

VILLAGE OF ENOSBURG FALLS TRAFFIC ORDINANCE

The Board of Trustees of the Village of Enosburg Falls ordains and adopts this Traffic Ordinance per provisions of: Title 23, Vermont Statutes Annotated, Sections 1007 and 1008 and: Title 24, Vermont Statutes Annotated, Sections 1971 and 2291.

ARTICLE I GENERAL PROVISIONS

SECTION 101

DEFINITIONS

The following terms used in this ordinance shall have the meanings respectively given to them in this section.

- (a) **ALL TERRAIN VEHICLE.** Any nonhighway recreational vehicle when used for cross country travel on trails or on any one of the following, or combination thereof; land, water, snow, ice, marsh, swampland and natural terrain. This shall include two, three, four and multi wheeled vehicles and snowmobiles.
- (b) **AUTHORIZED EMERGENCY VEHICLE.** Vehicles of fire and police departments, ambulances, rescue vehicles, emergency vehicles of Federal, State and Municipal departments. Authorized emergency vehicle includes public service corporations (including, but not limited to, electric utility service vehicles) when responding to or located at any emergency.
- (c) **CROSSWALK.** That portion of a highway ordinarily included within the extension of curb and property lines at street intersections. Also, that portion of a highway clearly marked for pedestrian crossing by painted lines on the surface and/or signage.
- (d) **ENFORCEMENT OFFICERS.** Shall include sheriffs, deputy sheriffs, constables, police officers, state's attorneys, motor vehicle inspectors, state game wardens, state police, duly authorized employees of the Village, and those employed by the Village to assist in the enforcement of these ordinances.
- (e) **INTERSECTION.** The area falling within the extension of the right of way lines of two or more streets that join one another at an angle, whether one street crosses the other.
- (f) **OFFICIAL TRAFFIC SIGNS.** All signs, signals, and parking spaces placed or built by the Village for regulating or directing traffic or parking of vehicles.

(g) **PARKING.** The stopping, standing, or parking of vehicles on a street, whether occupied or unoccupied, attended or unattended. This does not include parking temporarily in obedience to a police officer or traffic regulations, signs, or signals.

(h) **"PERSON"** includes any individual, individuals, firm, partnership, association, company, co-partnership, or corporation.

(i) **"PUBLIC PROPERTY"** shall mean any property owned by Federal, State, or local government i.e., school, parks, public roads, armories, Post Office etc.

(j) **"ROADWAY"** is that portion of a highway improved, designed, or ordinarily used for vehicular traffic, exclusive of the shoulder.

(k) **"SIDEWALK"** is that portion of a street or right-of-way between curb lines or lateral lines of a roadway and adjacent property lines. The paved or unpaved sidewalk is for use by pedestrians only.

(l) **VEHICLE.** Any contrivance used in the roadways for carrying persons or things.

(m) **MOTOR VEHICLES.** Any vehicles as in Title 23 V.S.A. Section 4, as any may be amended, including snowmobiles and all terrain vehicles.

SECTION 102

AUTHORIZED EMERGENCY VEHICLES, APPLICATION TO

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 and the same when responding to, but not returning from, an emergency in the necessary performance of their 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 and responsibility and shall otherwise conform to all of the requirements of the Vermont Statutes. Personal vehicles authorized the use of "Red Light & Siren" by permit through the State of Vermont are not included in this provision.

SECTION 103

WAIVER OF APPEARANCE, SCHEDULE OF FINES, PROPERTY DAMAGE.

(a) A person charged with committing a violation of this Ordinance may waive appearance and trial and plead guilty or nolo contendere by a signed statement. The person shall submit a fine in an amount as established under subsection (b) of this section with the signed statement. The Court shall accept the signed statement accompanied by the fine assessed as a plea of guilty or nolo contendere as shown on the signed statement and shall proceed accordingly.

(b) The judge may also order appropriate restitution for damages to private or public property, even if the person waived appearance and trial and plead guilty or nolo contendere. When, the Village accepts the signed statement, the person will pay to the Village or property owner the amount necessary to repair or replace damaged property. The schedule of fines is as follows:

SECTION #	NAME OF OFFENSE	FINE
201	Stopping, Standing or Parking where prohibited	\$ 60
202	Unauthorized Use of Sidewalks	50
	Other obstructions on sidewalk	30
203	Exceeding Posted Speed Limit	Same as State fine
204	U-turns, Parking in Wrong Direction	15
205	Passing a Vehicle	60
301	Stop or Yield Right of Way Signs	50
302	Interfering with Traffic Sign	85
303	One-way Streets; Marked Lanes	60
401	Illegal Parking	35
402	Unauthorized Use of No Parking Areas	60
408	Illegal Parking in "No Parking" Area	60
409	Unauthorized Parking in Designated Commercial Loading Zones	60
410	Violation of Winter Parking Ordinance	60
411	Interfering with Street Department Work	35
412	Interfering with Parking Restrictions; Parades	35
414	Over parking on Designated Streets	35
415	Over parking	35
416	Unauthorized Parking on Private Properties	

SECTION #	NAME OF OFFENSE	FINE
501	Pedestrian Ignoring Traffic Control Signals	35
502	Pedestrian Ignoring Pedestrian Control Signals	35
503	Jaywalking	35
505	Vehicles Not Yielding to Pedestrian on Crosswalks	85
506	Pedestrian not Yielding to Vehicles	25
507	Pedestrian Curb Violation	35
508	Walking on Roadway When Sidewalks are Available	35
509	Failure of Driver to Exercise Due Care	35
601	Abandoned Vehicle in Public Spaces	35
801	Uncovered Vehicles	85
802	Passing a Vehicle Stopped For a Pedestrian at a Crosswalk	85
803	Snow Piled/Plowed onto Public Space	35
804	Drinking/Open Container	50
701	Operating an ATV on Public Highway	45
702	Operating an ATV along a Public Highway	45
703	Operating an ATV on Public Land	110
704	Operating an ATV by an Operator under age 12	35
705	Operating an ATV within a Cemetery	60
706	Operating an ATV on a Sidewalk	60

SECTION 104

AUTHORITY OF LAW ENFORCEMENT OFFICIALS

Enforcement Officers shall have the authority to manage vehicular traffic on all public streets or highways. In case of an emergency, enforcement officers in regulating traffic, may depart temporarily as far as may be necessary from this ordinance.

SECTION 105

SEVERABILITY

If a court finds any provisions or application of this Ordinance invalid, the invalidity does not affect other provisions or applications. The provisions of this Ordinance are severable.

SECTION 106

CIVIL ORDINANCE

This ordinance is designated a civil ordinance pursuant to Title 24 V.S.A. Section 1971(b). To the extent a penalty is not established in this ordinance for violations thereof, there is hereby established a penalty of \$500.00 (Five Hundred Dollars) for a violation of this ordinance. Each day the violation continues shall constitute a separate violation. Civil enforcement of this ordinance and actions for violations thereof shall be brought and maintained in the name of Village by the Enforcement Officer(s), each of whom is hereby designated an Enforcement Officer and an issuing municipal official for such purpose. All actions for enforcement of this civil ordinance shall be instituted and maintained in the manner provided in Title 24 V.S.A. Sections 1974a-1981, as may be amended.

ARTICLE 2 OPERATION OF VEHICLES

SECTION 201

STOPPING, STANDING, OR PARKING WHERE PROHIBITED

No operator of any vehicle shall stop, stand, or park a vehicle in any of the following places, unless following directions from an enforcement officer or official traffic sign:

- (a) Within an intersection,
- (b) on a crosswalk,
- (c) within 6 feet of a fire hydrant,
- (d) in front of a private driveway or in a private driveway without the permission of the owner,
- (e) on a bridge or the approaches thereto,
- (f) on any sidewalk,
- (g) abreast of another vehicle in any street,
- (h) there shall be no parking of vehicles in Fire Lanes as designated by the Chief of the Fire Department, and
- (i) on the Vermont Recreational Trail.

SECTION 202

SIDEWALKS, UNAUTHORIZED USE OF

No one will drive, park, place, lead a horse, a beast of burden, wheelbarrow, other vehicles, merchandise, signs, or goods on any sidewalk.

Exceptions are: children's carriage, conveyances or sleds propelled by hand; merchandise being loaded or unloaded over the sidewalk by use of skids or other means, if a passage way is available for the free passage of pedestrians; horses, beasts of burden, or vehicles going across a sidewalk from or to private property. Special activities, with the approval of the Village Trustees may be conducted for a specific period of time.

SECTION 203

SPEED OF MOTOR VEHICLES

- (a) Unless otherwise posted no person shall operate a motor vehicle in the Village over 25 miles per hour.
- (b) A violation of the posted speed limit is a traffic violation and subject to fine per the provisions of Title 23 VSA, as amended.
- (c) ~~The rates of speed set forth in subsection (a)(1)-(3) of this section are established as provided in Title 23 V.S.A. Section 1007 (a).~~ ^{delete}

SECTION 204

U-TURNS AND PARKING FACING IN WRONG DIRECTION

- (a) No one while operating a motor vehicle shall make a U-turn.
- (b) A U-turn is the crossing the center line of the highway and turning so that the vehicle is traveling in the opposite direction of travel. No operator of a vehicle will drive a vehicle across the center line to park on the other side of the street. No operator will park their vehicle facing oncoming traffic.

SECTION 205

PASSING A VEHICLE

Vehicles proceeding in the same direction may not be overtaken and passed on either the left or the right side.

ARTICLE 3 TRAFFIC LIGHTS AND SIGNS

SECTION 301

STOP OR YIELD INTERSECTIONS

(a) "Stop" or "Yield" signs may indicate preferential right of way at an intersection.

(b) Unless directed by an enforcement officer or traffic-control signal, every driver approaching a stop sign shall stop at a clearly marked stop line. If none, the driver will stop before entering the crosswalk, or at a point where they have a view of approaching traffic on the intersecting roadway. After stopping, the driver shall yield the right of way to any vehicle in the intersection.

(c) The driver of a vehicle approaching a yield sign shall in obedience to such signs, slow down to a speed reasonable for the existing conditions. If, required for safety, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection. If no sidewalk, then the driver must stop at a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection. The driver must yield to vehicles approaching so closely as to create an immediate hazard while trying to move across or within the intersection. A driver involved in a collision in the intersection, without stopping at the yield sign, such collision is *prima facie* evidence of his failure to yield right of way.

SECTION 302

INTERFERING WITH TRAFFIC SIGN

It shall be unlawful for any person to willfully deface, injure, move or obstruct, or interfere with any official traffic sign. It shall be unlawful for any person to install any sign or device which may resemble or be mistaken for an official traffic control device, without prior approval of the Trustees.

VILLAGE OF ENOSBURG FALLS, VERMONT

NOTICE OF ORDINANCE ADOPTION

Notice is hereby given that at a regular meeting of the Board of Trustees of the Village of Enosburg Falls, Vermont, held on the 18th day of December, 1995, an ordinance was adopted regulating motor vehicle and pedestrian traffic. The ordinance will become effective on the 16th day of February, 1996 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 vehicular and pedestrian traffic on public and private property through the enactment, implementation and enforcement of the following provisions:

Section 101	Definitions
Section 102	Authorized Emergency Vehicles, Application to
Section 103	Waiver of Appearance, Schedule of Fines, Property Damage
Section 104	Authority of Law Enforcement Officials
Section 105	Severability
Section 106	Repeal of Ordinances
Section 107	Civil Ordinance
Section 201	Stopping, Standing, or Parking Where Prohibited
Section 202	Sidewalks, Unauthorized Use of
Section 203	Speed of Motor Vehicles
Section 204	U-Turns & Parking Facing in the Wrong Direction
Section 205	Passing a Vehicle
Section 301	Stop or Yield Intersections
Section 302	Interfering with Traffic Sign
Section 303	One-Way Streets; Marked Lanes
Section 401	Signs, Spaces
Section 402	Unlawful Parking as Public Nuisance; Towing
Section 403	Record of Removed Vehicle
Section 404	Reclaiming of Vehicles
Section 405	Charges
Section 406	Lien; Foreclosure
Section 407	Charges Not a Fine, Penalty or Forfeiture
Section 408	No Parking Areas
Section 409	Commercial Vehicles Loading Area
Section 410	Winter Parking
Section 411	Highway Department Work
Section 412	Parking Restrictions; Parades
Section 413	General Prohibition; Evidence
Section 414	Parking Time Limited on Certain Streets

Section 415	Parking Vehicles For Periods Longer Than Twenty-Four Hours Prohibited
Section 416	Parking on Premises of Another Prohibited
Section 417	Stopping close to curb/edge of Roadway
Section 501	Obedience to Directions and Signals
Section 502	Pedestrian-Control Signal
Section 503	Manner of Crossing Street
Section 504	Vehicles to Yield to Pedestrians Crossing in Crosswalk
Section 505	When Pedestrians are to Yield to Vehicles
Section 506	Not to Step Off Curb in Path of a Vehicle
Section 507	Walking on Roadway
Section 508	Duty of Driver to Exercise Due Care
Section 601	Leaving Dismantled, Nonoperating Vehicles on Streets Prohibited
Section 602	Authority to Remove Vehicles
Section 603	Violation as Public Nuisance
Section 701	Operating an ATV On a Public Highway
Section 702	Operating an ATV Along a Public Highway
Section 703	Operating an ATV On Public Land
Section 704	Operating an ATV by an Operator Under Age 12
Section 705	Operating an ATV Within a Cemetery
Section 706	Operating an ATV On a Sidewalk
Section 801	Covering of Vehicles
Section 802	Vehicles Not To Pass Another Stopped For Pedestrians
Section 803	Snow Removal Onto Road and Sidewalk
Section 804	Drinking in Public Places

Copies of the ordinance and further information relating to the same may be obtained by communication with Stephen B. McNeil, Village Manager, RR #4, Box 80, Enosburg Falls, VT 05450 (802-933-4443).