

AN ORDINANCE FOR THE REGULATION OF PARKING
TOWN OF SHERBURNE

We, the Selectmen of the Town of Sherburne, pursuant to 24 V.S.A. 2291 (4), 23 V.S.A. 1008, 23 V.S.A. 1753, and such other statutes as may be applicable, do hereby enact the following regulations as to the parking and removal of motor vehicles within the limits of the Town:

Section 1. DEFINITION OF PARK OR PARKING

The stopping or standing of a motor vehicle on a roadway, whether occupied or unoccupied, attended or unattended, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading passengers or goods, or in obedience to police officers or traffic regulations, signs or signals, or while making emergency repairs if disabled, while arrangements are being made to move such vehicle.

Section 2. PARKING PROHIBITED IN SPECIFIED PLACES AT ALL TIMES

A person shall not park a motor vehicle in any of the following places:

- A. Within 15 feet of an intersection;
- B. Within five feet of a crosswalk;
- C. In front of a driveway;
- D. Abreast of another vehicle in any street;
- E. On a bridge or dam or the approach thereto;
- F. On any parking lot adjacent to a highway, within five feet of the paved or main traveled part of such highway;
- G. Upon the paved or main traveled part of any highway;
- H. So as to obstruct traffic;
- I. So as to impede the passage of snow removal or emergency equipment, or the clearing of snow from a highway.
- J. So as to obstruct designated Fire Lanes on publicly or privately owned land.

Section 3. A PERSON SHALL NOT PARK A MOTOR VEHICLE IN ANY OF THE FOLLOWING DESIGNATED AREAS:

A. Effective November 1 to May 1, within the limits of the right-of-way of the Killington Access Road for a distance of 120 feet, as posted, northerly of the parking area to the "Pickle Barrel" so called.

B. Effective November 1 to May 1, within the limits of the right-of-way of the Killington Access Road for a distance of 870 feet, as posted, 230 feet westerly of the upper or western-most entrance and 640 feet easterly of the upper or western-most entrance of the "King's Four" so called.

Section 4. PENALTIES

A person who violates any provision of this ordinance shall be fined not more than \$25.00.

Section 5. REMOVAL OF VEHICLES

A law enforcement officer may cause a vehicle to be removed to a garage or other private or public storage area at the expense of the owner if such vehicle is:

A. Parked in violation of any provision of this ordinance in an area where signs are duly posted, or

B. Parked without authorization on publicly or privately owned land, including, by way of illustration and not limitation, public, municipal or private parking lots, drives or ways.

The owner of a motor vehicle so removed shall pay the Town the cost of towing, as set forth in 23 V.S.A. 1753, and the cost of storage not to exceed the maximum set forth in that statute (presently \$2.00 per day). The Town shall have a lien upon a motor vehicle so removed until such towing and storage charges are paid in full. The charges and lien provided in this section shall be in addition to any criminal penalties imposed by this ordinance.

Section 6. RECLAIMING OF VEHICLE

Before a person shall be permitted to reclaim a vehicle which has been removed under the preceding section, that person shall:

A. Furnish satisfactory evidence to the Town of ownership of the vehicle;

B. Pay to the Town all towing and storage charges imposed by the preceding section, and

C. Sign a written receipt acknowledging delivery of the vehicle.

Section 7. LIEN, FORECLOSURE

When the towing and storage charges for removal of a vehicle remain unpaid for 90 days from the date of removal, the Town may sell the vehicle at public auction at a place within the Town. Notice of the time, place and purpose of such sale shall be posted at two or more public places in the Town at least ten days prior thereto, and the Town shall apply the proceeds of the sale to the satisfaction of the towing and storage charges, and the expenses of sale. The surplus remaining shall be paid to the owner of the vehicle within ten days thereafter, or if the owner cannot be identified, then such surplus shall be deposited for the owner's benefit in the treasury of the Town.

At least ten days prior to the sale date, notice in writing of the time and place of such sale, the amount claimed to be due, shall be given to the registered owner of the vehicle, by registered mail with return receipt, at the address set forth in the vehicle registration. If the owner cannot be ascertained, such notice shall be given by publication thereof in a newspaper generally circulating in the area, such publication to be made at least ten days prior to the sale date.

Section 8. RECORDS, NOTICE

The law enforcement officer authorizing the removal of the vehicle shall keep a record of each vehicle so removed, by manufacturer's trade name or make, or registration number or motor number, if the vehicle is not registered, registered owner if the vehicle be a Vermont registration, such of the descriptive matter as may be necessary to identify such vehicle, and the name and address of any claimant thereof. The Town shall in addition keep a record showing the date of such removal, the place where said removal was made, and the reason for such removal. All such records shall be open to public inspection at all times. The law enforcement officer shall furnish to the Board of Selectmen or their representatives, all the information as set forth above within 72 hours of removal of the vehicle.

Section 9. PRESUMPTION

When a vehicle is parked in violation of this ordinance, the person to whom such vehicle is registered with the Commissioner of Motor Vehicles of the State of Vermont or any other governmental entity shall be presumed to be the person who committed the violation.

Section 10. VALIDITY

If any section or provision of this ordinance is adjudged to be unconstitutional or otherwise invalid, such decision shall not affect the validity or constitutionality of the remaining parts of this ordinance.

Section 11. REPEAL OF PRIOR ORDINANCES

The Town of Sherburne parking ordinance adopted December 5, 1966, is hereby repealed.

Dated: April 26, 1976
Amended: May 5, 1986