

# Parking Ordinance

## Town of Danville, Vermont

**Section 1. Authority.** This civil ordinance is adopted by the selectboard of the Town of Danville under the authority granted in 4 V.S.A. § 32(c)(11); 19 V.S.A. §§ 304 (a)(6), 1105; 23 V.S.A. §§ 1008, 1102; 1753, 2151, et seq.; 24 V.S.A. Chapter 59; 24 V.S.A. § 2291(4); and Vermont Rule of Civil Procedure 80.9.

**Section 2. Purpose.** The purpose of this ordinance is to promote and protect the public health, safety and welfare of the Town, and to preserve residents' rights to quiet enjoyment of homes and properties by regulating the time, manner, and location of parking within the Town.

**Section 3. Definitions.** For the purposes of this Ordinance, the following words and / or phrases shall be defined as follows:

- A. "Abandoned vehicle" means a motor vehicle that has remained on public or private property or on or along a highway for more than 48 hours without the consent of the owner or person in control of the property on which the motor vehicle is located.
- B. "Enforcement Officer" means any enforcement officer certified by the Vermont criminal justice training council.
- C. "Park" or "parking" is the stopping or standing of any 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.
- D. "Public property" means property owned or leased by the Town of Danville.
- E. "Motor vehicle" or "vehicle" shall include all vehicles propelled or drawn by power other than by muscular power.

**Section 4. Prohibition of Parking.** Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a enforcement officer or official traffic control device, no person shall park a vehicle:

- A. On the roadway side of a vehicle stopped or parked at the edge or curb of a street
- B. On a sidewalk
- C. Within an intersection
- D. On a bridge
- E. Alongside or opposite any street excavation or obstruction where parking or stopping would obstruct traffic
- F. Within 20 feet of a crosswalk
- G. Within 6 feet of a fire hydrant
- H. In front of any public or private driveway
- I. Within 30 feet of a traffic signal or sign
- J. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite and within 75 feet of the entrance to any fire station, when properly signposted;
- K. At any place where official signs restrict parking at an electric vehicle charging station and the vehicle violates the restrictions.

- L. On any public street or highway, or portion thereof, designated by resolution of the Selectboard as a place where parking is prohibited and indicated as such by "No Parking" signs, including temporary signs associated with special events and festivals.
- M. In a space designated as parking for persons with disabilities except when the motor vehicle is equipped with a valid handicapped registration plates or properly displayed handicap permit from the Vermont Department of Motor Vehicles in accordance with 23 V.S.A. §304a, or as otherwise provided by the law of the state in which the vehicle is registered, and if occupied an occupant is a person with a disability.
- N. Outside of lined parking spaces (I.e. straddling parking spaces)
- O. Along any public right of way for more than 72 hours.

**Section 5. Winter Parking.** It shall be unlawful to park a motor vehicle in any Town highway right-of-way of during the hours of 10 PM and 6 AM from November 15 until April 15.

**Section 6. Enforcement and Penalties.**

- A. The Enforcement Officer is authorized to recover civil penalties for violations of this Ordinance as set out below:
  - a. 1st Offense: \$25 fine. Waiver amount: \$10
  - b. 2nd Offense: \$50 fine. Waiver amount: \$25
  - c. 3rd Offense: \$100 fine. Waiver amount: \$75
  - d. 4<sup>th</sup> and subsequent offenses: \$200
- B. For any of the above offenses, the Enforcement Officer is authorized to recover a waiver fee, in lieu of a civil penalty, in the stated amount, for any person who declines to contest a municipal complaint and pays the waiver fee.
- C. Within 15 days, a person receiving a parking ticket may appeal the violation by submitting a statement of objections to the selectboard assistant. The selectboard assistant, will review the objections and respond in writing within 15 days. The selectboard assistant shall have the discretionary authority to uphold the parking ticket, to overturn the parking ticket, or to reduce the amount of the fine. If, after exhausting this administrative appeal process, the violator has not paid the resulting penalty assessed for the violation of this ordinance, the Town attorney, at the discretion of the Selectboard, 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.
- D. A parking ticket neither paid nor appealed within 15 days shall be subject to a \$10 late fee. Any motor vehicle for which a fourth or subsequent violation has been neither paid nor appealed within 15 days shall be subject to towing at the expense of the owner of the vehicle. The cost of removal and impoundment 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 impoundment costs have been paid to the Town of Danville. The removal and storage of any vehicle under this Ordinance shall not be a bar to the institution and prosecution of civil proceedings against the owner or operator of such vehicle.
- E. Any motor vehicle that remains parked on public property or along a public highway in violation of this ordinance for more than 48 consecutive hours shall be considered an

abandoned vehicle and shall be subject to towing at the expense of the owner of the vehicle.

- F. Notwithstanding subsections A through E, enforcement officers shall have the right to tow any motor vehicle without the issuance of a warning if the vehicle is parked:
- i. in an area where parking is expressly prohibited by signage, including temporary signage associated with special events or festivals, or
  - ii. in a manner that creates a public safety hazard by obstructing traffic (including access to and from driveways) or passage of fire and rescue vehicles.

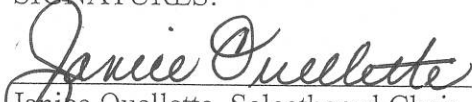
**Section 7. Other Laws.** This Ordinance is in addition to all other ordinances of the Town of Danville and all applicable laws of the State of Vermont. All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 8. Severability.** Each of the provisions of the Ordinance is severable and if any part of this Ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this Ordinance which will remain in full force and effect.


**Section 9. Effective Date.** This Ordinance shall become effective 60 days after its adoption by the Selectboard. If a petition is filed pursuant to 24 V.S.A. § 1973, that statute shall govern the taking effect of this Ordinance.

Adopted this 2nd day of May, 2024.


SIGNATURES:

  
Janice Ouellette, Selectboard Chair

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Eric Bach, Vice Chair

  
Peter Griffin

  
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Glenn Herrin

  
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Alison Low