

Motor Vehicle and Traffic Ordinance

Village of Hyde Park, Vermont

The Board of Trustees of the Village of Hyde Park hereby ordains:

Section 1. General Authority

This ordinance is enacted pursuant to 24 VSA, Section 2291 (4). It shall constitute a civil ordinance within the meaning of 24 VSA Chapter 59, Title 23, Chapter 13, Subchapter 015, Sections 1392 and Section 1400.

Section 2. Purpose

It is the purpose of this ordinance to support safety and welfare throughout the Village of Hyde Park.

Section 3. Compliance with ordinance and state law required

No person shall operate or cause to be operated any vehicle on any street of this village except in compliance with this ordinance and applicable state laws.

Section 4. Definitions

Whenever in this ordinance the following terms are used, they shall have the following meanings respectively given to them:

Authorized emergency vehicles: Vehicles are defined by 23 V.S.A. 4(1)

Board: Signifies an action by the Board of Trustees of the Village of Hyde Park

Crosswalk: That portion of the roadway ordinarily included within the prolongation of curb and property lines at street intersections, or that portion of a roadway clearly indicated for pedestrian crossing by lines marked on the surface.

Driveway: A private road that leads from a house to the street

Intersection: The area embraced within the prolongation of the lateral boundary lines of two (2) or more streets, which join one another at an angle, whether or not one such street crosses the other.

Motor vehicle: Every vehicle as herein defined which is self-propelled.

Official traffic signs: All signs, signals and markings placed or erected by authority of the town, village or emergency personnel for the purpose of regulating or directing traffic or parking of vehicles.

Officer: An officer is any law enforcement officer.

Operator or driver: Any person who is in actual physical control of a vehicle.

Parking: The stopping or standing of a vehicle on a roadway, whether occupied or unoccupied, attended or unattended, other than temporarily for the purpose of and while actually engaged in loading or unloading passengers or goods, or in obedience to a police officer or traffic regulations, signs or signals, or while making emergency repairs, or if disabled, while arrangements are being made to move such vehicle.

Pedestrian: Any person on foot.

Roadway: That portion of a street between regularly established curb lines, or that part devoted to vehicular traffic.

Selectboard: Signifies an action of the Selectboard of the Town of Hyde Park

Sheriff: The Sheriff of the Lamoille County Sheriff's Department / Department: Lamoille County Sheriff

Sidewalk: That portion of a street between curb lines and adjacent property lines.

Street: The entire width between property lines of every way used for vehicular and pedestrian travel, which has become public by authority of the law, and such ways in public places other than highways as the public is permitted to use for vehicular and pedestrian traffic. The use of "Street" in this ordinance is defined as a street that is located within the Village.

Town: Town of Hyde Park, Vermont

Vehicle: Any contrivance on wheels or runners used in the roadways of public streets for carrying persons or things.

Village: Village of Hyde Park, Vermont

Section 5. Authority to designate one-way streets

- (a) The Board shall have the authority to designate any street or portion of a street as a one-way street and shall indicate the direction of travel on such streets.
- (b) Whenever the Board designates a one-way street, it shall cause signs to be placed to insure safety and indicating the direction in which travel is permitted.

Section 6. Authority to control traffic

- (a) Emergency personnel shall have authority to manage vehicular traffic on all Village streets and in regulating traffic may depart temporarily as far as may be necessary from the traffic regulations this ordinance.
- (b) The Board or its designee, the Sheriff and his/her designee(s) shall have authority to adopt temporary vehicular traffic and parking regulations on all Village streets. This authority is given for two exclusive purposes, and an immediate notice will be given to all responsible authorities:
 - 1. for the establishment of parking and transportation pilot programs and evaluating the merits of such programs. A parking or transportation pilot program shall be limited to no more than thirty (30) calendar days. When a pilot program is being evaluated, the General Manager, or his/her designee, must provide the following notice:
 - The neighborhood shall be leafleted at least one (1) week in advance of the proposed changes.
 - Temporary signs shall be conspicuously posted in the affected area for at least one (1) week in advance that detail the start and end date, contact name, and phone number.
 - The Sheriff and Fire Chief shall be given at least one (1) week advance notice of the start of a pilot program.
 - The Town shall be given at least two (2) weeks advance notice of the proposed changes
 - 2. in response to a public emergency that requires immediate action.

Stops at intersections

- (a) When stop signs are erected at or near the entrance to any intersection, every driver of a vehicle approaching a stop sign shall stop before entering the crosswalk on the near side of the intersection or if there is no crosswalk shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, except when directed to proceed by an officer or traffic control-signal.
- (b) After the driver of a vehicle has stopped in obedience to a stop sign at an intersection where a stop sign is erected at one (1) or more entrances thereto, such driver shall yield the right-of-way to any vehicle which has entered the intersection from another roadway or which is approaching so closely on said roadway as to constitute an immediate hazard, but said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding.

Yield right-of-way

- (a) The Town shall place yield-right-of-way signs in such locations, and shall make such changes in their location from time to time, as the Board shall direct and with adequate public notice. Signs shall be posted by 6:00 p.m. in order to provide thirty (30) hours prior notice.
- (b) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions, or shall stop if necessary, and shall yield the right-of-way to any pedestrian legally crossing the roadway on which he is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard.
- (c) A driver who enters a yield intersection without stopping and has or causes a collision with a pedestrian in daylight or lighted crosswalk or a vehicle in the intersection shall prima facie be considered not to have yielded as required herein. The foregoing shall not relieve the drivers of other vehicles approaching the intersection at such distance as not to constitute an immediate hazard from the duty to drive with due care to avoid a collision.

- (d) The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

Speed limit generally

- (a) No motor vehicle shall be operated or driven upon any of the streets of the Village at any time at a rate of speed greater than twenty-five (25) miles per hour; with the exception of those streets listed in (b).
- (b) Fifteen (15) miles per hour on Commonwealth Avenue

Play streets

- (a) The Board may temporarily declare any street or part thereof a play street and place appropriate signs or devices in the roadway indicating and helping to protect the same.
- (b) Whenever authorized signs are placed, erected or installed designating any street or portion thereof as a play street pursuant to the provisions of this section, no person shall drive a motor vehicle upon such designated street, except persons who have business or who reside within such designated street, and all such persons shall exercise the greatest care when driving upon such play street.

Section 7. Authority to restrict use of streets by trucks

The Board shall have the authority to prohibit or restrict the use of streets or portions thereof to trucks exceeding specified lengths or weights.

Prohibition of through-truck traffic

Maximum load limit for streets

- (a) *Purpose.* The purpose of this section is to create and preserve livable neighborhoods by promoting the health, safety and general welfare of all the inhabitants of the Village and its visitors; to protect and conserve the value of its citizen's property; to secure safety; and to minimize damage to streets.
- (b) *Prohibition of through-truck traffic.* By resolution, the Board may prohibit the operation over or upon any street, or part thereof, of any vehicle exceeding, with load, a specified weight whenever in its judgment through truck traffic should be restricted to secure greater safety. This section shall not apply to trucks making local delivery within the boundaries of the Village, provided that these trucks travel into the prohibited area by the most direct route and return by way of the same. The Board shall post and keep in conspicuous places on a street or part thereof, and at both ends of a bridge affected thereby, notices of the provision of such resolution.
- (c) *Maximum load limit for street.* By resolution, the Board may prohibit the operation over or upon any street, or part thereof, of any vehicle exceeding, with load, a specified weight, whenever in its judgment the operation of such vehicle over or upon such street, or part thereof, may be injurious thereto. The Board shall post and keep in conspicuous places on a street or part thereof, and at both ends of a bridge affected thereby, notices of the provision of such resolution.

Section 8. Application of ordinance to drivers of authorized emergency vehicles

The provisions of this ordinance governing the movement, parking and standing of vehicles shall not apply to authorized emergency vehicles while the drivers of such vehicles are operating the same in an emergency in the necessary performance of duty. Said vehicles shall have the right-of-way in any street and through any procession when operated in such emergency, but shall approach all official traffic signs with due care.

Section 9. Mufflers

- (a) Every motor vehicle shall, at all times, be equipped with a muffler in good working order and in constant operation to prevent excessive and unusual noise and annoying smoke.

(b) It shall be unlawful for any person to drive or operate any motor vehicle in the Village with a cutout, an exhaust whistle, without a muffler or with an exhaust system which has been altered, tampered with or changed from its original construction, thereby causing such motor vehicle to make a louder noise than it would have in its original condition.

Section 10. Covering of vehicles

No person shall convey upon any Village street at any time in any truck, wagon, cart or other vehicle any ashes, refuse, rubbish or waste or discarded materials or matter of any kind, unless such vehicle, during such conveyance of such materials or matter, is covered by suitable material of such character as to effectively prevent the emission of offensive or noxious odors from the materials or matter conveyed and unless such covering is fastened to such vehicle so as to effectively prevent the falling or dropping of the load or any part thereof upon the highway.

Section 11. Authority to regulate parking; signs to be replaced

The Board may regulate the manner of parking any vehicle, in places where parking is permitted, by causing parking spaces for vehicles to be marked off, painted on the pavement of the street or metered in the areas affected, and no person, in places where such spaces are marked off, painted or metered for the parking of vehicles, shall park any vehicle otherwise than wholly within a space so marked off or painted.

Section 12. Registered owner of vehicle deemed to have authorized violation

The presence of any motor vehicle in or upon any public street of the city, or in or upon any other place within the city where the parking or leaving of the same is governed by regulation, in violation of any regulation governing the parking or leaving of such vehicle, shall be prima facie evidence that the person in whose name such vehicle is registered on the records of the Commissioner of Motor Vehicles of the State of Vermont, or the commissioner of motor vehicles of the state the vehicle is registered in, committed or authorized such violation. In the instance of rental vehicle companies and vehicles loaned by vehicle dealers, state statute and law will govern.

Section 13. Unlawful to violate parking regulations

- (a) It shall be unlawful for the owner of a motor vehicle to suffer, permit or authorize the use of such motor vehicle in violation of any regulation governing the parking or leaving of such vehicle on any public street of the Village or in or upon any other place within the Village where the parking or leaving of such vehicle is governed by regulation.
- (b) It shall be unlawful for the owner or operator of a motor vehicle to move it while the vehicle is being processed for towing unless directed to do so by law enforcement or parking enforcement officer. A vehicle is deemed "being processed for towing" when a law enforcement or parking enforcement officer has identified it as eligible for towing.

Section 14. Authority to designate loading zones

The Board shall have the authority to designate loading and unloading zones and shall cause the limits of such zones to be plainly marked, and shall place signs or pavement lettering in or near such spaces to designate the nature thereof.

Section 15. General prohibitions

- (a) No operator or driver of any vehicle shall stop, stand or park the same in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of an officer or official traffic sign or except momentarily to pick up or discharge a passenger:
 - 1. Within any area of the public right-of-way, including the sidewalk, designated or customarily used for vehicular or pedestrian traffic, including, but not limited to, areas posted "No Parking," "No Parking

Anytime," "No Parking This Side of Street," "No Parking Between Signs" or "No Parking Bike Lane";
Within six (6) feet of a fire hydrant, or within a designated fire lane;

2. No vehicle parked or stopped shall obstruct the movement of traffic;
 3. No person shall stand, stop or park a motor vehicle upon a two-way roadway on the left side of the roadway facing in a direction opposite from the direction of authorized and proper traffic movement
 4. In front of another person's driveway;
 5. On a bridge, viaduct, or the approach thereto;
 6. On any sidewalk or in any crosswalk; or on the greenbelt, so-called, being that area of a public street located between the roadway edge and the sidewalk, or, if no sidewalk exists, between the roadway edge and the adjacent property line;
 7. In any area designated as a loading zone;
 8. Any street closed pursuant to this ordinance; or
 - In residential parking zones on any street, on any day(s) or at any time designated by the Board;
 - In any area designated "No Parking Here to Corner";
 - In any area designated for vendors only;
 - In designated leased lots, except those vehicles properly displaying a valid permit;
 - In any space herein or hereafter specified by the board as reserved for a bus stop; or within the limits of a public school yard, unless specifically authorized to do so by the board of school commissioners of the Town.
- (b) No motor vehicle having in excess of two (2) rear wheels shall be parked on the streets of the Village within the boundaries defined by *the 2015 Zoning Map – Village Center District and Village Residential District* except for the purpose of making a delivery or carrying out another lawful business purpose within such area, and no permissible parking by such vehicle on the streets shall be of any longer duration than is reasonably necessary to complete the lawful business within such area.
- Excepted from this prohibition is a privately-owned, dual rear wheel passenger or recreational vehicle used for noncommercial purposes with no commercial markings, and which is no greater than twenty-two (22) feet in length, seven (7) feet in height and seven (7) feet in width. Such a dual wheel vehicle shall only an exception from the prohibition if it is parked entirely in front of the vehicle owner's residence or is parked entirely in front of a residence by a guest of that residence.
- (c) No person shall park any vehicle in any parking space designated for parking for the handicapped unless the vehicle displays special handicapped license plates or placards issued pursuant to [23](#) V.S.A. 304a, or any amendment or renumbering thereof.
- (d) The owner of a vehicle that displays a for-sale advertisement while parked on a street located within the boundaries defined by the 2015 Zoning Map – *Village Center District and Village Residential District* will be notified by the Sheriff's Department to remove the vehicle within 24 hours. If the owner fails to have the vehicle moved within 24 hours of the notice, the vehicle will be towed. Moving the vehicle to another location on a Village street will result in an additional notice and penalty.
- (e) No person shall leave idling for more than three (3) minutes any motor vehicle in any area of the Village, except in the following instances:
- Motors used to run refrigeration units may be left idling to permit uninterrupted refrigeration;
 - A motor vehicle may be left idling if necessary for the repair of that vehicle;
 - This provision shall not apply to motor vehicles which must be kept idling in order to install, maintain or repair equipment or infrastructure, or as necessary for the delivery of fuel.
 - This provision shall not apply in any situation in which the health or safety of a driver or passenger requires the idling of the vehicle.
- (f) No person shall coast, course or slide on a sled, sleigh or other unauthorized vehicle on a street or upon the sidewalks thereof, except such streets as shall be designated by the Board.

Section 16. Parking ban

- (a) *General prohibition.* It shall be unlawful for any person to park a vehicle within any designated Village right-of-way, including the sidewalk, anytime of the year during a declared parking ban.
- (b) *Required method of notification for declaration of a parking ban.* It is the responsibility of the responsible authority to provide advance notice prior to commencing a parking ban.
- (c) *Authority to declare parking ban.* Those listed below may have the authority to declare a parking ban, given that there is a demonstrated need for street maintenance. All designees will report closing to the Board in a timely manner. Authorities are:
 - The Board or its designee has full authority in declaring a parking ban.
 - The General Manager may declare a parking ban after consultation with the Board Chair.
 - The Sheriff may declare a parking ban after consultation with the Board Chair.
- (d) *Enforcement policy for violation of parking ban.* See section 20. A vehicle found in violation of the parking ban shall face the following consequences:
 - An officer shall ticket and remove the vehicle in violation to another street within the Village or, when warranted, it may be impounded and transported to a remote site. See Section 17.

Winter Parking Ban

Vehicle parking is banned on all Village streets between the hours of midnight and 6:00 AM during the period beginning November 15 and ending April 15.

Parking on premises of another prohibited

- (a) It shall be unlawful for any person to park, leave, or cause to be parked or left, any motor vehicle upon the premises of another without express permission from the person or persons legally entitled to give such permission.
- (b) The presence of an unattended motor vehicle upon premises not owned or controlled by the registered owner of such vehicle shall be prima facie proof that the same was parked or left thereon by the registered owner.

Extended parking prohibited

- (a) No person shall leave a vehicle in the same place within the limits of a street for a period longer than five (5) days. This period starts when the Sheriff's Department observes a vehicle in a space. From that time, the vehicle must be moved within five (5) days. For the purposes of this section, the term moved is defined as relocating a vehicle at least twenty-five (25) feet from its original location for a time period of twenty-four (24) hours. Violations shall result in removal / towing of the vehicle. See Section 17.
- (b) No person shall stop or park any non-motorized vehicle, camper trailer or boat within the limits of any street for more than twenty-four (24) consecutive hours. Any such vehicle shall be regarded as having been stopped or parked in the street for twenty-four (24) consecutive hours if it is parked in the street at any time during a given day, unless such vehicle is moved from the street for a period of twelve (12) consecutive hours during such day. See Section 17.

Authority to close streets to parking

For the purpose of cleaning, clearing, repairing, street resurfacing, special events, parades, or pruning or removing trees, the Town, the Village or Sheriff's Department may close such street to the parking of vehicles by causing signs to be posted thereon in conspicuous locations indicating the prohibition of parking thereon. The signs shall be posted by 6:00 p.m. in order to provide thirty (30) hours prior notice and the prohibition shall be effective midnight the following day. Such prohibition shall remain in effect until such signs are removed, and during the period when parking is so prohibited, no person shall park a motor vehicle on any such street.

Section 17. Removal / Towing of Vehicles

- (a) The full and total charges for towing are paid to the towing company prior the release of the vehicle to the licensed owner.
- (b) The Sheriff's Department is authorized to engage a towing service(s), or his/her designee(s) to perform according to performance standards and expenses as determined by the Sheriff's Department.
- (c) Towing charges made or incurred under this ordinance shall not exceed the actual cost incurred by the Sheriff's Department. The tow truck driver or tow company shall provide a written receipt to the owner or operator of any vehicle moved or removed under this ordinance showing all charges incurred, including but not limited to, tow charges, parking or storage charges and any administrative fee.
- (d) The owner of the towing service, or his/her designee, shall notify by registered mail the registered owner of the vehicle or the holder of a security interest therein, if his/her identity can be readily ascertained, within seven (7) days of the impoundment of the vehicle.
- (e) If the owner of the towing service is unable to ascertain the identity of the registered owner or the holder of a security interest therein, he/she shall publish in the Morrisville News & Citizen the record of impoundment.
- (f) Storing fees after seven (7) days shall not be allowed unless the towing service has provided notice, either by certified letter or by publication, to the registered owner or holder of a security interest. As long as notice has been provided, the towing service may collect reimbursement of the actual cost of providing notice, including up to a fifteen-dollar administrative fee, from the registered owner or holder of a security interest.
- (g) Any and all expense incurred by the village, or the Sheriff's Department and by virtue of this division shall be and become a lien upon the motor vehicle removed as herein authorized and such lien may be foreclosed in accordance with the procedure provided in the law relating to foreclosure of artisan's liens.
- (h) Any motor vehicle parked at any time upon any road within the village, as may be open to the public, the owner of which has accumulated unpaid parking violations totaling \$100 or more, may be removed and stored pursuant to this division. In order to reclaim the impounded vehicle, the owner shall pay all charges for all outstanding violations, outstanding removal charges previously assessed and the charges imposed by this division for such removal and storage or until the requirements of Sections 17 and 20 have been met. Fines shall not be avoided by the transference of title or registration, or the purchasing of a different vehicle.
- (i) No charges made or incurred under this division shall be considered to be a fine, penalty or forfeiture. The removal and storage or parking of any vehicle under this division shall not be a bar to the institution and prosecution of criminal or civil proceedings against the owner or operator of such vehicle.

Section 18. Exemptions - Acts of Statute

The provisions of this ordinance shall not apply to law enforcement vehicles, constables, game wardens and others set aside by statute or law.

Section 19. Enforcement

Any person that does not comply with the rules of this ordinance shall be subject to a fine of the maximum amount set by the Vermont Superior Court. (VSA 24, Sec. 1974) Any law enforcement official may act as an issuing Municipal Officer and/or the Sheriff's Department may issue and pursue a municipal complaint for violations of this ordinance.

Section 20. Penalty

- (a) Fines and penalties for excessive speeding, moving violations and truck traffic restrictions are pursuant to current state law and the enforcement of the Sheriff's Department, who is responsible for establishing these fines and penalties.
- (b) *Parking in a Non-Parking Zone*: fifteen dollars (\$15.00)
- (c) *Idling, Covering of Vehicles and Muffler Violations*: fifteen dollars (\$15.00)
- (d) *Illegal Parking Handicapped Zone or Space*: one hundred twenty-five dollars (\$125.00)

- (e) *All Other Parking Violations*: seventy-five dollars (\$75.00). Vehicles in violation shall also may be removed to another street or a remote location and if removed shall be assessed charges for removal / towing as part of the issuance of the penalty. Reference the removal / towing section.
- (f) *Removal/Towing*: see Section 17.
- (g) *Moving a Vehicle While Being Processed for Towing*: The penalty for removing a vehicle that is being processed for towing, as shall be two hundred dollars (\$200.00).
- (h) *Additional Parking Penalties*: These penalties apply to all fines associated with parking:
 - Less than thirty (30) days—the original fine
 - Thirty (30) days or more—additional ten dollars (\$10.00)
 - Ninety (90) days or more—an additional fee of twenty-five dollars (\$25.00) assessed.

The Sheriff's Department is authorized to issue tickets with fines in the following amounts for each violation of this ordinance. Offenses shall be counted on a 12-month basis beginning with the first offense.

- Second Offense \$50
- Third Offense \$100
- Fourth Offense \$200
- Fifth Offense \$400

Section 21. Severability

If any portion of this Ordinance and any amendments made hereto are held unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance and Amendments made hereto shall not be affected and shall remain in full force and effect. If any statute referred to in this Ordinance shall be amended, this ordinance shall be deemed to refer to such amended statute.

Section 22. Repeal of Prior Ordinances

Any other ordinance or regulation heretofore adopted by the Village of Hyde Park for the control of Motor Vehicles is hereby repealed.

Effective on November 10, 2015

Enacted and ordained this 9th day of September 2015.

Fredericka French, Chair of the Village of Hyde Park Board of Trustees

Recorded on September 9, 2015

Carol Robertson, General Manager, Village of Hyde Park

This ordinance was adopted on 9th day of September 2015 at a duly warned Village of Hyde Park Board of Trustees Meeting at the Lanpher Memorial Library on Main Street. The signed and recorded minutes are available for review at the Village office. The signed ordinance was recorded and is available for review at the Village office. The minutes of the meeting and the ordinance were posted on the website: www.hydeparkvt.com on September 10, 2015. The ordinance was posted in the Hyde Park Town Office, Hyde Park Village Office and the Hyde Park Post Office on July 8, 2015 together with the required notice of petitions to be received by the General Manager by asking for a vote to disapprove the ordinance. There were no petitions; therefore, the ordinance is effective on November 10, 2015.