

**CHAPTER IV  
MOTOR VEHICLE AND TRAFFIC**

**ARTICLE I - IN GENERAL**

**SECTION 1 PURPOSE**

It is the intent and purpose of this chapter to establish an efficient flow of pedestrian and vehicular traffic within the limits of the Village Corporation, which would enhance proper maintenance of the public way and promote public safety.

**SECTION 2 DEFINITIONS**

As used in this Traffic Ordinance the following terms shall have the respective meanings here assigned to them:

- (1) Authorized Emergency Vehicle: Such Fire Department vehicles, Police vehicles, ambulance and rescue vehicles, and such other publicly or privately owned vehicles as designated by the public body or official having jurisdiction.
- (2) Crosswalk:
  - (a) That part of a roadway at an intersection included within the prolongation of the lateral lines of a sidewalk to the opposite side of the highway measured from the curbs or in the absence of curbs, from the edges of the traversable roadway.
  - (b) Marked crosswalk is any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- (3) Curb: A vertical or sloping member generally along and defining the edge of a roadway.
- (4) Curb line: The boundary between a roadway and a sidewalk usually marked by a curb.
- (5) Intersection:
  - (a) The area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

- (b) Where a highway includes two roadways (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways (30) feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.
- (c) The junction of an alley with a street or highway shall not constitute an intersection.
- (6) No Passing Zone: A section of highway or street designated by the public body or official having jurisdiction as one where overtaking and passing or driving to the left of the roadway would be especially hazardous.
- (7) Official Traffic Control Devices: All traffic signs, highway traffic signals, traffic markings, and other devices erected or placed on or adjacent to a highway or street by authority of the public body or official having jurisdiction, for the purpose of regulating or guiding traffic.
- (8) Parking: The stopping or standing on a street or roadway of any vehicle whether occupied or unoccupied regardless of the reason.
- (9) Parking - Private Lot: An area designated and owned by any individual or group of individuals which is designated for their use or the exclusive use of their patrons.
- (10) Parking - Public Lot: An area for the regulated public parking of vehicles; owned, used or rented by the Bellows Falls Village Corporation; whether metered or un-metered.
- (11) Police Officer: Shall include Sheriffs, Deputy Sheriffs, Constables, Police Officers, Special Police Officers, State's Attorneys, Motor Vehicle Inspectors, and State Police.
- (12) Pedestrian: Any person afoot.
- (13) Right of Way: The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.
- (14) Roadway: That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the beam or shoulder. In the event a highway includes two or more separate roadways, the term "roadway", as used herein, refers to any such roadway separately but not to all such roadways collectively.

- (15) Sidewalk: That portion of a street between the curb lines, or the lateral lines of a roadway and the adjacent property lines, or marked areas, intended for the use of pedestrians.
- (16) Street: (Highway) The entire width between the boundary lines of every way, when any part thereof is open to the use of the public for purposes of vehicular travel.
- (17) Traffic: Pedestrians, ridden or herded animals, vehicles, and other conveyances either singularly or together while using any street for the purpose of travel.
- (18) Traffic Lane: A strip of roadway intended to accommodate the forward movement of a single line of vehicles.
- (19) Throughway: (Dangerous Way) A highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such through highway in obedience to a stop sign, yield sign, or other official traffic control device, when such signs or devices are erected as provided by law.
- (20) Trustees: The Board of Trustees and Village President of the Bellows Falls Village Corporation.
- (21) Vehicle: Every device, including an animal, in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.
- (22) Warning Signal-Emergency: A bell, siren or horn, when sounded in conjunction with either a red or blue light on an emergency vehicle.
- (23) Bicycle: The term "Bicycle" shall mean and include any vehicle consisting of an arrangement or combination of not more than three (3) wheels, supported by a frame, having a seat or saddle for the use of the rider and propelled solely by muscular power.

## **ARTICLE II - AUTHORITY OF POLICE OFFICERS**

### **SECTION 1 POLICE TO DIRECT TRAFFIC**

It shall be the duty of any police officer to enforce the provisions of this ordinance. Police officers are hereby authorized to direct all traffic either in person or by means of visible or audible signal in conformance with the provisions of this ordinance providing that in the event of a fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the police or fire department may direct traffic, as conditions may require notwithstanding the provisions of this ordinance.

**SECTION 2 OBEDIENCE TO POLICE**

It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of a police officer, and in the event of a fire or other emergency, of any officer of the fire department directing traffic.

**SECTION 3 TEMPORARY REGULATIONS**

Any provision of this chapter may be waived, altered or amended by the Chief of Police, as he shall see fit, on account of construction or emergency; or for any other cause where preservation of public health, safety, or welfare make such waiver, alteration or amendment prudent. Appropriate signs shall be posted. Changes under this section shall not extend longer than 60 days without approval of the Village Trustees.

A violation of any such temporary regulation shall be punishable in the same manner as similar offenses under this article.

**ARTICLE III - OFFICIAL TRAFFIC CONTROL DEVICES**

**SECTION 1 AUTHORITY TO ERECT**

The Trustees may at their discretion, erect official traffic control devices within the Village to protect the safety and welfare of its inhabitants and to effect compliance with these ordinances.

**SECTION 2 DISOBEYING OFFICIAL TRAFFIC CONTROL DEVICES**

It shall be unlawful for any person to disobey the direction of an official traffic control device except in response to the direction of a Police Officer.

**SECTION 3 TAMPERING WITH OFFICIAL TRAFFIC CONTROL DEVICES**

It shall be unlawful for any person to willfully remove, injure, obstruct, tamper with or deface any official traffic control device.

**SECTION 4 Reserved**

**SECTION 5 MEANING OF TRAFFIC LIGHT AND BLINKER INDICATIONS**

Colors and arrow indications in traffic lights and blinkers shall have the meanings ascribed to them in this section.

**(1) Green**

While the green lens is illuminated, vehicles facing the signal may proceed through the intersection, but shall yield the right-of-way to pedestrians and vehicles within a crosswalk or the intersection at the time such signal was

exhibited. Pedestrians shall cross on intersection controlled by traffic lights only in response to illuminated green lenses.

(2) Yellow

While the yellow lens is illuminated, waiting vehicles shall remain standing and any vehicle approaching the intersection shall stop at the stop line unless so close to the intersection that a stop cannot be made in safety.

(3) Red

While the red lens is illuminated, vehicles facing the signal shall stop at the stop line.

(4) Flashing Red

A flashing red lens shall indicate those intersections at which a vehicle is required by law to stop before entering.

(5) Flashing Yellow

A flashing yellow lens shall indicate the presence of a hazard and vehicles may proceed only with caution.

**SECTION 6 PROCEEDING THROUGH INTERSECTIONS AND CROSSWALKS**

It shall be unlawful for the operator of any vehicle to enter or proceed through an intersection or crosswalk without due regard to the safety of other persons, regardless of what indications may be given by traffic lights.

**ARTICLE IV - PEDESTRIANS**

**SECTION 1 LOCATION OF CROSSWALKS**

Marked crosswalks shall be located at the discretion of the Trustees, and shall be clearly marked on the road surface.

**SECTION 2 FAILURE TO CROSS AT CROSSWALKS**

It shall be unlawful for a pedestrian to cross in the "Square Area", Rockingham Street, Westminster Street from the "Square" to the intersection of Church Street, Bridge Street and Canal Street except at a marked crosswalk.

**SECTION 3 RIGHT OF WAY AT CROSSWALKS**

It shall be unlawful for the operator of a vehicle to fail to yield the right of way to a pedestrian who is crossing a street in a marked crosswalk.

- (1) Pedestrians shall not have the right of way to cross at intersections controlled by traffic lights unless the light is red for the street they are attempting to cross.
- (2) Although pedestrians may cross at intersections as prescribed in Article I Section 2 (2) (a), they shall however yield to any oncoming traffic.

#### SECTION 4 PASSING VEHICLES STOPPED FOR PEDESTRIANS

Whenever a vehicle has stopped to permit a pedestrian to cross a street, it shall be unlawful for the operator of any other vehicle approaching from the rear to pass such stopped vehicle if he has seen or in the exercise of due care and caution ought to have seen such pedestrian.

#### SECTION 5 PEDESTRIANS SOLICITING RIDES

It shall be unlawful for any person to stand in a roadway for the purpose of soliciting a ride from the operator of any vehicle.

### **ARTICLE V - SPEEDING RESTRICTIONS**

#### SECTION 1 THICKLY SETTLED PORTION OF VILLAGE

The area as follows is hereby designated as the thickly settled portion of the Village: The corporate limits of the Bellows Falls Village Corporation, except, Rockingham Street from its intersection with Atkinson Street northerly to the Bellows Falls Village line.

#### SECTION 2 SPEED LIMIT

The maximum legal speed limit for the Village shall be twenty-five (25) miles per hour, unless otherwise authorized and posted by the Trustees. **(Amended September 23, 2003 – Book 2, Page 2)**

The Trustees shall erect and maintain at all entrances to the Village signs setting forth the maximum legal speed limit in the Village.

That the following area shall have a maximum speed limit of twenty five (25) miles per hour: Westminster Street from Church Street to the Square, the entirety of the Square, Bridge Street from the Square to the entrance to the Bridge Street Parking Lot, the entirety of Canal Street, Depot Street from Canal Street to the prolongation of the easterly boundary of Island Park, and Rockingham Street from the Square to Williams Street. **(Amended April 10, 2007 – Book 2, Page )**

**SECTION 3 OPERATION WHERE CHILDREN ARE GATHERED OR APPARENT DANGER EXISTS**

It shall be unlawful to operate a vehicle at any time in any area where children are gathered or where there exists any condition or apparent danger, at an unreasonable rate of speed.

**ARTICLE VI - OPERATION OF VEHICLES**

**SECTION 1 OBSTRUCTION TO SAFE OPERATION**

It shall be unlawful to operate a vehicle upon a street when such vehicle is so loaded with goods or persons as to obstruct the operator's forward or side view or rear view through the mirror, or to interfere with the operator's control of such vehicle.

**SECTION 2 SOUNDING HORN**

It shall be unlawful to sound the horn of a vehicle for any purpose except to give warning of the presence of such vehicle upon the street to other users of the street. Such use of a horn shall in all cases be limited to the extent reasonably necessary under the circumstances to give such warning.

**SECTION 3 OPERATION SO AS TO CREATE A NUISANCE**

- (1) It shall be unlawful to operate or park a vehicle upon a street unless such vehicle is so constructed, loaded and covered as to prevent its contents from escaping therefrom.
- (2) It shall be unlawful for any person violating sub-section (1) hereof not to remove forthwith from the highway any substance or thing so escaping from such vehicle.

**SECTION 4 RIDING ON HANDLEBARS**

It shall be unlawful for any person to ride, or permit another person to ride, upon the handlebars, frame or fuel tank of any bicycle or motorcycle, except on an extra seat of a motorcycle especially constructed therefore that does not interfere with the operation of said motorcycle.

**SECTION 5 EMERGENCY VEHICLES**

Upon the sounding of a warning signal by an emergency vehicle, it shall be unlawful for the operator of a vehicle to fail immediately to move such vehicle as far as possible to the right side of the street and there come to a stop, so as to permit such emergency vehicle to pass in either direction without interference, but the operator shall not stop said vehicle so as to impede the progress of such emergency vehicle.

#### SECTION 6 CROSSING FIRE HOSE

It shall be unlawful for the operator of a vehicle to drive over any unprotected fire hose, unless directed to do so by the Fire Chief or a person acting at his direction.

#### SECTION 7 PROCEEDING TO FIRE

No operator of a motor vehicle, other than one on official business relating to the suppression of fire or the handling of an emergency, shall follow any fire apparatus traveling to an emergency closer than five hundred (500) feet, or in a manner to interfere with the suppression of a fire or the handling of the emergency, or so as to endanger the life of any occupant of the fire apparatus, or thereafter park his vehicle so as to interfere with the suppression of a fire or the handling of the emergency.

#### SECTION 8 CROSSING EMERGENCY LINES

It shall be unlawful for the operator of a vehicle to drive such vehicle across or beyond any lines which may be established at or near the scene of a fire, accident, or other emergency occurrence unless directed to do so by a fire department officer or by a police officer.

#### SECTION 9 DRIVING THROUGH PROCESSIONS

It shall be unlawful for the operator of a vehicle to interfere with or break into a funeral procession or into any duly authorized procession so directed by a police officer.

#### SECTION 10 CROSSING SIDEWALK

It shall be unlawful for the operator of a vehicle emerging from an alley, driveway or building, when the view of the sidewalk and/or street is obstructed, to fail to stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk and/or street extending across said alleyway, driveway or past said building,

#### SECTION 11 CROSSING SOLID LINE

It shall be unlawful for the operator of a vehicle to cross to the left of a solid traffic line painted on the street surface except for the purpose of turning into another street or a private driveway, except as hereinafter provided.

#### SECTION 12 THREE LANE ROAD

Rockingham Street from the junction of Tuttle Street north to the foot of the incline leading to the Pond Road intersection shall be a three (3) lane road as follows:

- (1) The strip of road twelve (12) feet wide on the easterly side of the traveled portion of said street shall be designated as the "North-bound Through Traffic Lane".

- (2) The strip of road extending eleven (11) feet westerly from the west line of the "Northbound Through Traffic Lane" shall be designated as "Left Turn Only Lane".
- (3) The strip of road twelve (12) feet wide on the westerly side of the traveled portion of said street shall be designated as "Southbound Through Traffic Lane".

### SECTION 13 EXEMPTION TO AUTHORIZED EMERGENCY VEHICLES

The provisions of this ordinance regulating the movement, parking and standing of vehicles shall not apply to emergency vehicles as defined in this ordinance while the driver of such vehicle is operating the same in an emergency in the performance of public duties. This exemption shall not, however, protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

## ARTICLE VII - PARKING OF VEHICLES

### SECTION 1 METHOD OF PARKING

It shall be unlawful for any person to park a vehicle on a public street otherwise than parallel with the curb or shoulder of such street, headed in the direction of traffic proceeding on the side of the street where such vehicle is parked, and with the curb-side wheels of such vehicle within twelve (12) inches from the curb or shoulder of such street, except on the area of the Square and Bridge Street where parking spaces are designated by the painted lines extending diagonally from the curb and then only within said diagonally painted parking spaces. (**Amended 11/23/2003 – Book 2, Page 2**)

### SECTION 2 STOPPING ON CURVE, HILL OR USED PART OF STREET

Except as otherwise provided in this ordinance, it shall be unlawful for any person to stop or park a vehicle within one hundred and fifty (150) feet of a curve or on the brow of a hill; or to park or leave standing any vehicle, whether attended or unattended, upon the paved or improved or the used part of any street, so as to interfere with traffic on such street.

### SECTION 3 GENERAL PARKING RESTRICTIONS

It shall be unlawful to park a vehicle, (except Police, Fire Department, Ambulances or Rescue type vehicles on official business) at any time:

- (1) Within six (6) feet of a fire hydrant.
- (2) Within six (6) feet of a private driveway.
- (3) On a crosswalk.
- (4) On a sidewalk.
- (5) On either bridge across the canal.
- (6) Abreast of another vehicle.
- (7) Along the side or opposite any street excavations or obstructions.

- (8) In front of the Rockingham Street Fire Station, or the Garage Sheds at the Playground, or the Fire Department access gate to the Canal on Canal Street, or in the driveway leading to any public parking lot.
- (9) Within fifteen (15) feet of any crosswalk area,
- (10) Within twenty-one (21) feet of an intersection, unless otherwise designated.
- (11) At any point on a street, including a designated parking space, when the presence of such vehicle in conjunction with any other condition then existing will obstruct the free passage of other vehicles upon the street.

Nothing in this section shall be construed to prohibit parking within those areas where parking meters, official signs or other markings indicate that parking is permitted, except that parking meters, official signs or other markings shall not affect the illegality of parking in violation of Sub-section (11) hereof.

#### SECTION 4 LOADING ZONES

It shall be unlawful to park a vehicle except trucks, which are engaged in loading or unloading passengers and baggage in any loading zone. Specific loading zones are listed in the PARKING and TRAFFIC REGULATIONS supplement to the Village Ordinances

The Trustees shall cause a sign to be erected and maintained adjacent to such loading zone or to be painted upon the street within such zone which sign shall indicate that the area so marked is a loading zone and shall set forth such parking restrictions. Such painted marking: shall be yellow in color.

#### SECTION 5 BUS STOPS

The Trustees shall cause a sign to be erected and maintained adjacent to such bus stop or to be painted upon the street within such bus stop, which sign shall indicate that the area so marked is a bus stop and that parking is prohibited, either at all times or within certain limited periods of time. Such painted markings shall be yellow in color.

#### SECTION 6 PHYSICALLY HANDICAPPED ZONES

It shall be unlawful to park any vehicle in a designated physically handicapped zone, unless the vehicle displays a lawfully issued disability registration plate, windshield or dash placard or other similar, and clearly visible, disability designation and the vehicle is parked by, or for the use of, the individual to whom such plate, placard or display is issued. (**Amended 11/23/2003 – Book 2, Page 2**)

#### SECTION 7 PUBLIC SAFETY ZONES

The Trustees shall cause a sign to be erected and maintained adjacent to such Public Safety Zones as specified in the PARKING and TRAFFIC REGULATIONS supplement to the Village Ordinances, or to be painted upon the street within such zones, which sign shall indicate that the are so marked is a Public Safety Zone and shall set forth such parking restrictions. Such stated markings shall be red in color.

SECTION 8 TAXI ZONE

The Trustees may designate parking space/spaces to be used as a Taxi Zone as the need arises and designate said space/spaces with a properly marked sign.

SECTION 9 ABANDONED VEHICLES OR VEHICLES PARKED SO AS TO AMOUNT TO A NUISANCE

- (1) It shall be unlawful to leave a vehicle on property owned, leased or maintained by the Village, or parked on a street within the Village for twenty-four (24) hours or more continuously.
- (2) It shall be unlawful to park any vehicle on a street within the Village limits in a manner to interfere with the removal of snow from the streets. It shall be unlawful to park any vehicle on a street within the Village limits from the 1st day of November in each year until the 1st day of April next following, between the hours of 12:01 A.M. and 7:00 A.M., also during and 24 hours after a snow storm when snow removal is necessary. **(Amended 1/28/2004 – Book 2, Page 14)**
- (3) It shall be unlawful to park an automobile without authorization on publicly or privately owned land, including, by illustration an not limitation public municipal or private parking lots, drives and ways.
- (4) Whenever a motor vehicle is parked on a street contrary to this ordinance or so as to interfere with other traffic, policing, construction or maintenance of this street, including but not limited to the removal of snow, any vehicle parked in violation of the provisions of this section may be summarily removed as for the abatement of a public nuisance by order of any police officer.

SECTION 10 PARKING FOR DISPLAY PURPOSES

It shall be unlawful to park a vehicle on any street for a period in excess of fifteen (15) minutes for the purpose of displaying for sale such vehicle or any merchandise thereon.

SECTION 11 REPAIRS

It shall be unlawful to assemble or dismantle any vehicle while parked on a street, or to perform repairs thereon except emergency minor repairs or the servicing of such vehicles with gasoline or oil or water.

## SECTION 12 PARKING WHERE "NO PARKING" SIGNS HAVE BEEN ERECTED PROHIBITED

It shall be unlawful to park a vehicle at any time where the Trustees shall have caused to be erected a sign or signs upon streets or portions of streets indicating that parking is prohibited. Furthermore, that the owner of the vehicle is responsible for illegal parking of said vehicle "No Parking" areas are specified and defined in a section of the PARKING and TRAFFIC REGULATIONS supplement to the Village Ordinances.

## SECTION 13 SPECIFIC PARKING AND TRAFFIC RESTRICTIONS

The Trustees from time to time may adopt and amend a code of specific "PARKING and TRAFFIC REGULATIONS" relating to parking restrictions and limitations within the Village at any meeting warned for such purpose, and such amendments shall be effective upon adoption or any date thereafter as may be determined by the Trustees. Said regulations may include: **(Amended June 23, 2004, Book #2, Page 19)**

- (1) No parking zones
- (2) Time limited parking areas
- (3) Any other specific parking restrictions approved by the Trustees.
- (4) Exceptions: Except as otherwise authorized, time limited parking shall be in effect except on Sundays or Holidays or before 7:00 AM on week-days and Saturdays or after 5:00 PM on Monday, Tuesday, Wednesday, Thursday and Saturday or after 9:30 PM on Friday. In a time limited zone a vehicle shall be deemed continuously parked unless it has been withdrawn from the parking space for at least five (5) minutes. **(Amended August 12, 2007, Book #2, Page 47)**
- (5) Penalties: In a "Two Hour" zone it shall be deemed a separate offense for each one (1) hour period or fraction thereof during which a vehicle is illegally parked. In a "Fifteen Minute" zone each subsequent 15 minutes shall be deemed a separate offense.

Nothing in this section shall be construed to permit parking in any location in which parking is restricted by another section of this article, except in compliance with such restrictions.

Nothing in this article shall be construed to make unlawful vehicular stops in obedience to a signal by a Police Officer, stops to clear the way for emergency vehicles, or stops made necessary by causes beyond the control of the operator.

## SECTION 14 FINES AND PENALTIES

The fine for a violation of any section of Article VII shall be \$20.00 with the following exceptions:

- a. The fine assessed for violation of time limited parking, shall be \$15.00 for the first offense, \$20.00 for the second offense in the same 24-hour period, and \$25.00 for third and subsequent offenses in the same 24-hour period.
- b. For a violation of parking in a Handicapped Parking Zone the fine shall be \$50.00 for each offense.
- c. Violations of the Winter Parking Ban (Section 9-2) and Violations of Parking so as to interfere with other traffic, policing, construction, or maintenance of the street (Section 9-4) shall be fined in the amount of \$20.00. If the vehicle is towed by order of any police officer the fine shall be \$75.00 plus associated storage fees. The vehicle will not be released until such fine and applicable fees are paid in full.

Failure to remit fines within seven (7) days will increase the penalty to double the specified amount for the identified offense.

Any fines not paid after the seven (7) day period, may result in additional civil charges with a maximum fine of up to \$500.00 per offense. (**Amended 11/23/03 – Book #2, Page 2**)

## SECTION 15 IMPOUNDMENT OF MOTOR VEHICLES (**Added 12/15/04 – Book #2, Page**

1. Definitions
  - a. “Impound”, “impounded”, “impoundment”, “impounding” is the process to seize and hold in custody by use of the so-called “Denver Boot” or other immobilizing device, or by means of towing.
  - b. “Probable cause to impound” shall mean such a state of facts as would lead a person of ordinary care and prudence to believe that there was sufficient breach of local, state or federal law to grant legal authority for the impoundment of the vehicle.
2. Impoundment
  - a. Any unattended motor vehicle found parked at any time upon a public highway or public parking lot within the Village of Bellows Falls, the owner of which has four (4) or more unpaid parking violations in a calendar year may be impounded by any officer of the Bellows Falls Police Department.
  - b. No vehicle shall be impounded by any means other than the use of a device or mechanism which will cause no damage to the vehicle unless the vehicle is moved while the mechanism is in place.

- c. Prior to impoundment the Bellows Falls Police Department shall send a letter stating that vehicle(s) of the registered owner are subject to impoundment for failure to pay fines and penalties due to the Village. The letter shall be sent via first class mail, to the address of the registered owner on record with the Vermont Department of Motor Vehicles, at least 15 days prior to any impoundment action.

3. Notice to owner

At the time of impoundment, the officer shall cause to be placed on said vehicle, in a conspicuous manner, notice sufficient to warn any individual to the effect that such vehicle has been impounded and that any attempt to move such vehicle might result in damage to the vehicle. The notice shall also state the cost of fines and fees which must be paid prior to release from impoundment.

4. Fees and Removal

- a. Any vehicle impounded shall be subject to a \$25.00 fee.
- b. If an impounded vehicle is not claimed within twenty-four (24) hours of impoundment, an officer of the Bellows Falls Police Department shall authorize the removal of the vehicle. The owner of the vehicle shall be responsible for any towing service and storage if towed under this section. The fees for towing and storage shall be established by the Chief of Police from time to time.

5. Tampering with Device

Any person who in any manner attempts to remove, removes, tampers with, destroys, attempts to destroy, defeats, or impairs the usefulness of the immobilization device, shall be subject to a fine of \$500.00, in addition to any other penalties provided by law.

6. Release of vehicle

The owner of the vehicle, or any agent duly authorized in writing by the owner, shall be permitted to secure the release of the vehicle upon:

- a. Appearing at the Bellows Falls Police Department and making payment in full for any and all outstanding fines, penalties and fees; or,
- b. Depositing an amount equal to the outstanding fines, penalties and fees, with the Windham District Court and stating the intent to contest the violations.

7. Post-seizure Hearings for Impounded Vehicles.

As to any vehicle impounded pursuant to this chapter, a person who has legal entitlement to possession of the vehicle has a right to an administrative seizure hearing to determine if there was probable cause to impound the vehicle if such a person files a written request on forms provided by the Village for such a hearing. The request for a hearing must be filed with the municipal manager of the Village of Bellows Falls within ten (10) days after such vehicle has been impounded.

8. Conduct of Hearing.

- a. A hearing shall be conducted before a hearing officer within forty-eight (48) hours of receipt of a written request for a hearing, unless the person requesting a hearing waives his or her right to a speedy hearing. Saturdays, Sundays, and Village holidays are to be excluded from the calculation of the 48-hour period. The sole issue before the hearing officer shall be whether or not there was probable cause to impound the vehicle in question.
- b. The hearing officer shall be the municipal manager, or an individual designated by the municipal manager to act in the manager's stead.
- c. The hearing officer shall conduct the hearing in an informal manner and shall not be bound by Vermont Rules of Evidence. The person requesting the hearing shall carry the burden of establishing that such person has the right to possession of the vehicle. The Bellows Falls Police Department shall carry the burden of establishing that there was probable cause to impound the vehicle in question. At the conclusion of the hearing, the hearing officer shall prepare a written decision. A copy of such a decision shall be provided to the person requesting the hearing either in person or by certified mail. The hearing officer's decision shall not affect any criminal proceeding in connection with the impoundment in question, and any potential criminal charges involved in such proceeding may only be challenged in the appropriate court. The decision of the hearing officer is final.
- d. The hearing officer shall only determine, as to the vehicle in question, whether or not there was probable cause to impound said vehicle. In the event the hearing officer determines that there was no probable cause, the hearing officer shall prepare and date a certificate of "no probable cause", copies of which will be given to the owner and or agent of the vehicle and the Bellows Falls Police Department. Upon receipt of the owner and or agent's copy of the certificate, the garage or towing service having custody of the vehicle shall release the vehicle to the owner and or agent. Upon a finding of no probable cause, immobilization, towing, and storage fees shall be paid by the Village in accordance with arrangements made between the towing

service/garage and the Village. If the owner or agent fails to present such certificate within twenty-four (24) hours of its receipt, excluding days the garage or towing service is not open for business, the owner or agent shall assume liability for all subsequent storage charges. The certificate shall advise the owner or agent of such a requirement.

- e. Failure of the registered or legal owner or authorized agent to request or attend a scheduled post-seizure hearing shall be deemed a waiver of the right to such a hearing.

(9) Disposal of unclaimed vehicles.

- a. Whenever any vehicle impounded under this chapter remains unclaimed by the owner or other person legally entitled to possession for a period of sixty (60) days from the date the notice of impoundment was mailed, it shall be the duty of the Bellows Falls Police Department to sell such a vehicle at public auction to the highest bidder for cash or certified check. The date, time and place of such sale is to be published at least once in a newspaper having general circulation in the Village not less than ten (10) and not more than fifteen (15) days prior to the scheduled sale. The notice shall contain a full description of the vehicle to be sold and the date and time and place of sale. Any vehicle not sold at the first sale may be offered for sale and sold at a subsequent date without further notice or publication. The proceeds of such sale, after paying all liens and deducting all reasonable charges and expenses incurred by the impoundment of said vehicle, including the fees and charges herein specified, in impounding, towing, keeping, preparing and giving notices, advertising for sale or selling or otherwise disposing of the vehicle shall be paid to the Village treasurer.
- b. Whenever such vehicle shall remain unsold for a period of one hundred twenty (120) days from the day the notice was mailed to the owner, then such vehicle, at the discretion of the Municipal Manager, may be given to any department of the Village or other government agency for their use, or disposed of as junk.
- c. No member of the Bellows Falls Police Department, nor any other Bellows Falls Village Corporation employee, directly or indirectly, shall purchase or participate in the bidding for, or purchase of, any impounded vehicle offered for sale.

**ARTICLE VIII - THROUGHWAYS AND DANGEROUS INTERSECTIONS**

**SECTION 1 THROUGHWAYS**

It shall be unlawful for the operator of a vehicle to enter or cross a throughway from an intersecting street without bringing such vehicle to a full stop. Throughways within the Village are specified in a section of the PARKING and TRAFFIC REGULATIONS supplement to the Village Ordinances.

**SECTION 2 DANGEROUS INTERSECTIONS**

The intersection of Pond Road and Rockingham Road is hereby designated as a dangerous intersection. It shall be unlawful for an operator of a motor vehicle traveling southerly on Rockingham Road to enter Pond Road by making a right hand turn and it is further unlawful for an operator of a motor vehicle entering Rockingham Street from Pond Road to make a left hand turn to travel northerly on Rockingham Road.

The Trustees shall erect and maintain suitable signs at all intersections with throughways, which signs shall direct vehicles to stop.

Nothing in this section shall be construed to permit the operator of a vehicle to proceed across a throughway or through a dangerous intersection as designated in section 1 of this Article in violation of the provisions relative to such dangerous intersection, except as where the traffic is controlled by traffic signals or blinker lights as set forth in Article III of this chapter of the Village Ordinances.

**ARTICLE IX - ONE-WAY STREETS**

**SECTION 1 TRAVELING IN OTHER THAN LEGAL DIRECTION**

It shall be unlawful to operate a vehicle on a one-way street except in the legal direction of travel thereon. Streets designated as one-way streets are listed separately in a section of the PARKING and TRAFFIC REGULATIONS supplement to the Village Ordinances.

The Trustees shall erect and maintain at all entrances to one-way streets or portions of streets signs which shall indicate that such street or portion of street is a one-way street. They shall also erect and maintain at the end of all one-way streets or portions of streets signs, which shall direct vehicles not to enter such streets.

## **ARTICLE X - NO-PASSING ZONES**

### **SECTION 1 PASSING IN RESTRICTED ZONE**

It shall be unlawful for the operator of a vehicle to pass another vehicle which is proceeding in the same direction on the traveled portion of the street in any no-passing zone. No passing zones are specified in a section of the PARKING and TRAFFIC REGULATIONS supplement to the Village Ordinances.

The Trustees shall erect and maintain at the beginning of and in all no-passing zones, signs, which shall indicate that passing is prohibited. The maximum distance between each consecutive sign within such zone shall be one-quarter (1/4) of a mile. The Trustees shall also cause the center line of the street or portion of street within a no-passing zone to be painted with a solid line.

## **ARTICLE XI - BICYCLES**

### **SECTION 1 REGISTRATION REQUIRED**

It shall be unlawful for any person to operate, or cause to be operated a bicycle propelled wholly or in part by muscular power, upon any of the streets of the village unless the same has been duly registered as provided in this chapter.

### **SECTION 2 TIME OF REGISTRATION: TERM**

All registrations of bicycles required by this chapter shall be made within thirty (30) days from the date of acquisition of a bicycle, and such registration shall be effective until such time as the ownership of the bicycle changes or the bicycle is replaced, at which time the registration becomes void.

### **SECTION 3 APPLICATION FOR REGISTRATION**

All applications for registration of bicycles as provided in this chapter shall be on forms prescribed by the Chief of Police and signed by the owner, in which application shall appear a suitable description of such bicycle for identification purposes. Proof of purchase must be provided by the owner at the time of application. In the event that the owner of said bicycle is a person under the age of eighteen (18), the bicycle shall be registered in the name of the owner, but the parent, parents, guardian, school at which such minor may be in attendance, if a nonresident, or householder with whom such minor may be living, shall be responsible for the registration and for the mechanical condition of bicycle registered in the name of such minor.

**SECTION 4 ISSUANCE OF REGISTRATION CERTIFICATES, IDENTIFICATION DECALS**

The Chief of Police of the village or his duly authorized agent, including any local dealer in new or used bicycles, or any police officer duly appointed for the town, are hereby authorized to issue a certificate of registration in such form as the Chief of Police may prescribe, on which shall appear the number assigned to the registrant, the name and address of the registrant, a description of the bicycle registered, and the date of registration. The Chief of Police shall prescribe the size of registration cards, the order in which numbers are to be issued, and the size of the registration or other identification. He shall also assign to each bicycle so registered a self-adhering decal showing the number assigned.

**SECTION 5 REQUIRED RECORDS OF REGISTRATIONS**

The Chief of Police of the village and his department shall keep a record of each registration, by whom made and the number assigned.

**SECTION 6 SUSPENSION, REVOCATION OR REFUSAL OF REGISTRATION**

The Chief of Police, in addition to the powers otherwise vested in him in this chapter, may suspend or revoke the registration of any bicycle registered pursuant to this chapter, repossess himself of the number other identification assigned to it, when he is satisfied that the registrant has no legal title, or that such bicycle is operated with improper equipment, after the owner thereof has been notified of same or that said bicycle has been operated contrary to the provisions of this chapter by the owner of same, or by some other person with knowledge of the owner, or by such person after the owner has been duly notified that the operator has previously violated the provisions of this chapter. He shall have the further power to refuse to register such bicycle, when he is of the opinion that the owner thereof will not operate, or allow its operation, in conformity with this chapter.

**SECTION 7 REGISTRATION CERTIFICATE AND IDENTIFICATION DECAL**

A person shall not operate or cause to be operated a bicycle as defined in section 1 unless a tape, decal or other means of identification is securely attached to the frame of said bicycle in some conspicuous place, to be designated by the Chief of Police. The registration certificate for such bicycle should be maintained by the owner in some safe and secure place.

**SECTION 8 REGISTRATION FEE**

The annual registration fee for the registration of each bicycle required by this chapter shall be set by the Village Trustees at any regularly scheduled meeting. Such fee, if any, shall accompany the application for registration.

## SECTION 9 TRANSFER OF REGISTRATION

- (1) Application. The registration decal may be transferred when the title and ownership of said bicycle is transferred, within five (5) days from the date of such sale or transfer by the new owner, upon application to the Chief of Police.
- (2) Fee. A fee, if assessed, shall be paid for the recording of said transfer, at the time of application.
- (3) Notice to police department. It shall be the duty of every person in whose name a bicycle is registered, who sells or transfers ownership of same, to report within five (5) days from the date of such sale or transfer, by returning to the police department the registration card issued to such person, together with the name and address of the person to whom said bicycle was sold or transferred.

## SECTION 10 DISPOSITION OF FEES

All monies expended for the purchasing of certificates, application blanks and other forms of identification mentioned in this article, shall be paid out of the general fund of the Village and registration fees, if and when assessed, collected under the provisions herein shall be paid into the general fund of the village.

## SECTION 11 DESTRUCTION OF IDENTIFICATION NUMBER - CERTIFICATES, ETC., PROHIBITED

It shall be unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter the registration number or registration certificate of any bicycle, or the number of any bicycle frame registered pursuant to this chapter. Provided however, that nothing in this section shall prohibit the police department from stamping numbers on frames of bicycles upon which no serial number appears, or upon which said number is illegible or insufficient for proper identification.

## SECTION 12 DEALERS IN NEW OR SECOND HAND BICYCLES, REPORTS REQUIRED

All persons engaged in the business of buying secondhand bicycles shall make monthly reports to the police department, giving the name and address of the person from whom each bicycle is purchased, a description of such bicycle so purchased, the frame number, and the number of the metal registration plate found thereon, if any.

All persons engaged in the business of selling new or secondhand bicycles shall make a monthly report to the police department giving a list of all sales made by such dealers, which list shall include the name and address of each purchaser, the kind of bicycle sold, together with a description and frame number thereof, and the number of the registration identification attached thereto, if any.

### SECTION 13 OPERATION; APPLICATION OF ARTICLES

- (1) The parent of any child and the guardian of any ward may not authorize or knowingly permit any such child or ward to violate any of the provisions of this article.
- (2) This article applies whenever a bicycle is operated upon any highway or street or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.
- (3) Every person riding a bicycle is granted all of the rights and is subject to all of the duties applicable to operators of vehicles, except as to those provisions which by their very nature can have no application.

### SECTION 14 RIDING ON BICYCLES

- (1) No person propelling a bicycle may ride other than upon or astride a permanent and regular seat attached thereto.
- (2) No person may use a bicycle to carry more persons at, any one time than the number for which it is designed and equipped.

### SECTION 15 CLINGING TO MOTOR VEHICLES

No person may attach himself or any bicycle, wagon, roller skates, sled or toy vehicle upon which he is riding or will ride to any motor vehicle.

### SECTION 16 CARRYING ARTICLES

No person operating a bicycle may carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars.

### SECTION 17 RIDING ON ROADWAYS AND BICYCLE PATHS

- (1) A person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
- (2) Persons riding bicycles upon a roadway may not ride abreast of each other except on paths or parts of roadways set aside for the exclusive use of bicycles.
- (3) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders may use only such path and may not use the roadway.

### SECTION 18 EQUIPMENT ON BICYCLES

- (1) No person may operate a bicycle at nighttime unless it is equipped with a lamp on the front, which emits a white light visible from a distance of at least five hundred feet to the front, and with a red reflector on the rear, which shall be visible at least three hundred feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. Lamps emitting red lights visible to the rear may be used in addition to the red reflector.

- (2) No person may equip a bicycle with any siren or whistle, or any device simulating a siren of an authorized emergency vehicle, nor may he operate a bicycle so equipped.
- (3) No person may operate a bicycle unless it is equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

#### SECTION 19 PENALTIES

A person who violates any provision of this article shall be fined not more than \$25.00 for each offense.

### **ARTICLE XII - TRUCKS**

#### SECTION 1 OPERATION AND REGULATION

The Trustees from time to time may adopt rules and regulations relating to truck travel and parking within the Village. Said regulations shall be included as part of the Parking and Traffic Regulations. As used in this section, trucks shall include Jitneys, Motor buses, Motorized highway building equipment, and Tractors as those terms are defined in Title 23 of the Vermont Statutes; and any other motor vehicle which is not a motorcycle, pleasure car, or Motor truck of 5,000 pounds or less as more particularly defined in Title 23.

#### SECTION 2 FINES AND PENALTIES

The Trustees may establish a schedule of penalties for violations of regulations adopted under this chapter with fines not to exceed \$100.00 for each offense.