

ORDINANCE REGARDING PARKING ON TOWN HIGHWAYS WITHIN THE VILLAGE OF PITTSFORD, VT

SECTION 1.AUTHORITY. This civil ordinance is adopted by the Select Board of the Town of Pittsford under the authority granted in 4 V.S.A. Sec.32(11); 19 V.S.A. Sec. 304(a) (6); 20 V.S.A. Sec. 2904; 23 V.S.A. Sec. Chapter 59; 24 V.S.A. Sec. 2291(4); and Vermont Rule of Civil Procedure 80.9.

SECTION 2.PURPOSE. The purpose of this ordinance is to promote the public health, safety and welfare of persons in the Town of Pittsford and to preserve and protect the public use of the public highways within the Village of Pittsford through the reduction, control and prevention of the nuisance parking of vehicles on Village highways.

SECTION 3.DEFINITIONS.

- A. "Village highways" means the Town highways located within the Village of Pittsford, as follows:
 - 1. Arch Street;
 - 2. Pleasant Street;
 - 3. Mechanic Street;
 - 4. Cross Street;
 - 5. Elm Street, from its intersection with U.S. Route 7 to the Cooley covered bridge(with the Kamuda's frontage on the easterly side of the road exempted); and
 - 6. Furnace Road, from its intersection with U.S. Route 7 to its intersection with Recreation Area Drive.
- B. "Park" or "parking" is the stopping or standing of a motor vehicle, whether occupied or unoccupied, attended or unattended, otherwise than temporarily for the purpose and while actually engaged in loading or unloading persons or property or while the owner is making emergency repairs if the vehicle is disabled, while arrangements are being made to move such vehicle.
- C. "Motor vehicle" shall include all vehicles propelled or drawn by power other than muscular power.

SECTION 4. NO PARKING AREAS.

- A. It shall be unlawful to park at any time on Village highways, as defined in Section 3, above.
- B. It shall be unlawful to park at any time within ten (10) feet of a crosswalk.
- C. It shall be unlawful to park at any time within fifteen (15) feet of a fire hydrant.
- D. It shall be unlawful to park at any time upon any sidewalk.

SECTION 5. PARKING AREAS DESIGNATED AS PARKING FOR PERSONS WITH DISABILITIES.

It shall be unlawful to park a motor vehicle 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 properly displayed handicap permit from the Vermont Department of Motor Vehicles in accordance with 23 V.S.A. Sec. 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 6. WINTER PARKING BAN.

1. Parking on any Town Highway between the hours of 12:00 a.m. and 6:00 a.m. between the dates of November 1 and April 30 shall be prohibited.
2. Any motor vehicle parked in violation of this winter parking ban may be towed and impounded, at the owner's expense, by Order of the Pittsford Police Department.

SECTION 7. PARKING RELATED TO SALES/REPAIRS.

1. Parking an unregistered or uninsured vehicle for sale on a Town highway is prohibited.
2. It shall be a violation of this Ordinance to park any vehicle on a Town highway for the purpose of assembling, dismantling or repairing such vehicle.

SECTION 8. SIGNAGE.

Signs conspicuously printed with the words "No Parking" and indicating that vehicles may be towed away at the expense of the owner shall be erected and maintained at all such areas where parking is prohibited by Section 4, above.

SECTION 9. PENALTIES.

- A. The fine for violating any provision of this Ordinance, except for Section 5 and 6, shall be:
 1. \$25.00 for the first offense; and
 2. \$50.00 for the second or subsequent offenses within 30 days of the previous offense.
- B. The fine for violating Section 5 of this Ordinance shall be:
 1. \$100.00 for the first offense; and
 2. \$200.00 for the second or subsequent offenses within 30 days of the previous offense.
- C. The fine for violating Section 6 of this Ordinance shall be \$75.00.

All penalties for violation of this Ordinance shall be paid to the Pittsford Treasurer within seven (7) days of the offense.

D. In addition to any penalty listed above, a motor vehicle parked in violation of this Ordinance may be towed or otherwise removed by order of any properly qualified law enforcement officer in the State of Vermont. The cost of towing, 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 towing, removal and storage costs have been paid.

SECTION 10. EXEMPTION FOR EMERGENCY VEHICLES.

Police and other emergency vehicles shall be exempt from the provisions of this Ordinance.

SECTION 11. EMERGENCY POWERS.

During an Emergency or other extraordinary circumstance, the Police Chief, with the approval of the Town Manager, may impose a parking ban on designated Town highways or may waive the prohibition of parking on a designated Town highway(s) for a limited period of time not to exceed one week in duration.

SECTION 12. ADMINISTRATIVE APPEAL AND ENFORCEMENT.

Within 15 days of the date of a ticket's issuance, 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 of such review. The Select Board or its designee shall have the authority, in its discretion, to uphold the parking ticket, overturn the parking ticket, or reduce the amount of the penalty. 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 in accordance with Rule 80.9 of the Vermont Rules of Civil Procedure.

SECTION 13. OWNER RESPONSIBILITY.

- A. For the purposes of this Ordinance, the primary registered owner of the vehicle deemed to be in violation on the date of such violation shall be responsible and held liable for any such violation. Any notice of penalty or fine or other civil action as a result of the violation will be sent to the last-known address of the primary registered owner, who will be held

liable for responding to any such notice and/or paying such penalty or fine as may be assessed.

- B. In the absence of any registered owner of the vehicle deemed to be in violation of this Ordinance, the person who has been assigned title to such vehicle on the date of the violation shall be deemed, for the purposes of this ordinance, the responsible party.

SECTION 14. REPEAL OF PRIOR INCONSISTENT 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 15. SEVERABILITY. The provisions of this Ordinance are declared to be severable and, if a court of competent jurisdiction holds any portion of this Ordinance to be unconstitutional or invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

SECTION 16. EFFECTIVE DATE. This Ordinance shall become effective 60 days after its adoption by the Select Board. If a petition is filed under 24 V.S.A. Sec. 1973, that statute shall govern whether, how and when this Ordinance shall take effect.

Town of Pittsford Select Board

T. Hank Pelkey, Chair

W. Joseph Gagnon, Vice-Chair

Thomas Hooker

Jane Cornell

David Trombley

Adoption History

1. Ordinance introduced as agenda item at regular Select Board meeting held on: _____
2. Ordinance read and approved at regular Select Board meeting on: _____ and entered into the minutes of that meeting, which were approved on: _____
3. Ordinance posted in public places on _____
4. Notice of adoption of ordinance, including a notice of the right to petition, published in the _____ newspaper on _____
5. Other actions [petitions, etc.]