

TOWN OF KILLINGTON STREET NAMING & STREET ADDRESSING ORDINANCE

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Section 1 – Purpose of Ordinance

This ordinance is enacted to help establish a more uniform street naming and street addressing system throughout the Town of Killington. Easily locatable addresses will have a number of beneficial results:

- 1) It will enable emergency services to arrive at a scene faster.
- 2) Deliveries will be easier to make.
- 3) Visitors will be able to find an address and know where they are in case of an emergency.

The Constables of the Town of Killington and the Chief of the Sherburne Volunteer Fire Department have indicated that the lack of easily locatable addresses within the Town of Killington has resulted in a significant number of delays in emergency service response by the Rutland Regional Ambulance Service, Police and/or Fire Department.

Reasonable regulation of street naming and street addressing should result in a significant decrease in the number of delays of emergency services response, savings of public resources, abatement of a public nuisance, and will enhance the public health, safety, and welfare.

Section 2 – Statutory Authority

This Ordinance has been promulgated under the authority granted the Town's Legislative Body by 24 VSA Sections 1971 and 2291 (3), (7), (14), (15), (16) and 4421 and 19 VSA Section 304 (17).

Section 3 - Definitions

- 3.1 Board:** The Board of Selectmen of the Town of Killington, Vermont.
- 3.2 Town:** The Town of Killington, Vermont.
- 3.3 Town Highway Map:** The map of Town of Killington and/or State of Vermont highways provided by the Vermont Agency of Transportation from time to time pursuant to 19 VSA Section 305 (e).
- 3.4 Town Highway Number:** The number assigned to each street of the Town of Killington on the Town Highway Map.

- 3.5 Constables:** The First Constable, Second Constable and all duly appointed Special Police Officers of the Town of Killington.
- 3.6 Police Department:** The Town of Killington Constables or any other agency, including but not limited to the Vermont State Police, requested by the Town to provide public safety services for the Town of Killington.
- 3.7 Chief:** The Fire Chief of the Sherburne Volunteer Fire Department.
- 3.8 Fire Department:** The Sherburne Volunteer Fire Department.
- 3.9 Lot:** Any parcel of land separately designated on the tax maps of the Town of Killington.
- 3.10 Structure:** The main inhabited structure used in connection with a residential, commercial or industrial use of the lot.
- 3.11 Owner:** Any person, partnership, firm, association, or any other entity in control and/or ownership of a "Structure" within the Town.
- 3.12 Street:** A Town Highway, State Highway or Private Road.
- 3.13 Private Road:** A non-publicly owned shared driveway or other means of vehicular access having three or more residences and/or structures on it.
- 3.14 Driveway:** A vehicular access having one or two residences and/or structures on it. A Driveway shall not be required to be named.
- 3.15 Issuing Law Enforcement Officer:** A certified law enforcement officer of the Police Department, who shall be authorized to issue municipal complaints pursuant to this Ordinance.

Section 4 – Street Naming

The Board shall name all streets, including Town Highways and Private Roads, within the Town of Killington or may change the names of streets within the Town when necessary to promote the public welfare.

Section 5 – Street Signs

The Board may from time to time erect posts and install signs which contain the name for each Town Highway pursuant to Section 4 of this Ordinance. All signs shall be installed and maintained to the highest degree possible allowed by budget considerations.

The joint and/or individual owner(s) of a Private Road shall erect and install a post and sign within the Private Road, or upon approval of the Board within the Town Highway right-of-way, which contains the name (pursuant to Section 4 of this Ordinance) of the Private Road and the Private Road designation (PVT). Private Roads with more than one access from another Private Road and/or a Town or State Highway shall have a sign installed for each such intersection.

All new and replacement Private Road signs shall be a reflective green sign containing minimum size letters of six (6) inches in height for the street name and four (4) inches in height for the "PVT" designation.

All Private Road signs and posts shall be installed, replaced and maintained by the owner(s) of the Private Road and shall not be at Town expense, even upon the change of the name of the Private Road by the Town.

Section 6– Street Addressing

The Board has established a measured Street Addressing system for the Town which follows the Enhanced 9-1-1 system. The Town of Killington Town Planner or such other designee by the Board shall assign numbers to all structures which are inhabited. If a structure contains more than one unit, the Town Planner may assign a suffix of numbers and/or letters to the unit(s) as a secondary location indicator.

Section 7– Address Number Signs

The Owner of any structure to which a number has been assigned shall affix a reflective number sign (containing minimum size numbers of three and one-half inches in height) to the structure, if visible from the street and access to the structure is apparent, or to a sign or number post or other apparatus if not visible from the street, in such a way that the number can be clearly seen from the street during all times of the day and all seasons of the year.

If the number sign is placed near the point of access from the street to the structure and the location of the structure is not apparent, such additional signs shall be used as are reasonably determined to be necessary to find and understand the mode of access to the structure.

Where one principal access from the street serves two or more structures, address number signs for all of the structures shall be displayed near that access from the street and each interior access to a structure shall also be clearly marked with an address number sign for that structure.

Where a structure contains more than one unit, address number signs containing the secondary location indicator suffix shall be displayed near the main exterior entrance to the unit, if any, and/or the interior entrance to the unit to clearly identify and differentiate the address location of each unit.

The Owner, upon installation of the assigned address number sign, shall remove any different number(s) which may be confused or mistaken for the address number assigned by the Town.

The Owner shall install and maintain the number sign to ensure visibility from both directions on the street by emergency vehicles including the prevention of vegetation or snow from obscuring the sign.

All address number signs and posts shall be installed, replaced and maintained by the owner of the structure and shall not be at Town expense, even upon an assignment of a new number by the Town.

Section 8 - Civil Designation

A violation of this Ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. Sections 1974a and 1977 et seq.

Section 9 – Penalties and Enforcement

9.1 No penalty shall be imposed against an Owner for the first written notice of alleged violation of Sections 5 or 7 of this Ordinance.

Such written notice shall be provided by a law enforcement officer specifying the provision(s) of this Ordinance which are alleged to have been violated, briefly setting forth the facts relating to the act(s) or failure(s) to act which are alleged to have constituted the violation(s), and the action(s) necessary to correct the alleged violation(s) to be followed to avoid future violation(s) of the same type as applicable. The notice shall be hand delivered to the alleged violator or mailed to the alleged violator by registered or certified mail. Notice is effective upon such delivery or mailing.

If the notice requires corrective action to avoid second or repeat violations, the alleged violator shall have thirty (30) days from the date such notice is given to take such corrective action.

If, despite the notice and opportunity to cure the alleged violation(s) as described above, the alleged violator fails to take the corrective action(s) specified in the notice within the time required, then the Town may proceed to issue a second or subsequent offense complaint and commence appropriate enforcement proceedings in accordance with this Ordinance.

9.2 The penalty for the second offense shall be \$200.00 and the penalty for the third and subsequent offenses shall be \$300.00 for each offense. The waiver fee shall be established at \$100.00 for the second offense and \$150.00 for the third and subsequent offenses. Each day the violation continues shall constitute a separate offense.

Section 10 - Liability of the Town of Killington

The Towns' regulation of Street Naming and Street Addressing shall not constitute acceptance by the Town of Killington for any liability to maintain any Private Road signs or posts, any Street Address Number signs or posts, or to take any action in connection therewith.

Section 11 - Severability

If any section, subsection, phrase, or any part thereof, is for any reason held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof.

Section 12 - Publication and Posting

This Ordinance shall be entered in the Selectboard minutes, filed with the Town Clerk, and posted in at least five (5) conspicuous places within the Town. A copy of this Ordinance shall be published in the Rutland Herald, not later than fourteen (14) days following the date specified below when this Ordinance is adopted.

Section 13 - Information

The Killington Town Manager, whose telephone number is 422-3241, and whose address is P.O. Box 429, Killington, VT 05751, is a person knowledgeable about the Ordinance and is available to answer questions and provide persons with a full text thereof.

Section 14 - Right to Petition

Citizens of the Town of Killington are further hereby notified that within forty-four (44) days from the date of adoption they may petition for a vote on the above Ordinance at an annual or special town meeting as provided in 24 VSA 1973.

Section 15 - Adoption/Effective Date

This Ordinance is hereby adopted by the Selectboard of the Town of Killington on this the 3rd day of October, 2005, and shall, unless a petition is filed as provided by law, become effective upon sixty (60) days from this date.

Section 16- Recording

This Ordinance shall be recorded by the Town Clerk in the Records of the Municipality.

**TOWN OF KILLINGTON
BOARD OF SELECTMEN**





