dog, cat or other animal, which shall become a nuisance to another person in the vicinity where such dog, cat or other animal is kept, by frequent or continued barking, howling, yelping or screaming or other animal noise and vocalizations.
8. Vocal disturbances. Yelling, shouting, whistling, singing or making any other loud vocal or noise disturbance, including parties and other social events so as to disturb, destroy, or endanger the peace of persons in the immediate vicinity of the noise or disturbance. This section shall not be construed to prohibit a vocal disturbance, whether or not it is electronically amplified, by spectators or participants in an athletic event or



assembly sponsored by a public or private school, or recognized organized recreational activities.

9. Noises emanating from the excavation, demolition, alteration or repair of buildings, structures, or property.
10. Noise in General. Any noise, which is deemed objectionable because of volume, frequency, or beat and is not muffled or otherwise controlled.
11. Music, noise, vocalizations which disturbs or interferes with the peace or health of persons and is plainly audible through the walls of a building or the same building or from another property or from the street is also covered by this ordinance

SECTION 6.22 - EXCEPTIONS TO NOISE REGULATIONS

- A. Any person or organization that has obtained a noise waiver from the city (i.e. parade, block party, etc.).
- B. Any vehicle owned by and operated by government or a utility in the performance of its duties.
- C. Noise associated with routine snow removal activities where customary practices and equipment are used.
- D. Any government or utility emergency repair. Any construction activity, other than government or utility emergency repairs, that has obtained approval of the city to occur between the hours of 10:00 PM and 7:00 AM that is deemed in the best interest of the public health, safety and welfare.
- E. Any siren or other warning device used for public safety, including railroad signals.
- F. Noise associated with a bona fide response to an emergency situation that poses a threat to the public health, safety or welfare.



ARTICLE VII - PENALTIES

Unless otherwise stated, any violation of this chapter shall be a criminal violation and subject to criminal penalties and enforcement as provided for in Chapter 1, Section 1.11 of the Winooski City Code.

Statutory Cross-Reference: 24 VSA § 1974.