

**PARKING ORDINANCE
TOWN OF WINHALL, VERMONT**

SECTION 1. AUTHORITY. This civil ordinance is adopted by the selectboard of the Town of Winhall under the authority granted in 4 V.S.A. § 437(11); 19 V.S.A. § 304(a)(6); 20 V.S.A. § 2904; 23 V.S.A. §§ 1008 & 1749; 24 V.S.A. Chapter 59; 24 V.S.A. § 2291(4); and Vermont Rule of Civil Procedure 80.9.

SECTION 2. PURPOSE. The purpose of this ordinance is to promote public health, safety, and welfare by providing effective traffic flow and assist the Town in the maintenance of Town streets and highways.

SECTION 3. DEFINITIONS. For purposes of this ordinance, the following words and/or phrases shall be defined as follows:

- A. Highway and town highway shall mean the same as "highway" as defined in 19 V.S.A. §§ 1(12) & (21).
- B. Vehicle or motor vehicle shall include all vehicles propelled or drawn by power other than muscular power. A vehicle includes but is not limited to: pleasure cars, trucks, snowmobiles, and all terrain vehicles.
- C. Parking shall mean the stopping or standing of a vehicle on a street, whether the vehicle is occupied or unoccupied.

SECTION 4. WINTER PARKING. It shall be unlawful to park a motor vehicle in any Town highway right-of-way from November 1 until May 1.

SECTION 5. NO PARKING AREAS.

It shall be unlawful for any motor vehicle to park in any of the following situations:

- A. At any point on a street, including a designated parking space, when the presence of such vehicle in conjunction with any other condition then existing will obstruct the free passage of other vehicles upon the street.
- B. Within the traveled portion of a highway.
- C. Within one hundred fifty (150) feet of a curve or on the crest of a hill of a highway, except as otherwise provided in this ordinance.
- D. On property owned, leased, or maintained by the Town, or parked on a highway within the Town (except for designated park-and-ride lots), for a period of twelve (12) or more hours continuously without written permission from the Winhall Police Department.
- E. So as to interfere with the policing, construction, or maintenance of the highway, including but not limited to the removal of snow.
- F. Within the public right of way of any highway for the purpose of displaying for sale such vehicle or any merchandise therein.
- G. To assemble or dismantle any vehicle within the public right of way of any highway, or to perform repairs thereon except emergency minor repairs or the servicing of such vehicle with gasoline, oil, or water.
- H. Outside of designated areas marked on the highway for parking, where designated areas are present and marked by lines on the pavement.

Exceptions: Nothing contained in this Section 4 shall be construed to make unlawful vehicular stops in obedience to a signal by a Law Enforcement Officer, stops to clear the way for emergency vehicles, or stops made necessary by causes beyond the control of the operator.

SECTION 6. PARKING AREAS DESIGNATED AS PARKING FOR PERSONS WITH DISABILITIES. It shall be unlawful for any motor vehicle to park in a space designated as parking for persons with disabilities except when the motor vehicle is equipped with a valid handicapped registration plate(s) or a properly displayed handicap permit from the Vermont Department of Motor Vehicles in

accordance with 23 V.S.A. § 304(a), or as otherwise provided by the law of the state in which the vehicle is registered, and an occupant is a person with a disability.

SECTION 7. PENALTIES.

- A. The penalty for illegally parking in an area designated as parking for persons with disabilities shall be \$75.00 for each offense.
- B. The penalty for violating all other provisions of this ordinance shall be: \$50.00 for the first offense and \$75.00 for the second or subsequent offenses within 30 days of previous offense.
- C. In addition to any penalty, a motor vehicle parked in violation of this ordinance may be removed by order of any properly qualified law enforcement officers in the State of Vermont. The cost of removal and storage of the motor vehicle shall be charged against the owner of the motor vehicle. The motor vehicle shall not be released to the owner until all removal and storage costs have been paid.

SECTION 8. ADMINISTRATIVE APPEAL AND ENFORCEMENT. Within 15 days of the date of the ticket date, a person receiving a parking ticket may appeal the violation by submitting a statement of objections to the Select Board or its designee. The Select Board or its designee will review the objections and respond in writing within 15 days. The Select Board or its designee shall have the authority, in its discretion, to uphold the parking ticket, to overturn the parking ticket, or to reduce the amount of the fine. If, after exhausting this administrative appeal process, the violator has not paid the penalty assessed for the violation of this ordinance, the Town attorney, at the direction of the Select Board, shall institute an action on behalf of the Town against the violator in District Court accordance with Rule 80.9 of the Vermont Rules of Civil Procedure.

SECTION 9. REPEAL OF PRIOR ORDINANCES. Any other ordinance or regulation in conflict with this ordinance is hereby repealed. Ordinances or parts thereof in force at the time this ordinance takes effect and inconsistent herewith are hereby repealed as of the effective date of this ordinance.

SECTION 10. SEVERABILITY. The provisions of this ordinance are declared to be severable and if a court of competent jurisdiction holds any portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 11. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the Winhall Select Board. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Adopted this 21st day of May, 2014.

Town of Winhall Select Board


Robert Oakes, Chair


William Schwartz, Vice Chair


Steve Blanchard, Member

Adoption History

1. Agenda item at regular Select Board meeting held on May 7, 2014.
2. Read and approved at regular Select Board meeting on May 21, 2014; entered in minutes of the meeting, approved on June 18, 2014.
3. Posted in public places on August 12, 2014.
4. Notice of adoption published in the _____ newspaper on _____ with a notice of the right to petition.