

## Town of Cabot Traffic and Parking Ordinance

Pursuant to the provisions of 23 V.S.A. §§ 1007 and 1008, 24 V.S.A. §§ 1971, and 2291(1), (4), and (5), 19 V.S.A. § 304(a)(6), Vermont Rule of Civil Procedure 80.9, and such other enactments as may be material hereto, the following traffic ordinance is adopted by the Town of Cabot Selectboard.

### **Article I: Definitions.**

The definitions in 23 V.S.A. § 4 are incorporated by reference.

“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.

### **Article II: Scope and Purpose.**

This ordinance establishes special traffic and parking requirements on public highways in the Town of Cabot. The purpose of this ordinance is to promote public safety, provide effective traffic flow, and assist the Town in the maintenance of Town streets and highways.

### **Article III: Traffic Control Devices.**

**Section 1.** It shall be unlawful for any person to disobey the direction of a traffic control device or sign except in response to the direction of a law enforcement officer.

**Section 2.** It shall be unlawful for any person to intentionally remove, injure, obstruct, deface, alter, or tamper with any traffic control device or sign.

**Section 3.** It shall be unlawful to install any sign or device that may resemble or be mistaken for an official traffic control device or sign, without prior written approval of the Town of Cabot Selectboard.

### **Article IV: Stop Intersections.**

**Section 1.** The stop intersections included in appendix A shall be designated as STOP intersections and shall be so signed. Failure to stop at an indicated intersection is a traffic violation.

### **Article V: Speed Regulations.**

**Section 1.** On the basis of traffic and engineering studies, the maximum speed limits are hereby established.

All Cabot Town Roads and Highways a maximum speed of 35 mph is established with the exceptions as noted herein:

- A. Route 215 (Main Street): a maximum speed of 50 mph from the Marshfield Town line northerly for .93 miles, then a maximum speed of 40 mph northerly for .65 miles, then a maximum speed of 35 mph northerly for .66 miles to the Cabot Village limits, then a maximum speed of 30 mph northerly for 1.71 miles ending at a point .05 miles South of the intersection of Route 215 and Garney Road, continuing from Garney road to the Walden Town line a maximum speed of 50 mph. A school speed zone is now established with a maximum speed of 25 mph on Main Street (Route 215) Monday thru Friday from 7:00 am to 4:00 pm from the Willey Building to the Masonic Hall approximately 3.099 miles from the Marshfield town line .28 miles north bound.

- B. South Walden Road: a maximum speed of 30 mph from the intersection of Route 215 (Main Street) northerly .25 miles, then a maximum speed of 40 mph for .825 miles then a maximum speed of 50 mph to the Walden Town line.
- C. West Shore Road: a maximum speed of 30 mph from the Danville Town line westerly .88 miles.
- D. Danville Hill RD from the intersection of Main Street a maximum speed of 25 mph for .55 miles then a maximum of 35 mph to the intersection of route 2.

**Article VI: Parking Regulations.**

**Section 1.** Winter Parking Ban Between November 15 and April 15 no motor vehicles shall be parked on any street or highway within the Town of Cabot between the hours of 11:30 PM and 5:30 AM.

**Section 2.** Parking Ban. General prohibition. It shall be unlawful for any person to park a vehicle within any designated town highway right-of-way, including the sidewalk, anytime of the year during a declared parking ban.

A. Required method of notification for declaration of a parking ban. It is the authority of the road department and/or authorized town officer to declare a parking ban. It is the responsibility of road department and/or authorized town officer to provide advance notice prior to commencing a parking ban. Minimum notification will require:

1. Upon declaring a parking ban, send notification to various means of media (front porch forum and posting information on public posting sites).
2. Specifying the town highways affected, the hours when the parking ban is in effect, and the duration of the parking ban."

**Section 2.** The Selectboard may erect signs clearly designating other zones where parking is restricted or prohibited. No person is authorized to park a motor vehicle in zones contrary to instructions printed on such signs.

**Article VII: One Way Streets.**

**Section 1.** When signs are erected giving notice thereof, the following streets are designated as one-way and vehicular traffic shall move only in the indicated direction and movement in the opposite direction is prohibited:

- A. Common Road bordering the Common on the East and North sides shall be a one-way street running North and West from Danville Hill Rd to Main Street.

**Article VIII: Enforcement of Traffic Violations.**

**Section 1.** Authority. Pursuant to Title 24 V.S.A. §§ 1974a and 1977 and Title 23 V.S.A. §§ 1007 and 1008, properly certified Vermont law enforcement officers are authorized to enforce motor vehicle ordinances and parking ordinances promulgated by the Town. Offenses in this ordinance, unless otherwise noted,

shall be considered civil and enforced as traffic violations according to Title 23 V.S.A. Chapter 24. Officers will use approved Traffic Complaints according to Title 4 V.S.A. Chapter 29.

**Section 2. Penalties.** Traffic violations fall under the jurisdiction of the Vermont Judicial Bureau and have penalties assessed according to the Judicial Bureau Waiver Penalty Schedule in effect at the time of violation.

**Article IX. Enforcement of Parking Related Violations.**

**Section 1. Authority.** Offenses relating to parking ordinances pursuant to Article VI shall be considered parking violations and not a traffic violations and shall be enforced under this Article. Any property certified Vermont law enforcement officer and any officer authorized by the Town of Cabot may issue parking violations.

**Section 2. Violations and Penalties.** Any person who is in violation of Article VI shall be subject to a civil penalty.

- A. The penalty for violating provisions of Article VI of this ordinance shall be:  
\$25 for the first offense; and  
\$50 for the second or subsequent offenses within 30 days of previous offense.

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

- B. In addition to any penalty listed above, a motor vehicle parked in violation of this ordinance may be removed by order of any properly qualified law enforcement officer in the State of Vermont or any officer or official authorized by the Town of Cabot. The cost of 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 removal and storage costs have been paid.

**Section 3. Administrative Appeal and Enforcement.** Within 15 days, a person receiving a parking ticket may appeal the violation by submitting a statement of objections to the Selectboard. The Selectboard will review the objections and respond in writing within 15 days. The Selectboard may uphold or overturn the violation or reduce the penalty. If, after exhausting this administrative appeal process, the violator has not paid the penalty assessed for the violation of this ordinance, the constable / police/law enforcement officer or other official designated by the Town shall institute an action on behalf of the Town against the violator in District Court accordance with Rule 80.9 of the Vermont Rules of Civil Procedure.

**Article X: General Provisions.**

**Section 1.** Each violation of a provision of this ordinance shall be deemed a separate offense.

**Section 2. Severability.** The provisions of this ordinance are declared to be severable and if a court of competent jurisdiction holds any portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected and shall remain in full force and effect.

## Appendix A

### Stop intersections:

1. Ducharme Road entering Route 215 (Main Street).
2. Sawmill Road entering Main Street.
3. West Hill Pond Road entering Route 215 (Main Street).
4. Town Highway 37 entering onto VT Route 215
5. Elm Street entering Main Street.
6. Whittier Hill Road entering Main Street.
7. Danville Hill Road entering Main Street.
8. South Walden Road entering Main Street.
9. Houston Hill Road entering South Walden Road
10. Walbridge Road entering South Walden Road
11. Cross Road Entering South Walden RD
12. Garnier Road and VT 215 North
13. Menard Road entering Danville Hill Road
14. Coits Pond Road entering four-way intersection with West Hill Pond Road, Coits Pond Road, Cabot Road, and Bothfeld Hill Road.
15. West Hill Pond RD entering four way intersection with Bothfeld Road, Cabot Road, and Coits Pond Road.
16. Churchill RD entering Coits Pond Road
17. Houston Hill Road entering Coits Pond Road
18. Churchill Rd entering Bothfeld Road
19. Porter Road entering US Route 2
20. Last Road entering US Route 2
21. Danville Hill Road entering US Route 2
22. Macks Mountain Road entering US Route 2
23. Glinka Road entering Whittier Hill RD
24. Mckinstry Road entering Whittier Hill RD
25. Pranskey Road entering VT 215 North
26. Tatro Road entering VT 215 North
27. Cabot Plains Road entering VT 215 North
28. Dubray Road entering Cabot Plains Road
29. Taylor Road entering Dubray Road
30. Sousa Road entering Cabot Plains Road
31. Bricketts crossing entering Cabot Plains Road'
32. Bailey Hazen Road entering Vt 215 North
33. Bailey Hazen Road entering Cabot Plains Road
34. Chatot Road entering West Shore Road
35. Deeper Ruts Road Entering West Shore Road
36. Sandy Beach Road entering West Shore Road
37. Common Road entering Main Street
38. Birmingham Road entering Danville Hill Road
39. Urban Farm Way entering Danville Hill Road

40. Last Road Entering Danville Hill Road
41. Lovely Road entering Old US Route 2
42. Old Us Route 2 entering Route 2 (two locations)
43. Ennis Road entering Old US Route 2
44. Keene road entering US Route 2
45. Houghton Road entering US Route 2
46. Gym Road entering Main Street
47. Thistle Hill Road entering US Route 2
48. Jug Brook Road entering West Hill Pond road
49. Blodgett Road entering West Hill Pond Road
50. Old Center Road entering Danville Hill Road
51. Smith Road Entering Whittier Hill Road
52. Cow Hill Road entering Mack Mountain Road
53. White Road entering Cow Hill Road
54. McQueeney Road entering onto Bricketts Crossing
55. Langone Road Entering onto Menard Road
56. Wheeler Road entering onto Whittier Hill Road
57. Glinka Road entering onto Whittier Hill Road
58. Tebbetts Road entering onto Ducharme Road
59. Clough Road entering onto Elm Street
60. Town Highway 57 entering VT 215 South

**Section 3. Repeal of Prior 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.

**Article XI: Effective Date.**

This ordinance shall become effective 60 days after its adoption by the Town of Cabot Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Adopted the 19<sup>th</sup> day of September by the Town of Cabot Selectboard.

Bernie Sperry

Michael J. King

Earl D. ...

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Signatures

**Adoption History.**

1. Agenda item at regular Selectboard meeting held on 9-19-2017.
2. Read and approved at regular Selectboard meeting on 9-19-2017 and entered in the minutes of that meeting which were approved on 10-4-2017.
3. Posted in public places on 9-26-2017.
4. Notice of adoption published in the Hardwick Gazette newspaper on 9-27-2017 with a notice of the right to petition.
5. Other actions [petitions, etc.]