

ARTICLE 4 PARKING

SECTION 401

SIGNS, SPACES

The Trustees shall cause placement of suitable signs and/or yellow painted curb lines in and near the areas affected by the parking regulations of this Ordinance, plainly indicating such regulations, and may cause such signs to be painted on the surface of the street within said areas. The Trustees may regulate the manner and position of parking any vehicles, in places where parking is permitted, by causing parking spaces for vehicles to be marked or painted on the pavement of the street in the area affected, and no person, in places where such spaces are marked off or painted for the parking of the vehicles, shall park any vehicle otherwise than wholly within a space so marked off or painted. No person shall park any vehicle, at a time, in any of the following areas:

- (a) On the easterly side of Stebbins Street.
- (b) On the northerly side of Missisquoi Street from Main Street to Archambault Street.
- (c) On the southerly side of Missisquoi Street from Stebbins Street to and beyond the Archambault Street intersection.
- (d) On both sides of Church Street from Bismarck Street to the Methodist Parsonage.
- (e) On both sides of Dickenson Avenue from School Street to a distance of 50' beyond the westerly curve at the elementary school.
- (f) On both sides of School Street from Dickenson Avenue to Pleasant Street.
- (g) On both sides of Pleasant Street a distance of 50' northerly from School Street.
- (h) On the westerly side of Main Street from Pearl Street to the northerly side of Larose's Texaco service station.
- (i) On the park side of Maple Park Circle.
- (j) On the westerly side of Pleasant Street from Depot Street to Missisquoi Street.
- (k) On the westerly side of Pleasant Street from Missisquoi Street to the second entrance to the Catholic Church.

VILLAGE OF ENOSBURG FALLS, VERMONT

NOTICE OF ORDINANCE ADOPTION

Notice is hereby given at a regular meeting of the Board of Trustees of the Village of Enosburg Falls, Vermont, held on the 12th day of October, 2004. This ordinance will become effective on the 11th day of December, 2004 unless a petition seeking disapproval thereof is filed with the Village Clerk no more than forty-four (44) days from the above-stated date of adoption.

The purpose of the ordinance is to regulate Parking on Dickenson Avenue in the Village of Enosburg Falls from Main Street to 50 feet east of the Village Highway Garage. Specifically:

ARTICLE 4, SECTION 401. No person shall park any vehicle, at any time, in any of the following areas:

ADDED SUBSECTIONS:

(r) On both sides of Dickenson Avenue from Main Street to 50 feet east of the Village Highway Garage during the hours of 7:00AM - 4:00PM, Monday through Friday.

Copies of the ordinances and further information relating to the same may be obtained by communication with Jonathan Elwell, Village Manager, 42 Village Drive, Enosburg Falls, VT 05450 (802-933-4443).

Dated at Enosburg Falls, Vermont, this 12th day of September, 2004.

Attested:

Natalie Guilmette
Natalie Guilmette
Village Clerk

Valentine W. Bonk
Valentine W. Bonk, Chairman

Richard J. Roberge
Richard J. Roberge

Richard J. Rivers
Richard J. Rivers

Walter H. Scott

Walter H. Scott

(l) On any portions of the Vermont Recreation Trail.

(m) On both sides of Main Street from St. Albans Street northerly a distance of 325 feet.

SECTION 402

UNLAWFUL PARKING AS PUBLIC NUISANCE; TOWING

The parking of any vehicle within an intersection, on a cross walk, within six (6) feet of a fire hydrant, in front of a private driveway, in a private driveway without the owner's permission, on a bridge or the approaches thereto, on any portion of the Vermont Recreation Trail, on a sidewalk, abreast of another vehicle on any street or within any area where parking is prohibited by this ordinance, is hereby declared to be a public nuisance, and the Enforcement Officer may remove any vehicles so parked, or cause it to be removed, at the sole expense of the owner of such vehicle, by towing or otherwise. In the event of such removal, the provisions of sections 403-407, inclusive, will apply. The Village assumes no obligation whatsoever for the care, maintenance or condition of any vehicles so removed. In that the notation of this section is declared to be a public nuisance, in addition to the relief provided by this ordinance, the Village attorney and/or Enforcement Officer is hereby expressly granted the authority to petition a court for whatever relief is deemed necessary for the abatement of such public nuisance.

SECTION 403

RECORD OF REMOVED VEHICLE

The Enforcement Officer and the owner of any public garage to which such vehicle is removed, shall keep a record of each vehicle so removed by manufacturers' trade name or make, registration, such other descriptive matter as may be necessary to identify such vehicle, and the name and address of any claimant thereof. The Enforcement Officer shall, in addition, keep a record showing date of such removal, name of the wrecker service removing the vehicle and place of storage, and reason for such removal. All such records shall be open to public inspection during regular business hours and the Enforcement Officer shall publish in a newspaper of general circulation in the Village, the record of any vehicle that remains unclaimed for a period of 30 days.

SECTION 404

RECLAIMING OF VEHICLES

(a) Before the owner shall be permitted to reclaim a vehicle which has been removed pursuant to Section 402, he shall:

(1) Furnish satisfactory evidence to the Enforcement Officer and to the owner or person in charge of such public garage of his identity and of his ownership of such vehicle.

(2) Pay to the Village all charges for removing said vehicle and all charges for the storing or parking thereof, and for publication of record of removal or other costs incurred regarding such vehicle.

(3) Sign a written receipt acknowledging delivery of such vehicle.

(b) If the owner of a vehicle removed under section 402 hereof does not claim such vehicle and pay all towing and storage expenses within 30 days of the date of such removal, the title to such vehicle shall escheat to the Village and the vehicle may be sold or otherwise disposed of per Title 27, Vermont Statutes Annotated, Section 11.

SECTION 405

CHARGES

No charges made or incurred hereunder, shall be in excess of the rate ordinarily charged by the person making such removal, or doing such storing or parking, and if such removal, storing or parking is done by the Enforcement Officer, such charges shall be in conformity with prevailing rates in the Village.

SECTION 406

LIEN; FORECLOSURE

Any and all expenses incurred by the Village, or any of the departments thereof, under and by virtue of Section 402-407 inclusive, shall be and become a lien upon the motor vehicle removed as herein authorized, and such lien may be foreclosed per the procedures provided in Article 51, Subchapter 2 of Title 9, Vermont Statutes Annotated.

SECTION 407

CHARGES NOT A FINE, PENALTY OR FORFEITURE

No charges made or incurred hereunder shall be considered to be a fine, penalty, or forfeiture. The removal and storage or parking of any vehicle under Section 402-407, shall not be a bar to the institution and prosecution of criminal proceedings against the owner or operator of such vehicle.

SECTION 408

NO PARKING AREAS

Except in compliance with the direction of an Enforcement Officer or official traffic sign, no person shall park any vehicle at any time:

(a) On any street, within 50 feet of the curb line of an other street, or within such other distance as the Trustees shall determine and cause to be indicated as provided in Section 401, such determination to be based, in each instance, upon existing traffic conditions and sight lines at street intersections.

(b) Within an intersection on a crosswalk, within six (6) feet of a fire hydrant, in front of a private driveway, in a private driveway without the owner's permission, on a bridge or approaches thereto, on the Vermont Recreation Trail, on a sidewalk, abreast another vehicle on any street, or within any area where parking is prohibited by this ordinance.

SECTION 409

COMMERCIAL VEHICLES LOADING AREA

The Trustees may as necessary, authorize the markings of loading zones for the use of commercial vehicles carrying merchandise while loading and unloading such merchandise.

SECTION 410

WINTER PARKING

No person shall, between the hours of 12 midnight and 6 a.m., including Sunday and legal holidays, during the period from December 1st of every year to April 1st of the following year, park any vehicle within the limits of any public street of the Village.

SECTION 411

HIGHWAY DEPARTMENT WORK

For the purpose of cleaning, clearing, repairing or surfacing a street, the highway 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. Such prohibition shall be effective upon posting and shall remain in effect until signs are removed. During the period when parking is so prohibited, no person shall park a motor vehicle on any such street.

SECTION 412

PARKING RESTRICTIONS; PARADES

Nothing herein contained shall be interpreted to prevent the Enforcement Officer from clearing any needed street of and from all vehicular traffic during and preparatory to parades or other public occasions. Signs indicating the special parking regulations shall be conspicuously posted in and near all affected areas.

SECTION 413

GENERAL PROHIBITION; EVIDENCE

(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 ordinance governing the parking or leaving of such vehicle on any public street of the Village in or upon any other place within the Village where the parking or leaving of such vehicle is governed by this Ordinance.

(b) The presence of any motor vehicle in or upon any public street of the Village or in or upon any other place within the Village where the parking or leaving of the same is governed by this ordinance, 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 committed or authorized such violation.

SECTION 414

PARKING TIME LIMITED ON CERTAIN STREETS

The Trustees may determine the length of time which, vehicles may be parked on public highways or streets within the Village. Signs shall be posted in conspicuous places advising operators of these time limits. No person shall park a vehicle upon any street or parts thereof, described in the following schedule, for longer than the posted time limit:

- (a) Both sides of School Street along Lincoln Park.
- (b) Both sides of Main Street from Depot Street to School Street.

SECTION 415

PARKING VEHICLES FOR PERIODS LONGER THAN TWENTY-FOUR HOURS PROHIBITED

No person shall stop or park any vehicle or motor vehicle or any nonmotorized vehicle, camper trailer or boat within the limits of any street for more than 24 consecutive hours unless a shorter time is specified at that location. Any such vehicle shall be regarded as having been stopped or parked in the street for 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 12 consecutive hours during such day.

SECTION 416

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 vehicle or 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 vehicle or 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.
- (c) Any such motor vehicle or vehicle is subject to removal per the conditions of Section 402-407 inclusive.

SECTION 417

STOPPING CLOSE TO CURB/EDGE OF THE ROADWAY

All stopped vehicles in any public street must be within twelve (12) inches of the curb or edge of the roadway.