

MEMORANDUM

From: ZPED
To: Selectboard

Date: 2/26/2024

Re: Weekly Report, I will be in person

- The Doodle has been distributed for the Tri-Town Housing Taskforce meeting TBA for next week.
- Complaint about a junk and trash fire on Birch Meadow Road, has been referred to Wayne who dealt with the last incident. Your current proposed ordinance should cover incidents like this one.
- I am working a non-compliant STR on Terry Hill Road, I have worked out a compliance plan with the property owner and provided the terms are adhered to the violation will be closed over the next few weeks.
- I researched existing state criminal law on unlawful trespass, and this seems to be the appropriate provision:

“§ 3705. Unlawful trespass

(a)(1) A person shall be imprisoned for not more than three months or fined not more than \$500.00, or both, if, without legal authority or the consent of the person in lawful possession, he or she enters or remains on any land or in any place as to which notice against trespass is given by:
(A) actual communication by the person in lawful possession or his or her agent or by a law enforcement officer acting on behalf of such person or his or her agent;
(B) signs or placards so designed and situated as to give reasonable notice;”

It would appear that someone told to leave a premises for a reasonable cause is liable to be arrested if they refuse to do so, and certainly liable to arrest if told to do so by a law enforcement officer. Statute is generally unhelpful in terms of what is allowable as a town ordinance covering loitering. There has been case law on this as pertains to homeless people on **public** property that has caused repeal of several towns’ provisions. Highgate, however, adopted new language on October 5, 2023 that seems directed at private property, the enforcement provision stated:

“Loiter/Loitering: To linger, to stand or wait around idly or without apparent purpose; especially to fail to leave such premises when requested to do so by an enforcement officer.”

- Issued permit 24-Z-03 to Wings Market for a sign refresh on the building and entrance.
- Issued permit 24-Z-04 to Ninny Goat and Co. LLC for the retail cannabis store, permit is effective March 16.