Chapter 16

TRAFFIC

Art. I In General, §§16-1 – 16-17
Art. II Traffic-Control Devices, §§16-18 – 16-31
Art. III Pedestrians, §§16-32 – 16-45.
Art. IV Speed Regulations, §§16-46 – 16-57
Art. V Operation of Vehicles Generally, §§16-58 – 16-77
Art. VI. Stopping, Standing and Parking,
Section 1. Generally. §§16-78 – 16-109
Section 2. Parking Meter Areas, §§16-110 – 16-115

ARTICLE I. IN GENERAL

Sec. 16-1. Definitions.

As used in this chapter the following terms shall have the respective meanings here assigned to them:

Crosswalk: That portion of a street which is designated by the Selectboard for pedestrian use in crossing from one side to the other.

Emergency Vehicle: An ambulance, rescue vehicle, or any vehicle of the fire or police department when responding to an emergency and sounding its emergency signal.

Fire Lane: That portion of a parking lot which is designated by the Selectboard for the exclusive use of emergency vehicles.

Intersection: Any street which joins another at an angle, whether or not it crosses the other.

Official Traffic Sign: Any traffic light, blinker, sign, signal or marking placed by the selectmen for the regulation of vehicular or pedestrian traffic or of parking, and any sign, signal or marking placed by a police officer to designate temporary regulations.

Parking: The stopping or standing on a street of any vehicle whether occupied or unoccupied.

Police Officer: Town police officers, state police officers, state motor vehicle inspectors, town constables, sheriffs, deputy sheriffs, parking enforcement officers, and school crossing guards.

Sidewalk: That portion of a public highway which is set apart primarily for public pedestrian travel.

Street: Streets shall include all streets, avenues, boulevards, roads, alleys, lanes, viaducts, public parking lots and all other public highways in the town except sidewalks.

Time: All references to the time of day shall be construed to mean the current standard or daylight saving time in effect in the state.

Truck: Any motor vehicle having a gross vehicle weight of ten thousand (10,000) pounds or more as indicated on the identification plate of the vehicle, and designed and used for the transportation of merchandise or freight.

Vehicle: Any contrivance capable of being used for the conveyance of persons or goods on land, except light carriages for the use of children or invalids.

Sec. 16-2. Police Officer -- Authority to direct traffic.

Any police officer shall have authority to direct vehicular and pedestrian traffic in a manner consistent with or contrary to the direction of any official traffic sign.

Sec. 16-3. Same -- Unlawful to disobey.

It shall be unlawful for any person to disobey a direction of a police officer made under the provisions of this chapter.

Sec. 16-4. Traffic safety and control committee -- Power to promulgate regulations.

The Chief of Police, Fire Chief, Director of Public Works, Superintendent of Schools, Planning Director, and Town Manager, or their authorized designees, shall constitute a Traffic Safety and Control Committee.

In addition thereto, the Selectboard shall also appoint one representative from the Selectboard, one representative from the Brattleboro Area Chamber of Commerce as well as one representative from the community at large. The representative from the Brattleboro Area Chamber of Commerce shall serve a term of two years, each term beginning on an even numbered calendar year; the representative from the community at large shall serve a term of two years, each term beginning on an odd numbered calendar year. (Amended 8/20/96)

The committee is hereby empowered from time to time, with the approval of the Selectboard, to establish regulations governing:

(1) The location and size of spaces reserved for commercial vehicles actually engaged in loading or unloading on the streets of the town, when they shall be so reserved, the manner of their use and the maximum time allowed each vehicle so using such space.

(2) The method, time, place and duration of parking of any vehicle on the public streets, and the location and marking of no-parking areas, limited-parking areas, and long-time parking lots.

(3) The location of parking meter areas, the maximum time permitted each vehicle in any such metered parking space, and the denomination or description of any coin or token to be used to operate such meter.

(4) The location, size and marking of pedestrian crosswalks, or zones of safety.

(5) The location and marking of no-passing zones.

(6) The location, designation and marking of throughways and dangerous intersections.

(7) The location, marking and use of taxi stands, hotel zones, bus stops, fire lanes, police car and emergency zones, spaces for handicapped parking and reserved spaces.

(8) The location, designation and marking of zones where it shall be unlawful to change the direction of a vehicle by one hundred eighty (180) degrees, commonly called U-turns.

(9) The location, designation and marking of thickly settled or dangerous zones or streets, and the regulation of maximum vehicular speed permitted therein.

(10) The locations of traffic lights and blinkers, and the painting of stop signs to be used in connection therewith.

(11) The locations, designation and marking of one-way streets.

(12) The location, designation and marking of those streets, or portions thereof, where trucks may be prohibited from traveling.

(13) The location, designation and marking of those intersections of streets or drives where it shall be unlawful for a vehicle to make a left turn upon entering the street.

(14) The location, designation and marking of those streets which are to be swept by the town at regular intervals.

Sec. 16-5. Same -- Effect of regulations; penalty for violation.

a) When regulations are established and approved as provided in section 16-4, they shall have the same force and effect as an ordinance of the town, shall be punished in the same manner, and violations of such regulations shall be subject to the same penalty or penalties as provided by section 1-4; except that a violation of any ordinance regulating, restricting or defining the time or place of parking vehicles in the town shall be subject to the penalty provided in the seventh paragraph of section 5 of the town Charter.

b) The penalty to be paid to the Town of Brattleboro by any person accused of violating the regulations relating to extended overtime parking in a metered space, that is parking for longer than the maximum time period allowed on the meter, and for overnight parking shall be ten dollars ($10.00) if paid in less than fourteen days from the date of issuance of the ticket, twenty dollars ($20.00) if paid within fourteen to thirty days from the date of issuance of the ticket, and thirty dollars ($30.00) if paid after thirty days.

c) The penalty to be paid to the Town of Brattleboro by any person accused of violating the regulations of Article VI (other than as set forth in 16-87(b)) which prohibit parking in various zones, at various times, and in various manners other than extended overtime parking in a metered space and overnight parking shall be twenty dollars ($20.00) if paid within fourteen days from the issuance of the ticket, thirty dollars ($30.00) is paid within fourteen to thirty days from the date of issuance of the ticket, and forty dollars ($40.00) if paid after thirty days.

d) The penalty to be paid to the Town of Brattleboro for the violation of Section 16-107, parking in a handicapped zone without a handicapped plate/parking permit, shall be one hundred dollars ($100.00) if paid in less than fourteen days from the date of issuance of the ticket, one hundred twenty-five dollars ($125.00) if paid within fourteen to thirty days from the date of issuance of the ticket, and one hundred fifty dollars ($150.00) if paid after thirty days.

e) The registered owner of any vehicle on the habitual offender list as established in Section 16-112 (a) of this ordinance, shall have the following fine or penalty imposed for the fifth and subsequent tickets received for violation of Section 16-5 (b); for the fifth ticket the fine shall be twenty-five dollars ($25.00); if the ticket is not paid within 14 days, the fine will increase to thirty dollars ($30.00). After 30 days, the fine shall be thirty-five ($35.00). For the sixth ticket and all subsequent tickets, the fine shall be thirty dollars ($30.00). If the ticket is not paid within 14 days, the fine will increase to thirty-five ($35.00). After 30 days, the fine shall be forty dollars ($40.00).

f) In addition to any fine, upon a subsequent offense, the Town may tow, at the owner's expense, a vehicle on the habitual offender's list once written notice has been sent to the owner and five working days have elapsed.

Sec. 16-6. Penalty for violation of chapter generally.

A violation of any provision of this chapter shall be punishable by a one hundred fifty dollars ($150.00) civil fine and the waiver fee shall be seventy five dollars ($75.00).

Sec. 16-7. Parking citation appeal process

The Town of Brattleboro has developed an administrative appeal process for individuals who believe their parking citation was issued in error. Vermont State Law in Title 4, Section 1102(c) specifically excludes municipal parking tickets from judicial bureau review. The process includes two levels of appeal.

a) Step 1: Appeal to the Parking Enforcement Coordinator – A person who believes that they have been issued a parking citation in error may appeal the citation to the Parking Enforcement Coordinator within 14 days. Appeals submitted after 14 days will not be heard. The date of the issued citation is considered Day 1. Requests for appeal may be delivered to the window at the Parking Enforcement Office at 77 Flat Street during regular business hours, 8:30am – 4:30pm, Monday through Friday, excluding holidays, or may be mailed to Brattleboro Parking Enforcement, 77 Flat Street, Brattleboro, VT 05301.

   Requests for appeal must be submitted in writing, and must include name, contact information, the citation #, and the specific reason why the appellant believes that the citation was issued in error. Lack of knowledge of parking regulations in Brattleboro is not grounds to excuse a violation. During a Step 1 appeal, the citation will be placed "on hold" while an internal review is conducted. The appellant will be notified in writing of

the outcome of the appeal. If the appeal is denied, the appellant will then have 14 days to pay the ticket and clear the citation. The date of the Parking Enforcement Coordinator's written decision will be considered Day 1.

b) Step 2: Appeal for a Hearing to the Town Manager, or designee – If the appellant is dissatisfied with the outcome of Step 1, the appellant may submit a written request for a hearing with the Brattleboro Town Manager or designee. The request must include proof of payment in full for the citation, and must be received by the Town at Brattleboro Town Manager's Office, 230 Main Street, Suite 208, Brattleboro, VT 05301 within 14 days of the Step 1 decision.

A hearing will be scheduled with the Brattleboro Town Manager or designee within 14 days of the receipt of the request. The determination of the Brattleboro Town Manager, or designee, is final. If the citation is overturned, repayment will be made to the appellant by check through the Finance Department.

Sec. 16-8 – 16-17. Reserved.

ARTICLE II. TRAFFIC-CONTROL DEVICES

Sec. 16-18. Official traffic-control signs.

(a) All traffic-control devices shall conform to the "Manual on Uniform Traffic Control Devices for Streets and Highways," 1978 Edition, as approved by the Federal Highway Administration.

(b) It shall be unlawful for any person to disobey the direction of official traffic-control signs, signals or lights as such were established on the date of adoption of this Code or as they may from time to time be changed, except in response to the direction of a police officer as otherwise provided in this chapter.

Sec. 16-19. Same -- Injuring, tampering with, etc., prohibited.

It shall be unlawful for any person willfully to remove, injure, obstruct, tamper with or deface any official traffic sign.

Sec. 16-20. Same -- Meaning.

Colors and arrow indications in traffic lights and blinkers shall have the meanings ascribed to them in this section.

(1) *Green.* While the green lens is illuminated, vehicles facing the signal may proceed through the intersection but shall yield the right-of-way to pedestrians and vehicles within a crosswalk or the intersection at the time such signal was exhibited.

(2) *Right, left and vertical green arrows.* When a right green arrow is illuminated, vehicles

facing said signal may turn right. When a left green arrow is illuminated, vehicles facing said signal may turn left. When a vertical green arrow is illuminated, vehicles facing said signal may go straight ahead. When a green arrow is illuminated together with a red or a yellow lens, vehicles may enter the intersection to proceed in the direction indicated by the arrow, but shall yield the right-of-way to vehicles proceeding from another direction on a green indication.

(3) *Yellow*. While the yellow lens is illuminated, waiting vehicles shall remain standing and any vehicle approaching the intersection shall stop at the stop line unless so close to the intersection that a stop cannot be made with safety; provided, that if a green arrow is illuminated at the same time, vehicles may enter the intersection to proceed in the direction indicated by such arrow, subject to the provisions of subsection (2) hereof.

(4) *Red.* While the red lens is illuminated, vehicles facing the signal shall stop at the stop line; provided, that if a green arrow is illuminated at the same time, vehicles may enter the intersection to proceed in the direction indicated by such arrow, subject to the provisions of subsection (2) hereof.

(5) *Red and yellow*. While the red and yellow lenses are illuminated together, vehicles shall not enter the intersection and during such time the intersection shall be reserved for the exclusive use of pedestrians. Pedestrians shall cross an intersection controlled by traffic lights only in response to illuminated red and yellow lenses simultaneously displayed.

(6) *Flashing red.* A flashing red lens shall indicate those intersections at which a vehicle is required by law to stop before entering.

(7) *Flashing yellow*. A flashing yellow lens shall indicate the presence of a hazard and vehicles may proceed only with caution.

(8) *Walk.* A walk illumination shall indicate that pedestrians may cross and that no vehicle shall enter the pedestrian crosswalk except by direction of a police officer.

Sec. 16-21. Traffic signals not to give authority to disregard safety of others.

It shall be unlawful for the operator of any vehicle to enter or proceed through an intersection or crosswalk without due regard to the safety of other persons, regardless of what indications may be given by traffic lights.

Secs. 16-22 - 16-31. Reserved.

ARTICLE III. PEDESTRIANS

Sec. 16-32. Marking of crosswalks.

Crosswalks shall be approximately six (6) feet wide and shall be marked by parallel painted

lines or parallel rows of colored discs and where such crosswalk borders upon a concrete curbing, such curbing shall be painted between such parallel lines.

Sec. 16-33. Crossing at other than crosswalks on certain streets prohibited.

It shall be unlawful for a pedestrian to cross Main Street or any part of Elliot Street between Main Street and Church Street except at a crosswalk.

Sec. 16-34. Right-of-way at crosswalks.

It shall be unlawful for the operator of a vehicle to fail to yield the right-of-way to a pedestrian who is crossing a street at a crosswalk in obedience to the direction of a police officer or an official traffic sign, or at a crosswalk which is not controlled by a police officer or an official traffic sign~~s~~.

Sec. 16-35. Passing vehicles stopped for pedestrians.

Whenever a vehicle has stopped to permit a pedestrian to cross a street, it shall be unlawful for the operator of any other vehicle approaching from the rear to pass such stopped vehicle if he has seen or ought to have seen such pedestrian.

Sec. 16-36 - 16-45. Reserved.

ARTICLE IV. SPEED REGULATIONS~~.~~

Sec. 16-46. Generally.

a) In all areas of town, unless otherwise posted, it shall be unlawful to operate a vehicle at speeds greater than twenty-five (25) miles per hour. (Amended 11/10/01)

Sec. 16-47. In places where children are gathered or apparent danger exists.

It shall be unlawful to operate a vehicle at any time at an unreasonable rate of speed in any area where children are gathered or where there exists any condition of apparent danger.

Secs. 16-48 - 16-57. Reserved.

ARTICLE V. OPERATION OF VEHICLES GENERALLY

Sec. 16-58. Obstruction to safe operation.

It shall be unlawful to operate a vehicle upon a street when such vehicle is so loaded with goods or persons as to obstruct the operator's forward or side view or rear view through the mirror,

or to interfere with the operator's control of such vehicle.

Sec. 16-59. Use of horn restricted.

It shall be unlawful to sound the horn of a vehicle for any purpose except to give warning of the presence of such vehicle upon the street to other users of the street. Such use of a horn shall in all cases be limited to the extent reasonably necessary under the circumstances to give such warning.

Sec. 16-60. Operation so as to create a nuisance.

(a) It shall be unlawful to operate or park a vehicle upon a street unless such vehicle is so constructed, loaded and covered as to prevent its contents from escaping therefrom.

(b) It shall be unlawful for any person violating subsection (a) hereof not to remove forthwith from the highway any substance or thing so escaping from such vehicle.

Sec. 16-61. Splashing of pedestrians on public sidewalks; prohibited to drive in manner to cause.

No person shall operate an automobile in a public way in such a manner as to cause to be thrown mud, oil or water onto a pedestrian on any public sidewalk within the limits of the town.

Sec. 16-62. Riding on handlebars, etc.

It shall be unlawful for any person to ride, or to permit another person to ride, upon the handlebars, frame or fuel tank of any bicycle or motorcycle.

Sec. 16-63. Right-of-way for emergency vehicles.

Upon the sounding of a warning signal by an emergency vehicle, it shall be unlawful for the operator of a vehicle to fail immediately to move such vehicle as far as possible to the right side of the street and there come to a stop, so as to permit such emergency vehicle to pass in either direction without interference.

Sec. 16-64. Crossing fire hose restricted.

It shall be unlawful for the operator of a vehicle to drive over any unprotected fire hose, unless directed to do so by the fire chief or a person acting at his direction.

Sec. 16-65. Driving through processions.

It shall be unlawful for the operator of a vehicle to interfere with or break into a funeral procession or into any duly authorized procession.

Sec. 16-66. Approaching parked buses; stop required; exception.

It shall be unlawful for the operator of a vehicle to fail to come to a complete stop before passing a bus which is parked for the purpose of loading or unloading passengers. This section shall not apply to buses which are stopped at a designated bus stop on Main Street.

Sec. 16-67. Stop required prior to crossing sidewalk.

It shall be unlawful for the operator of a vehicle emerging from an alley, driveway or building to fail to stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across said alleyway, driveway or building.

Sec. 16-68. Crossing center line restricted.

It shall be unlawful for the operator of a vehicle to cross to the left of a solid line painted along the center of a street, except for the purpose of turning into another street or a private driveway.

Sec. 16-69. Crossing throughways without stopping prohibited.

It shall be unlawful for the operator of a vehicle to enter or cross a throughway as such throughways existed on the date of adoption of this Code of Ordinances or as they may from time to time be changed from an intersecting street without bringing such vehicle to a full stop.

Sec. 16-70. Traveling wrong way on one-way street.

It shall be unlawful to operate a vehicle on a one-way street as such streets existed on the date of adoption of this Code of Ordinances or as they may from time to time be changed except in the legal direction of travel thereon.

Sec. 16-71. Passing in no-passing zone prohibited.

It shall be unlawful for the operator of a vehicle to pass another vehicle which is proceeding in the same direction on the traveled portion of the street in any no-passing zone as such zones existed on the date of adoption of this Code of Ordinances or as they may from time to time be changed.

Sec. 16-72. Closing of streets to traffic following heavy snowfalls.

Upon designation by the director of public works and having first been clearly posted as such, certain streets may be closed to all traffic during and following heavy accumulations of snow; and parking on any such street or portion thereof may be temporarily restricted or prohibited during such emergency.

Sec. 16-73. Truck traffic prohibited on certain streets. (Amended 11/10/02)

a) It shall be unlawful to operate a truck on those streets designated herein as being closed to truck traffic, as such designation may be changed from time to time, except for the purpose of obtaining access to the dwelling place of the operator which may be located on the street,

and except for normal commercial deliveries to residences or places of business on such street, and except for trucks owned and operated by the Town of Brattleboro.

(1) All through truck traffic shall be prohibited on Cotton Mill Hill except by special temporary permits issued by the Department of Public Works.

b) Special temporary permits for truck traffic may be issued by the Department of Public Works upon receipt of a written request for the special temporary permit with the reason(s) for the request. In making a determination as to whether a special temporary permit will be issued, the Department of Public Works shall consider the following factors:

(1) whether the alternative routing will enhance motor vehicle and truck safety and the community's safety;

(2) the length of an alternative route and any increase in time made necessary by use of an alternative route; and

(3) whether an adverse effect would be created relative to the quiet enjoyment and property values of people living along the prohibited street if a special temporary permit is issued.

c) Special temporary permits may be issued with conditions and fees as set by the Department of Public Works. All special temporary permits shall be effective for one year from the date of their issuance. Prior to its expiration, a new special temporary permit may be issued by the Department of Public Works after a renewed written request is made and upon a determination by the Department of Public Works of whether or not it will issue a renewed special temporary permit after considering the factors set forth in subsection (b).

d) The Department of Public Works shall maintain the records of the written requests for the special temporary permits, the Department of Public Works' granting or denial of the special temporary permits and the original of the special temporary permits that are issued.

e) Upon the denial of a special temporary permit, an appeal of the Department of Public Works' decision may be brought to the Selectboard within 15 days. A written notice of such appeal shall be filed with the Department of Public Works. Upon notice of an appeal, the Selectboard shall hold a public hearing within 15 days and shall inform the appellant of the date and time of the public hearing. The rule of evidence applicable in contested cases in hearings before administrative agencies set forth in 3 V.S.A. § 810 shall apply. The Selectboard shall issue its decision within 15 days after completing the hearing and shall send to the appellant, by certified mail receipt requested, a copy of the decision.

Sec. 16-73a. Truck traffic subject to time restrictions on certain streets. (Amended 11/10/01)

All through truck traffic shall be prohibited from using Fairground Road between the hours 7-8 A.M. and 2-3 P.M. on those days that local schools are in session.

Sec. 16-74. No left turns.

It shall be unlawful for a vehicle to turn left upon entering the intersection of any street so designated, as such designation may be changed from time to time.

Sec. 16-75. No Passing on the Right.

It shall be unlawful to pass on the right another vehicle which is in the same lane on the traveled portion of the street in any zone designated by the Selectboard through town ordinance.

Sec. 16-76. Overweight Permits.

The weight limits set forth in the following table shall control on those streets and bridges identified in the table. The Town may issue overweight permits at a charge of $5.00 for a single vehicle permit or $10.00 for a fleet. (Amended 7/16/96) (S e e t a b l e ?)

Sec. 16-77 – 16-82. Reserved.

ARTICLE VI. STOPPING, STANDING AND PARKING

SECTION 1. GENERALLY

Sec. 16-83. Stop Signs.

It shall be unlawful for the operator of a vehicle to enter an intersection marked by a stop sign without first coming to a complete stop.

Sec. 16-84. Method of parking.

It shall be unlawful for any person to park a vehicle on a public street otherwise than parallel with the curb or shoulder of such street, headed in the direction of traffic proceeding on the side of the street where such vehicle is parked, and with the curbside wheels of such vehicle within twelve (12) inches from the curb or shoulder of such street.

Sec. 16-85. Stopping on curve, hill or used part of street.

Except as otherwise provided in this chapter, it shall be unlawful for any person to stop or park a vehicle within one hundred fifty (150) feet of a curve or on the brow of a hill, or to park or leave standing any vehicle, whether attended or unattended, upon the paved or improved or the used part of any street, so as to interfere with traffic on such street.

Sec. 16-86. Parking restrictions for certain areas.

a) It shall be unlawful to park a vehicle at any time:

(1) Within six (6) feet of either side of a point at the curbline directly in front of a hydrant;

(2) Within six (6) feet of a private driveway;

(3) On a crosswalk;

(4) On a sidewalk;

(5) Abreast of another vehicle;

(6) Along the side or opposite any street excavations or obstructions;

(7) Within thirty (30) feet of a driveway of a fire station;

(8) Within twenty (20) feet of a crosswalk at an intersection, or where there is no crosswalk, within twenty-five (25) feet of an intersection, or on that part of any street opposite the junction of one street with another;

(9) 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) Nothing in this section shall be construed to prohibit parking within those areas where parking meters, official signs or other markings indicate that parking is permitted, except that parking meters, official signs or other markings shall not affect the illegality of parking in violation of subsection (9) hereof.

Sec. 16-87. Loading and Unloading Zones.

There are hereby established certain areas along curbs, or in other specified areas, to be known as loading zones, which shall be specifically marked as such, where vehicles may stop to discharge or pick up passengers or freight but may not be left unattended for more than 15 minutes.

a) *General requirements*. Unless otherwise specifically stated, all loading and unloading zones shall:

(1) Be used for active commercial loading and unloading purposes only.

(2) Be available for commercial loading and unloading at all times.

(3) Extend no further than 12 feet from the edge of pavement.

b) *Special Permits*. Noncommercial loading and loading by business patrons or residents is permitted in designated commercial loading and unloading zones as follows:

(1) Business patrons may load or unload large items already purchased from businesses adjacent to the zone provided a permit, issued to the business by the Town, is displayed on the windshield of the vehicle in the zone.

(2) Residents of buildings adjacent to loading zones may load or unload large personal items to or from their place of residence provided a permit, issued to the resident by the Town, is displayed on the windshield of the vehicle in the zone.

(3) Such noncommercial loading shall be limited to no longer than 10 minutes at a time for any one vehicle.

(4) *Penalties*. Any violation of this sub-section 16-87(b) of the Town Ordinance shall be subject to a fine of fifty dollars ($50.00) if paid in less than fourteen days from the date of issuance of the ticket, sixty dollars ($60.00) if paid within fourteen to thirty days from the date of issuance of the ticket, and seventy dollars ($70.00) if paid after thirty days.

Sec. 16-88. Taxi stands.

It shall be unlawful to park a vehicle, except a taxicab, in any taxi stand as such stands existed on the date of adoption of this Code of Ordinances or as they may be changed from time to time.

Sec. 16-89. Hotel zones.

It shall be unlawful to park a vehicle in a hotel zone, as such zones existed on the date of adoption of this Code of Ordinances or as they may from time to time be changed, except for the purpose of loading or unloading persons and the baggage of persons who are guests or visitors at the hotel served by such hotel zone.

Sec. 16-90. Bus stops.

It shall be unlawful to park a vehicle, except a bus, in a bus stop, or to stop any bus on Main Street to load or unload passengers except at a bus stop as such stops existed on the date of adoption of this Code of Ordinances or as they may from time to time be changed.

Sec. 16-91. Police car zones.

It shall be unlawful to park any vehicle except a police car, in a police car zone as such zones existed on the date of adoption of this Code of Ordinances or as they may from time to time be changed. For the purpose of this section, police cars shall include, in addition to such vehicles as are ordinarily designated as such, those vehicles being used by law enforcement officials while carrying out their official duties.

Sec. 16-92. Parking for more than twelve hours prohibited.

With the exception of Reserved and Open Parking Permits for the Brattleboro Transportation Center, it shall be unlawful to leave a vehicle on property owned, leased or maintained by the town, or parked on a street within the town, for twelve (12) hours or more continuously. Reserve Permits in the BTC shall have no time restriction on use of the reserved

space. Open Permits shall be allowed to park for a time period not to exceed seven (7) consecutive days.

Sec. 16-93. Overnight parking.

It shall be unlawful to park any vehicle on a street within the town for more than one (1) hour during the period from the fifteenth day of November in each year until the fifteenth day of April next following, between the hours of 12:01 a.m. and 7:00 a.m.

Sec. 16-94. Parking so as to interfere with snow removal prohibited.

It shall be unlawful to park any vehicle on a street within the town in a manner to interfere with the removal of snow from the streets.

Sec. 16-95. Parking on regularly swept streets restricted.

(a) It shall be unlawful to park any vehicle on streets or portions of streets between the hours of 12:01 a.m. and 7:00 a.m. which are swept by the town at regular intervals and which have been designated as such on the date of adoption of this Code of Ordinances, or added by duly adopted regulations issued hereunder.

(b) The Selectboard may designate from time to time other streets which are to be swept and shall publish in the *Brattleboro Reformer* notice of the streets so designated and the period during which parking shall be prohibited on such streets.

Sec. 16-96. Parking after snowfall.

(a) It shall be unlawful to park any vehicle within designated uncovered off-street parking areas after an accumulation of snow to the depth of two (2) or more inches from 1AM until 7AM on the day following the accumulation of snow. Vehicles in violation will be ticketed and removed at the owner's expense.

Flashing AMBER lights visible on Main St. and in some off-street parking areas will notify the public of the need to remove snow from off-street lots. (Amended 12/10/05)

(b) It shall be unlawful to park on any street in the designated downtown district to interfere with snow removal operations that occur after a significant snow accumulation from 11 PM until 7AM. The Director of Public Works or his designee will notify the Police Department of the need to remove snow in the designated downtown district; the Police shall activate flashing PURPLE warning lights on Main St. to warn the public of the need to remove snow. Any vehicles parked on the streets in the designated business district during 11PM-7AM when the designated lights are activated will be ticketed and removed at the owner's expense.

Streets involved in the "Designated Downtown District" are: Main Street, Canal Street north of Elm Street, South Main Street north of Prospect Street, Bridge Street, Harris Place, Walnut Street, Putney Road south of Park Place, Park Place, Linden Street south of

Park Place, Grove Street, High Street, Green Street, Church Street, Elliot Street east of School Street, Flat Street, and Elm Street. (Amended 12/10/05)

Sec. 16-97. Removal of vehicles parked in violation of sections.

(a) In addition to any other penalties imposed, any vehicle parked in violation of any provision of Article VI, Section 16-84 or Section 16-86 may be summarily removed, as in the case of abatement of a public nuisance, by order of any police officer, at the expense of the registered owner thereof.

(b) If the owner of a motor vehicle summarily removed under subsection (a) hereof does not claim such vehicle and pay all towing and storage expenses within thirty (30) days of the date of such removal, or the vehicle is declared abandoned, the title to such vehicle shall escheat to the town and the same may be sold or otherwise disposed of in accordance with Title 27, Chapter 11 of the Vermont Statutes Annotated.

(c) The owner of a motor vehicle summarily removed under subsection (a) hereof shall be required to pay reasonable rates for towing. The town will annually discuss with local towing companies what fees are reasonable. The fees will be set each year at the agreed rate which will be posted in a press release in the fall of each year. (Amended 12/10/05)

(d) In addition to any other penalties imposed, when a vehicle is parked in violation of Article VI and a parking ticket has been issued, a $25.00 fee shall be assessed against the owner of the vehicle for the dispatching of a tow truck when the vehicle is removed prior to the arrival of the tow truck. The fee shall be for the tow truck operator. The fee shall be assessed at the moment the Brattleboro police place the telephone call to dispatch the tow truck.

Sec. 16-98. Parking for display purposes.

It shall be unlawful to park a vehicle on any street for a period in excess of fifteen (15) minutes for the purpose of displaying for sale such vehicle or any merchandise thereon.

Sec. 16-99. Parking for repair purposes.

It shall be unlawful to assemble or dismantle any vehicle while parked on a street, or to perform repairs thereon except emergency minor repairs or the servicing of such vehicle with gasoline or oil or water.

Sec. 16-100. Parking where "No Parking" signs have been erected prohibited.

It shall be unlawful to park a vehicle at any time where the Selectboard shall have caused to be erected a sign or signs upon streets or portions of streets indicating that parking is prohibited.

Nothing in this section shall be construed to prohibit the stopping of passenger vehicles in a no parking zone if they are actually engaged in discharging or picking up passengers.

Sec. 16-101. Limited-parking areas.

a) It shall be unlawful to park a vehicle at any time in any designated locations for a longer period of time than was specified on the date of adoption of this Code of Ordinances or as such areas may from time to time be changed.

b) In case of overtime parking in any of the limited-parking areas, it shall be deemed a separate offense for each unit of time in excess of the time so limited that such vehicle is so parked. A vehicle shall be deemed continuously parked unless it is withdrawn from a parking space for at least five (5) minutes.

Sec. 16-102. Vehicles parked in violation of emergency snowfall restrictions.

Vehicles found in violation of emergency parking restrictions, including, without limitation, snow removal and sweeping, may be towed away or otherwise removed at the expense of the owner or operator thereof, in addition to all other penalties provided under this chapter.

Sec. 16-103. Exceptions to article.

Nothing contained in this article shall be construed to make unlawful vehicular stops in obedience to a signal by a police officer, stops to clear the way for emergency vehicles, or stops made necessary by causes beyond the control of the operator.

Sec. 16-104. Off-street parking regulations.

The provisions of this article shall apply to the operation and parking of vehicles in off-street parking facilities owned or operated by the town. In addition to other applicable regulations, the following shall apply specifically to such off-street parking facilities:

(1) No person shall park a vehicle without paying the required fee;

(2) No person shall operate or park a vehicle other than in accordance with authorized signs, markings or other traffic-control devices, or the directions of a police officer or employee of the public works department;

(3) No person shall operate or park a vehicle in a manner which will endanger any person or property;

(4) No person shall enter or stand upon such facility or park therein a vehicle for the purpose of soliciting or peddling, displaying such vehicle for sale, or washing, greasing or repairing such vehicle;

(5) The driver enters all off-street parking facilities at the driver's own risk, and neither the town nor its agents or employees acting as such shall be responsible for any injury or loss

due to fire, theft, accident, or any other cause, to persons or property.

Sec. 16-105. Erection of signs and painting of streets.

The Selectboard shall cause signs to be erected and maintained and the surfaces of said streets to be painted or otherwise marked so as to designate all crosswalks, speed limits where other than twenty-five (25) miles per hour, stop signs, center lines, one-way streets, streets closed after snowfalls, left turns, loading zones, taxi stands, hotel zones, bus stops, police car zones, snow removal areas, restricted parking areas, and parking meter areas. All signs and markings shall conform to the "Manual on Uniform Traffic Control Devices for Streets and Highways," 1978 Edition, as approved by the Federal Highway Administration.

Sec. 16-106. Fire lanes.

a) It shall be unlawful to park a vehicle, except an emergency vehicle, in a fire lane, as such fire lanes existed on the date of adoption of this Code of Ordinances or as they may be changed from time to time.

b) Nothing contained in this section shall be construed to prohibit the temporary parking (for a period not to exceed twenty (20) minutes) of commercial vehicles in a fire lane if they are actually engaged in loading or unloading of freight or to prohibit the temporary parking of passenger vehicles in a fire lane if they are actually engaged in discharging or picking up passengers.

Sec. 16-107. Spaces for handicapped parking.

It shall be unlawful to park a vehicle, except a vehicle bearing special handicapped plates, in a space for handicapped parking, as such spaces for handicapped parking existed on the date of adoption of this Code of Ordinances or as they maybe changed from time to time.

Sec. 16-108. Reserved spaces.

It shall be unlawful to park a vehicle, except a duly authorized vehicle, in a reserved space, as such reserved spaces existed on the date of adoption of this Code of Ordinances or as they may be changed from time to time.

Sec. 16-109. Emergency zones.

It shall be unlawful to park a vehicle, except an emergency vehicle, in an emergency zone, as such emergency zones existed on the date of adoption of this Code of Ordinances or as they may be changed from time to time.

SECTION 2. PARKING METER AREAS

Sec. 16-110. Designation.

For the purpose of regulating the parking of vehicles, the Selectboard may designate certain areas of the town as "on-street parking meter areas," and "off-street parking meter areas," and cause to have erected and maintained parking meters adjacent to the parking spaces therein. The location of each such space shall be indicated by painted boundary lines and by a parking meter which shall be placed within the immediate vicinity of such parking space.

Sec. 16-111. Operation of meters; permitted time, etc.

a) A parking meter shall be set in operation by the insertion therein of a coin. It shall indicate upon a dial a period of legal parking time during which it shall be unlawful to park a vehicle in the parking space adjacent thereto. While any meters are operating, they shall indicate upon a dial the amount of legal parking time remaining at any given moment. At the expiration of such legal parking time, a signal upon the meter shall indicate that such time has expired.

b) All on-street parking meters shall indicate upon their meter legal or illegal parking between the hours of 9:00 a.m. and 6:00 p.m. daily with the exception of Sundays and holidays. The maximum parking times shall be thirty (30) minutes, two (2) hours, or ten (10) hours as indicated on the face of the meter. The rates for all on-street parking meters shall be thirty cents (30¢) per thirty (30) minutes on the 30-minute meters, seventy-five (75¢) per sixty (60) minutes on the two-hour meters, and thirty cents (30¢) per sixty (60) minutes on the ten-hour meters.

c) All parking meters in the following off-street parking meter areas shall indicate hours of operation, except on Sundays and holidays. The parking meters in the listed lots below shall indicate ten (10) hours, two (2) hours, or thirty (30) minute maximum parking time as follows:

High Grove	30 minute maximum (3 spaces only)
Elm Street	10 hours maximum (10 spaces only)
Depot Street	2 hours maximum (10 spaces only)

And the meters in these lots shall require rates of thirty cents (30¢) per sixty (60) minute period, ten cents (10¢) per twenty (20) minute period, and five cents (5¢) per ten minute period, with the exception of the High Grove Lot which shall require rates of thirty cents (30¢) per thirty (30) minute period.

d) The parking meters in the Municipal Lot shall indicate three (3) hour maximum parking time and shall require rates of twenty-five cents (25¢) per forty (40) minute period, ten cents (10¢) per fifteen (15) minute period, and five cents (5¢) per eight (8) minute period.

e) So-called "Pay and Display" machines shall be installed in the following lots and shall replace parking meters and shall require rates as shown:

Harmony Lot	3 hours maximum	60¢/60 minutes; 10¢/10 minutes, 5¢/5 minutes
High Grove	10 hours maximum	25¢/50 minutes; 10¢/20 minutes; 5¢/10 minutes
BTC	10 hours maximum	25¢/50 minutes; 10¢/20 minutes; 5¢/10 minutes
Preston Lot	3 hours maximum	60¢/60 minutes; 10¢/10 minutes, 5¢/5 minutes
Harris Lot	10 hours maximum	25¢/60 minutes; 10¢/24 minutes; 5¢/12 minutes

f) The off-street parking meters or spaces in the High Grove, Harris, Elm Street, and Spring lots as well as the Brattleboro Transportation Center (BTC) shall also allow for parking by permit in lieu of meter rates.

g) The number and distribution of permit spaces (guaranteed and open) shall be set by the Selectboard. (amended 3/17/07)

h) The parking permit rates shall be set by the Selectboard. Permits shall be sold and administered by the Parking Enforcement Unit and approved by the Chief of Police and the Town Manager.

Sec. 16-112. Unlawful to remain after time has expired and for more than the maximum time permitted, etc.

a) It shall be unlawful to park a vehicle within a parking meter area other than within an individual parking space. It shall be unlawful for the registered owner of a motor vehicle to permit such vehicle to remain in a parking space adjacent to a parking meter when such meter indicates that the parking time has expired, except on Sundays or holidays, or before 9:00 a.m. on weekdays or after 6:00 p.m. on week nights, or while the operation of such parking meter is temporarily suspended by a police officer. These provisions shall apply to on-street parking meter areas and to those in the Harmony Lot. These same provisions shall apply to the Harris, High Grove and Municipal Center Lots except that the hours shall be 7:00 a.m. and 7:00 p.m. except on Sundays or holidays. It shall be deemed a separate offense for each one-hour period or fraction thereof during which a vehicle is unlawfully parked.

b) When a motor vehicle has received four (4) parking tickets for violating any of the regulations of this Code relating to a vehicle in continual violation of any parking violation in a 30 day period, whether or not payment has been made, it is deemed a habitual offender. That vehicle and its registered owner shall be placed and remain on a habitual offender list for six (6) months. The owners will immediately be notified in writing by First Class Mail that the vehicle has received four (4) or more tickets within a thirty (30) day period resulting in placement on the habitual offender list and that the fines and penalties provided in the ordinance now apply. A copy of the habitual offender ordinance and fine schedule shall be enclosed with the letter.

Sec. 16-113. Section not to permit parking in violation of article.

Nothing in this section shall be construed to permit parking in any location in which parking is restricted by another section of this article except in compliance with such restrictions.

Sec. 16-114. Parking meter hoods.

Upon proper application to the Town Manger or designee, a special locked hood or other suitable device may be provided for a parking meter or meters in order to permit the exclusive use of such metered parking space, for vehicles or any other use as authorized by the town, by the holder thereof. Such device shall be issued for short periods only, at a fee of fifteen dollars ($15.00) for each day; to be paid in advance to the Town of Brattleboro. (Amended 9/18/07)

Sec. 16-115. Short title designation.

This chapter may be referred to as the Traffic Code of 1974, and in a prosecution hereunder a copy of such chapter, certified by the town clerk to be a lawfully adopted and existing ordinance of the town, shall be prima facie evidence thereof. An allegation that the act constituting the offense charged is contrary to a specified provision of this chapter shall be sufficient reference thereto.

ORDINANCE IN FORCE

A. Date of Enactment

Duly enacted and ordained by the Selectboard of the Town of Brattleboro, Windham County, State of Vermont, on this 16th day of February, 2010, at a duly warned and duly held meeting of said Selectboard.

B. Effective Date

Pursuant to Article 4 Section 6(28), this ordinance shall be published in the Brattleboro Reformer on the 19th of February, 2010 and shall become effective on the 15th day of March, 2010.

Brattleboro, Vermont
February 16, 2010

Town Clerk's Office, Brattleboro, Vermont,

_____ at _____, received and recorded in the foregoing Amendment to the Code of Ordinances in Volume _____, Ordinances, at Page _____.

Attest:

_____
Town Clerk

BRATTLEBORO SELECTBOARD

_____
Jesse M. Corum, IV, Chair

_____
John Allen, Vice Chair

_____
Dora Bouboulis

_____
Richard DeGray

_____
Martha O'Connor, Clerk