

**TOWN OF MONTGOMERY, VERMONT**

**PARKING ORDINANCE**

**Adopted by the Montgomery Selectboard: April 22<sup>nd</sup> 2019**

**Effective Date: June 21<sup>st</sup> 2019**

**SECTION 1. PURPOSE**

The purpose of this Ordinance is to protect the public health, welfare, and safety of operators of motor vehicles, pedestrians, and residents, and to protect the property and environment of the Town of Montgomery, through the reduction, control and prevention of the nuisance or dangerous parking of vehicles on highways or areas otherwise designated, consistent with the authority vested in the Town of Montgomery in 24 V.S.A. § 2291 and 1971, to the extent the provisions of that section requiring this designation are applicable.

**SECTION 2. DEFINITIONS/EXEMPTIONS**

2.1 For purposes of this Ordinance, the following words and/or phrases shall apply:

HIGHWAY AND TOWN HIGHWAY – as defined in 19 V.S.A. § 1 (12) & (21); (TH = TOWN HIGHWAY)

INTERSECTION – any point at which a highway joins another at an angle, whether or not it crosses the other.

PARK or PARKING – 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.

Furthermore, unless the context otherwise requires, the definitions set forth in 23 V.S.A. Section 4 as amended, are incorporated into this ordinance.

2.2 Exemptions: The operators of law enforcement vehicles, emergency response vehicles, and fire vehicles, acting in the performance of their duties shall be exempt from the provisions of this ordinance.

**SECTION 3. AUTHORITY**

This ordinance is adopted under authority granted in 23 V.S.A § 1008, 24 V.S.A. § 2291 (4) and 24 V.S.A. Chapter 59.

**SECTION 4. PARKING REGULATIONS**

4.1 No person shall park any vehicle:

4.1.1 Within any INTERSECTION.

- 4.1.2 On any HIGHWAY, or within any HIGHWAY right-of-way, between the hours of 12:00 a.m. midnight and 8:00 a.m. during the period from November 1 of each year to April 1 of the following year in such a manner as to interfere with the prompt and orderly removal or plowing of snow, or the sanding and salting of the highways.
- 4.1.3 In any municipal parking space between the hours of 12:00 a.m. midnight and 6:00 a.m., when a ban on such parking is posted during the period from November 1 of each year to April 1 of the following year, in such a manner as to interfere with the prompt and orderly removal or plowing of snow, or the sanding and salting of the public parking space.
- 4.1.4 On the traveled portion of any HIGHWAY, or within the HIGHWAY right-of-way, or in any space hereinafter designated by the Selectboard, as an area where there shall be no parking. Upon doing so, the Selectboard shall cause to be conspicuously placed a suitable sign(s) prohibiting parking in and near the areas affected by the provisions of any regulation adopted pursuant to this section.
- 4.1.5 In the municipal parking lot listed below for a period of time not to exceed 24 hours
  - a. The Grange Hall lot, located at adjacent to 57 Main Street, Montgomery Center
  - b. The Public Safety Building lot, located at 86 Mountain Road
  - c. The River Walk recreational field lot, located on Rt. 118 in Montgomery Village adjacent to West Hill Road.
  - d. The Montgomery Recreation Center lot, located at 204 North Main St.
  - e. The Montgomery Center Post Office lot, located at 98 Main St.
- 4.1.6 Within 15 feet of a fire hydrant.
- 4.1.7 In such a way as to obstruct in any way a HIGHWAY or any public sidewalk, bridge, crosswalk, or any private driveway to any residence or business at the point the driveway enters the public highway.
- 4.1.8 While not displaying the official “handicapped” designation in spaces reserved for “handicapped parking” by the Town of Montgomery Selectboard.

4.2 For the purpose of clearing, repairing or surfacing a HIGHWAY, the highway department may close such HIGHWAY or road to the parking of vehicles on either side by posting signs thereon in conspicuous locations, indicating the parking prohibition thereon. Such prohibition shall be effective upon posting and shall remain in effect until such signs are removed. During the period when parking is so prohibited, no person shall park a motor vehicle on either side of any such HIGHWAY or road so designated.

4.3 The Town of Montgomery Constable is hereby authorized to post signs prohibiting parking of vehicles before and during parades or other public occasions. Signs indicating special parking regulations shall be conspicuously posted in and near all affected areas.

4.4 The Montgomery Selectboard shall cause appropriate signs prohibiting parking to be posted at the locations specified in this article where parking is restricted, limited, or prohibited. Where a vehicle is subject to removal by the Town for violating provisions of this Article, the posted sign shall state the same.

4.5 In addition to the powers granted under 23 V.S.A. Section 1752, the Town, acting through its law enforcement officer(s), is authorized to remove, or cause to be removed, automobiles parked contrary to this ordinance so as to interfere with the use or maintenance of the highways or parking lots, including but not limited to the removal of snow, or safe use of the designated area, at the expense of the owner, provided signs indicating the vehicles may be towed away at the owners expense shall be conspicuously posted.

4.5.1 The owner of the motor vehicle shall pay and reimburse to the Town for the reasonable towing and storage charges, as determined by the Selectboard, for which a lien shall be imposed against the motor vehicle and its owner, or both, in addition to any other penalty. In addition to towing, a penalty as listed in Section 5 may be assessed for each violation.

4.5.2 If the owner of a vehicle removed under this ordinance 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 garage where the vehicle is held and the vehicle may be sold or otherwise disposed of in accordance with 27 VSA Section 11.

## **SECTION 5. PENALTY AND ENFORCEMENT**

5.1 The fine for violating any provision of this Ordinance shall be \$25.00 for the first offense; and \$50.00 for the second or subsequent offense(s) within 30 days of the previous offense, with exception of parking in a handicapped location without displaying official designation for which a fine of \$75 will be assessed.

5.2 Failure to respond to Parking Violations—Any ticket not paid within fifteen (15) days shall be reissued as a Vermont Civil Violation Complaint Ticket, or a Vermont Municipal Complaint ticket, and shall be forwarded to the Vermont Judicial Bureau for processing. The fine for parking violations issued as a Vermont Civil Violation Complaint Ticket or a Vermont Municipal Complaint Ticket shall be that set by the Schedule of Fines established by the State of Vermont.

## **SECTION 9: ADJUDICATION OF PARKING TICKETS**

5.1 Parking Tickets are not handled through the Judicial Bureau per state law, unless otherwise directed to the Judicial Bureau as provided for in Section 5. Appeals of Parking Tickets are handled by the Town of Montgomery.

5.2 Within 15 days after the issuance of the parking violation, defendant must submit to the Town Clerk a written request for an appeal, including reasons for the appeal.

5.3 The Selectboard shall designate an official to hear appeals. This official shall review the submission and conduct any other investigation needed, such as speaking with the officer who issued the violation, the defendant, and shall determine whether the violation will be upheld or dismissed. Written records of decisions shall be kept by the Town Clerk.

5.4 Appeals shall be heard and decided within 15 days of receipt of the written notice to the town.

5.5 If defendant does not challenge the parking violation within 15 days of issuance, defendant's procedural remedy shall be deemed exhausted and no appeal shall be heard.

5.6 In the case of nonpayment of fines, the town may seek recovery through civil action or other remedy as State law allows, as provided for in Section 5.

**SECTION 6. REPEAL OF PRIOR CONFLICTING ORDINANCES, SEVERABILITY**

6.1 The enactment of this Ordinance shall repeal all other ordinances of the Town of Montgomery that regulate the topics addressed herein.

6.2 If any section of this Ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this Ordinances.

**SECTION 10. EFFECTIVE DATE**

This ordinance shall become effective no earlier than sixty (60) days after its adoption by the Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this Ordinance.

Board of Selectman  
Town of Montgomery

\_\_\_\_\_  
Charlie Hancock, Chairman

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Darren Drevik, Vice Chairman

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Mark Brouillette

\_\_\_\_\_  
Leanne Barnard

\_\_\_\_\_  
Jacob Racusin

Montgomery Town Clerk's Office received for record this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2017  
at \_\_\_\_\_ P.M. Attest: \_\_\_\_\_

**1. Agenda Item at Regular Selectboard Meetings on:**

- February 4<sup>th</sup>
- February 18<sup>th</sup>
- March 4<sup>th</sup>

March 18<sup>th</sup>  
April 15<sup>th</sup>  
April 22<sup>nd</sup>

- 2. Read and approved at regular Selectboard meeting on April 22<sup>nd</sup> 2019, and entered into the minutes of that meeting**
- 3. Posted in at least 5 public places on April 23<sup>rd</sup> 2019**  
Place: Village Post Office  
Montgomery Center Post Office  
Public Safety Building/Temporary Town Office  
Sylvester's Market  
Jolly Market (Valero, formerly the Sticks)
- 4. Notice of adoption published in St. Albans Messenger on April 25<sup>th</sup> with a notice of right to petition as provided in 24 V.S.A. § 1973**
- 5. Effective Date: Friday June 21<sup>st</sup> 2019**