

**Ordinance to Amend the Town of Shelburne
Parking Ordinance**

The Selectboard of the Town of Shelburne hereby ordains:

Section 1 Enactment.

This ordinance is enacted pursuant to the provisions of 23 V.S.A. §1008 and 1741-1754 and Section 1.4 of the Town of Shelburne Charter. This ordinance shall be a civil ordinance.

Section 2 Prohibition.

No person shall park any motor vehicle at any time:

- a. In violation of any of the provisions of 23 V.S.A. 1104 as presently enacted or as from time to time hereinafter amended. This reference to 23 V.S.A. 1104 is not to constitute any duplication of said statute, but only included for informational purposes.
- b. On any street within 15 feet of the curb line of another street.
- c. On any street within the 20 feet of an intersection with another street or designated crosswalk unless otherwise provided.
- d. Within 15 feet of any fire hydrant.
- e. So as to block any portion of a public sidewalk.
- f. On any street blocking any designated driveway or part thereof.
- g. On any cul-de-sac which is located at the terminus of any dead end street, and on the last 15 feet of said street immediately preceding the cul-de-sac, provided, that delivery vehicles are excepted from the provisions of this paragraph for that period of time necessary for the completion of lawful business.
- h. On any street between the hours of 12 o'clock midnight and 8 o'clock a.m. during the period from December 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.
- i. On any street or portion thereof designated by the Board of Selectmen by an appropriate resolution as an area where there shall be no parking because of highway construction or maintenance or occurrence of a special event.
- j. On the West side of Falls Road from the Pierson Building to a point 15 feet north of the entrance to the to the Village Cemetery.

- k. On the east side of Falls Road from a fire hydrant 70 feet north of the intersecting line of the continuation of the north side of Church Street to its intersection with Falls Road and continuing south a distance of 560 feet.
- l. On the east side of Falls Road in front of the Post Office for a period of time exceeding five (5) minutes.
- m. At any place within the Town property known as the Town Center, except in spaces designated and marked for those purposes. This prohibition specifically applies to space around the Pierson Library, the Fire Station and the Municipal Offices.
- n. In the nine parking spaces on the north side of the Fire Station reserved for members of the Shelburne Fire Department.
- o. On the South side of Church Street. On the north side of Church Street between the hours of 12 O'clock midnight and 8 a.m. during all months of the year.
- p. On the North side of Harbor Road from the intersection of Harbor Road and Route 7 to the Vermont Railway crossing.
- q. On Harbor Road on either side of the highway from the intersection of Harbor Road and Bay Road north to the Shelburne Shipyard property.
- r. On Harbor Road on either side of the highway from Morgan Drive north for 4/10 of a mile.
- s. In the fire lane, as so designated, at the Shelburne Community School in the circle or "courtyard" off Harbor Road on the north side of the school.
- t. In the fire lane, as so designated, at the Shelburne Community School at the west side of the school along the east side of the driveway along the entire length of the adjacent curb.
- u. On the east side of School Street for its entire length and on the west side of School Street from Harbor Road to Davis Avenue.
- v. On the north side of Harbor Road from Turtle Lane to 687 Harbor Road

Section 3 Removal of Unlawfully Parked Vehicles

The Town Manager, Fire Chief, Director of Public Works or any Town police officer is hereby authorized to remove motor vehicles parked in violation of this ordinance, at the expense of the registered owner of the vehicle in an amount not to exceed that permitted by the Vermont statutes as presently enacted and as from time to time hereinafter amended, providing signs indicating that

vehicles may be towed away at the owner's expense shall be conspicuously posted. The fact that a vehicle which is illegally parked is registered in the name of a person shall be considered prima facie proof that such person was in control of the automobile at the time of such parking. The parking or leaving any motor vehicle in violation of this ordinance is hereby declared to be public nuisance.

Section 4 Record of Removal

The Police Department and the owner of any garage to which a vehicle is removed shall keep a record of each vehicle so removed by manufacturer's trade name or make, registration number or VIN number if the vehicle is not registered, registered owner if the vehicle bears a Vermont registration, such other descriptive matter as may be necessary to identify such vehicle, and the name and address of any claimant thereof. The Police Department shall, in addition, keep a record showing the date of such removal, the place to which such removal is made and the reason for such removal. All such records shall be open to public inspection at all times.

Section 5 Notice of Removal

The Police Department shall, within 72 hours of the removal of any motor vehicle pursuant to this ordinance, send written notice by certified mail, return receipt requested, to the last known address of the registered owner of such vehicle, if such vehicle is registered. If such vehicle is not registered, the Police Department shall send such notice to the owner of the vehicle, if known. If the owner of the vehicle is not known, the Police Department shall cause the notice to be published in a newspaper in general circulation in the Town within ten days following the date of removal. The notice required by this section shall contain the following:

- a. A description of the vehicle involved, including registration information, if available.
- b. Statement of the circumstances requiring removal.
- c. Statement of the procedures to reclaim the vehicle and the required charges.
- d. Statement of appeal rights.

Section 6 Right to Appeal Removal

A person whose vehicle has been removed pursuant to this ordinance may appeal the legality of such removal and the associated charges as follows:

- a. Appeal Prior to Reclaiming Vehicle

Within 5 days following the removal of a vehicle pursuant to this ordinance, the owner of such vehicle shall be entitled to a hearing before a Hearing Examiner appointed by the Selectboard to review the facts and circumstances surrounding the removal. The owner shall make a request for such hearing to the Police Department. The Hearing Examiner shall conduct a hearing at which the vehicle owner, the Town official authorizing the removal of the vehicle, and other individuals with knowledge of the towing shall have an opportunity to present relevant evidence. Within 24 hours of the conclusion of the hearing, the Hearing Examiner shall issue a brief written decision which shall be final.

b. Appeal After Reclaiming Vehicle

The owner of a vehicle removed pursuant to this ordinance may reclaim his/her vehicle as provided in Section 7 below and thereafter appeal to the Hearing Examiner by filing a written notice of appeal with the Police Department within 10 days of the date of removal. The notice of appeal shall contain a brief statement of the facts regarding the removal and an explanation why such removal is believed to be unlawful. The Hearing Examiner shall conduct a hearing at which the vehicle owner, the Town official authorizing the removal of the vehicle, and other individuals with knowledge of the towing shall have an opportunity to present relevant evidence. Within 10 days following the conclusion of the hearing, the Hearing Examiner shall issue a brief written decision which shall be final.

Section 7 Recovery of Motor Vehicle

Before the owner shall be permitted to reclaim a vehicle which has been removed pursuant to this ordinance, he/she shall:

- (a) Furnish satisfactory evidence to the Police Department and to the owner or person in charge of the garage of his/her identity and of his/her ownership of such vehicle;
- (b) Pay to the Town Treasurer all charges for violation of the ordinance and all charges for the mailing or publication of the required notice;
- (c) Pay to the owner or person in charge of the garage all charges for removing said vehicle and all charges for the storing and parking thereof;
- (d) Sign a written receipt acknowledging delivery of said vehicle.

Section 8 Charges for Removal and Hearing Examiners

(a) The Selectboard shall, from time to time, by resolution, establish reasonable charges for the towing and storing of vehicles pursuant to this Ordinance.

(b) The Selectboard shall annually appoint three hearing examiners who shall perform the duties established by this Ordinance and shall be compensated on an hourly basis at a rate approved by the Selectboard.

Section 9 Lien on Motor Vehicle

Any and all expenses incurred by the Town under and by virtue of Sections 3, 4, 5, and 7 of this ordinance shall be and become a lien upon the motor vehicle removed as herein authorized, and such lien may be foreclosed in accordance with the procedure provided in the law relating to foreclosure of artisan's liens.

Section 10 Expenses not a Fine

No charges made or incurred under Sections 3, 4, 5, and 7 of this ordinance shall be considered to be a fine, penalty or forfeiture. The removal and storage or parking 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.

Section 11 Violation of Ordinance

Any Town police officer may issue a "Parking Ticket" for any motor vehicle found to be parked in violation of this ordinance which shall set forth the fine to be paid for such violation. The Police Department shall maintain a copy of all parking tickets and shall deliver a copy to the Town Clerk.

Section 12 Waiver Fee

Any person who declines to contest a parking ticket issued under Section 2d, s and t (parking in a fire lane or too close to a fire hydrant) may pay a waiver fee to the Town Clerk within fifteen (15) days of issuance of the ticket as follows:

First Offense	\$10
Second offense	\$50
Third offense	\$100
Fourth and subsequent offense	\$150

Any person who declines to contest a parking ticket issued under all other sections of this Ordinance may pay a waiver fee to the Town Clerk within fifteen (15) days of issuance of the ticket as follows:

First Offense	\$ 5
Second Offense	\$ 10
Third Offense	\$ 15
Fourth Offense	\$ 25
Fifth and Subsequent Offenses	\$ 50

Offenses shall be counted on a calendar year basis.

Section 13 Civil Fine for Ordinance Violation

Any person who fails to pay the waiver fee provided for in Section 12 above for tickets issued under Section 2d, t and s (parking in a fire lane or too close to a fire hydrant) shall be required to pay a parking fine in the amount set forth below which may be recovered by the Town by an enforcement action commenced in District Court:

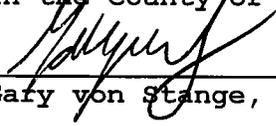
First offense	\$15
Second offense	\$75
Third offense	\$150
Fourth and subsequent offenses	\$225

Any person who fails to pay the waiver fee provided for in Section 12 above for tickets issued under all other sections of this Ordinance shall be required to pay a parking fine in the amount set forth below which may be recovered by the Town by enforcement action commenced in District Court:

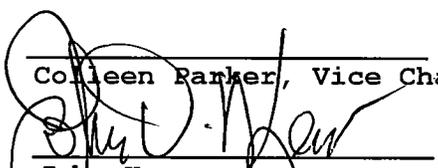
First Offense	\$ 10
Second Offense	\$ 25
Third Offense	\$ 50
Fourth Offense	\$ 75
Fifth and Subsequent Offenses	\$ 150

Offenses shall be counted on a calendar year basis.

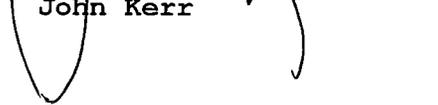
Dated and adopted this 24th day of May, 2016, in the State of Vermont, in the County of Chittenden, Town of Shelburne.



 Gary von Stange, Chair



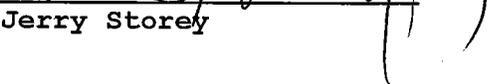
 Colleen Parker, Vice Chair



 John Kerr



 Josh Dehn



 Jerry Storey

Shelburne Selectboard