

Chapter 12

TRAFFIC AND VEHICLES*

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ARTICLE I. IN GENERAL

Sec. 12-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized emergency vehicle shall mean vehicles of the fire department, police vehicles, and such ambulances and emergency vehicles of municipal departments or public service corporations as are designed or authorized by the chief of police.

***Cross references**—Fire prevention and protection, Ch. 6; health, sanitation, nuisances, Ch. 7; littering prohibited, § 7-28; transportation of certain materials restricted, § 7-49; operating automobile in a manner which causes mud, oil or water to be thrown onto a pedestrian prohibited, § 7-88(o); streets, sidewalks and other public places, Ch. 10; placing ice or snow onto public way prohibited, removal required, § 10-1; names and numbers of streets and highways, § 10-36 et seq.; subdivision, Ch. 11; vehicles for hire, Ch. 14; zoning, Ch. 15; off-street parking requirements in specific zoning districts, § 15-441; off-street loading space requirements in zoning areas, § 15-442; sign regulations, § 15-501 et seq.; certain special signs permitted, § 15-507.

State law references—Operation of vehicles, 23 V.S.A. 1001 et seq.; parking, 23 V.S.A. 1005; regulations in municipalities, 23 V.S.A. 1008.

Bicycle shall mean and include any vehicle consisting of an arrangement or combination of two (2) wheels with one (1) following the other, supported by a frame and propelled by muscular power by the feet acting upon pedals.

Commercial vehicle shall mean every vehicle designed, maintained, or used primarily for the transportation of property.

Controlled-access highway shall mean every highway, street or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

Crosswalk shall mean:

- (1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway.
- (2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Curb loading zone shall mean a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Driver shall mean every person who drives or is in actual physical control of a vehicle.

Freight curb loading zone shall mean a space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight.

Intersection shall mean:

- (1) 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 the two (2) 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;

- (2) Where a highway includes two (2) roadways thirty (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 (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

Laned roadway shall mean a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

Motorcycle shall mean every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

Motor vehicle shall mean every vehicle which is self-propelled.

Official time standard shall mean eastern standard time or daylight-saving time as may be in current use in this town.

Official traffic-control devices shall mean all signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

Parked shall mean the standing of a vehicle whether occupied or not otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

Passenger curb loading zone shall mean a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

Pedestrian shall mean any person on foot.

Police officer shall mean every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Private road or driveway shall mean every way or place in private ownership and used for vehicular travel by the owner and

those having express or implied permission from the owner, but not by other persons.

Railroad shall mean a carrier of persons or property upon cars operated upon stationary rails.

Railroad train shall mean a steam engine, electric or other motor with or without cars coupled thereto operated upon rails.

Right-of-way shall mean the privilege of the immediate use of the roadway.

Roadway shall mean that portion of a street or highway improved, designed or ordinarily used for vehicular travel exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways, the term shall refer to any such roadway separately but not to all such roadways collectively.

Safety zone shall mean the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

Sidewalk shall mean that portion of a street between the curb lines, or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

Stop shall mean complete cessation of movement.

Stop, stopping, or standing shall mean any stopping or standing of a vehicle whether occupied or not except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

Street or highway shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Through highway shall mean every street or highway or portion thereof at the entrances to which vehicular traffic from intersecting streets or highways is required by law to stop or yield before entering or crossing the same and when stop or yield signs are erected as provided in this chapter.

Traffic shall mean pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any street for purposes of travel.

Traffic-control signal shall mean any device, whether manually, electrically or mechanically operated by which traffic is alternately directed to stop and to proceed.

Traffic division shall mean the traffic division of the police department of this town or in the event a traffic division is not established, then the term shall be deemed to refer to the police department.

Vehicle shall mean every device 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.

(Ord. No. 0-76-3, § 13-101, 11-18-76; Ord. No. 0-83-3, § I, 6-20-83)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 12-2. Authority to enforce chapter.

(a) It shall be the duty of the officers of the police department to enforce all street traffic laws of this town and all of the state vehicle laws applicable to street traffic in this town.

(b) Officers of the police department are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws, provided that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

(c) Officers of the fire department when at the scene of a fire may direct or assist the police in directing traffic thereat or in the immediate vicinity.

(d) It shall be the duty of the chief of police to enforce the provisions of this chapter.

(Ord. No. 0-76-3, § 13-102, 11-18-76)

Sec. 12-3. Obedience to police and fire department officers.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.
(Ord. No. 0-76-3, § 13-104, 11-18-76)

Sec. 12-4. Persons propelling pushcarts or riding animals to obey traffic regulations.

Every person propelling any pushcart or riding any animals upon a roadway and every person driving any animal-drawn vehicle shall be subject to the provisions of this chapter applicable to the driver of any vehicle except those provisions of this chapter which by their very nature can have no application.

(Ord. No. 0-76-3, § 13-105, 11-18-76)

State law reference—Similar provisions, 23 V.S.A. 1014.

Sec. 12-5. Use of coasters, roller skates and similar devices restricted.

No person upon roller skates or riding in or by means of any coaster, toy vehicle or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all the duties applicable to pedestrians.

(Ord. No. 0-76-3, § 13-106, 11-18-76)

Cross references—Streets, sidewalks and other public places, Ch. 10, streets, § 10-26 et seq.

Sec. 12-6. Public employees to obey traffic regulations.

The provision of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States government, this state, county or town and it shall be unlawful for any driver to violate any of the provisions of this chapter except as otherwise permitted in this chapter or by state statute.

(Ord. No. 0-76-3, § 13-107, 11-18-76)

Cross references—Fire prevention and protection, Ch. 6; fire department, § 6-26 et seq.

Sec. 12-7. Authority to install traffic-control devices.

The chief of police shall place and maintain traffic-control signs, signals and devices when and as required under the traffic ordinances of this town to make effective the provisions of such ordinances and may place and maintain or remove such additional traffic-control devices as may be deemed necessary to regulate traffic under the traffic ordinances of this town or under state law or to guide or warn traffic.

(Ord. No. 0-76-3, § 13-111, 11-18-76)

Sec. 12-8. When traffic devices required for enforcement purposes.

No provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

(Ord. No. 0-76-3, § 13-114, 11-18-76)

Sec. 12-9. Designation of crosswalks, safety zones and traffic lanes; violation thereof.

(a) The chief of police is hereby authorized and directed subject to review by the board of selectmen to:

- (1) Designate and maintain by appropriate devices, marks or lines upon the surface of the roadway crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway and at such other places as may be deemed necessary;
- (2) Establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians;
- (3) Mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

(b) Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

(Ord. No. 0-76-3, § 13-120, 11-18-76)

Cross reference—Streets, sidewalks and other public places, Ch. 10.

Sec. 12-10. Authority to place turning markers and obedience to markers.

(a) The chief of police is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.

(b) When authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

(Ord. No. 0-76-3, § 13-123, 11-18-76)

Sec. 12-11. Authority to place restricted turn signs and obedience to signs.

(a) The chief of police is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn and shall place proper signs at such intersections.

(b) The making of such turns may be prohibited between certain hours of any day and permitted at other hours in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted. The designation of such restricted turning areas are described and listed in Schedule V which is maintained on file in the office of the town clerk and is available for inspection during normal business hours. Additions, changes or deletions may be made by the chief of police from time to time and when proper signs are posted shall have the full force and effect as if set forth in this chapter.

(Ord. No. 0-76-3, § 13-124, 11-18-76)

Sec. 12-12. Limitations on turn around U-turns.

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction within the town in the square, in the Williams Park area, or at the intersection of Routes 11, 106 and 10.

(Ord. No. 0-76-3, § 13-126, 11-18-76)

Sec. 12-13. Authority to place one-way street and alley signs; obedience to signs.

Whenever any ordinance of this town designates any one-way street or alley the chief of police shall place and maintain signs giving notice. No such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. When proper signs are posted, all traffic and travel except pedestrians shall pass on the streets in the directions indicated and not otherwise. The list of one-way streets is on file in the town clerk's office.

(Ord. No. 0-76-3, § 13-128, 11-18-76)

Sec. 12-14. Authority to restrict direction of movement on streets during certain periods, obedience to signs.

(a) The chief of police is hereby authorized to determine and designate streets, parts of streets or specific lanes thereon upon which vehicular traffic shall proceed in one (1) direction during one (1) period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The chief of police may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

(b) It shall be unlawful for any person to operate any vehicle in violation of such markings, signs, barriers or other devices so placed in accordance with this section.

(Ord. No. 0-76-3, § 13-130, 11-18-76)

Sec. 12-15. Authority to erect stop or yield signs, designation and obedience to signs.

(a) Whenever any ordinance of this town designates and describes a through street, it shall be the duty of the chief of police to place and maintain a stop or yield sign on each and every street intersecting such through street or intersecting that portion thereof described and designated as such by any ordinance of this town unless traffic at any such intersection is controlled at all times by traffic-control signals. At the intersection of two (2) such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop or yield signs shall be erected at the approaches of either of the streets as may be determined by the chief of police upon the basis of a traffic study.

(b) The chief of police is hereby authorized to determine and designate intersections where any particular hazard or hazards exist upon other than through streets and to determine whether vehicles shall stop or yield at one (1) or more entrances to any such intersection and shall erect a stop or yield sign at every such place required.

(c) When proper signs are posted, drivers of vehicles shall stop or yield at every intersection before entering any of the streets or parts of streets indicated in Schedules III and IV which are maintained on file in the office of the town clerk and available for inspection during business hours. Additions, changes or deletions may be made by the chief of police from time to time in Schedules III and IV and when proper signs are posted such regulations shall have the same force and effect as if set forth in this chapter. (Ord. No. 0-76-3, §§ 13-131–13-133, 11-18-76)

Secs. 12-16–12-30. Reserved.

ARTICLE II. OPERATION OF VEHICLES**Sec. 12-31. Maximum speed limit.**

It shall be prima facie unlawful for any person to drive a vehicle at a speed in excess of twenty-five (25) miles per hour on any street or road in the town unless otherwise posted. The designa-

tion of such otherwise posted areas are listed in Schedule I which is maintained on file in the office of the town clerk and is available for inspection during normal business hours. Additions, changes or deletions may be made by the chief of police from time to time and when proper signs are posted shall have the full force and effect as if set forth in this chapter.

(Ord. No. 0-76-3, § 13-121, 11-18-76)

Cross reference—Streets, § 10-26 et seq.

Sec. 12-32. Excavation of roads, roads closed to traffic and do not enter areas.

(a) *Excavation.* No person shall dig up any right-of-way before receiving written permission by the director of public works.

(b) *Road closed.* A person shall not drive any vehicle over any highway across which there is a barrier or a sign indicating that such highway is closed to public travel except by the written permission of the board of selectmen or town manager.

(c) *Do not enter areas.* No person shall drive a vehicle into the following areas:

- (1) The driveway situated on the easterly side of the Park Street School premises off the southerly side of Park Street near the Marsh Property from Park Street;
- (2) The driveway leading from the southerly side of the Park Street School off the southerly side of Park Street and extending about the westerly end of the Park Street School building to Park Street;
- (3) At the northerly end of the junction of Route 106 and Main Street in North Springfield, only traffic headed in a southerly direction from Route 106 onto Main Street in North Springfield are allowed;
- (4) From the intersection of Craigie Hill and Holt Street up to the intersection of Bailey Street and Holt Street in a westerly direction.

(Ord. No. 0-76-3, § 13-129, 11-18-76)

Cross reference—Streets, § 10-26 et seq.

Sec. 12-33. Stop where traffic obstructed.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed. (Ord. No. 0-76-3, § 13-136, 11-18-76)

Sec. 12-34. Driving through funeral or other procession.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this ordinance. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers. (Ord. No. 0-76-3, § 13-139, 11-18-76)

Sec. 12-35. Drivers in a procession.

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe. (Ord. No. 0-76-3, § 13-140, 11-18-76)

Sec. 12-36. Funeral processions to be identified.

A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the chief of police. (Ord. No. 0-76-3, § 13-141, 11-18-76)

Sec. 12-37. When permits required for parades or other processions.

No funeral, procession or parade containing two hundred (200) or more persons or fifty (50) or more vehicles, excepting the Armed Forces of the United States, the military forces of this state and the forces of the police and fire departments shall occupy, march or proceed along any street except in accordance with a permit

issued by the board of selectmen and such other regulations as are set forth herein which may apply.

(Ord. No. 0-76-3, § 13-142, 11-18-76)

Cross reference—Streets, § 10-26 et seq.

Sec. 12-38. Boarding or alighting from vehicles in motion.

No person shall board or alight from any vehicle while such vehicle is in motion.

(Ord. No. 0-76-3, § 13-148, 11-18-76)

Sec. 12-39. Unlawful riding; nonpassenger vehicles.

No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in space intended for merchandise.

(Ord. No. 0-76-3, § 13-149, 11-18-76)

Sec. 12-40. Railroad trains not to block streets.

It shall be unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the same in such manner as to prevent the use of any street for purposes of travel for a period of time longer than five (5) minutes, except that this provision shall not apply to trains or cars in motion other than those engaged in switching.

(Ord. No. 0-76-3, § 13-150, 11-18-76)

Sec. 12-41. Unnecessary noise.

No owner or driver of a motor vehicle shall operate it or permit it to be operated in such manner as to cause unnecessary or unreasonable noise. The word operate as used in this section shall include any act taken or attempt made concerning such vehicle, whether it be in motion or at rest.

(Ord. No. 0-76-3, § 13-151, 11-18-76)

Sec. 12-42. Obedience of pedestrians to railroad signals.

No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed. (Ord. No. 0-76-3, § 13-158, 11-18-76)

Sec. 12-43. Restrictions on trucks.

(a) No person shall stop, park or halt a motor truck upon Main Street between 11:30 a.m. to 1:00 p.m. for the purpose of loading or unloading the same or for the purpose of making delivery of goods from the truck or receiving goods into the truck.

(b) A person shall not operate a truck on Wall Street from the Summer Street entrance to Reed Street intersection. (Ord. No. 0-76-3, § 13-152, 11-18-76)

Secs. 12-44–12-60. Reserved.**ARTICLE III. STOPPING, STANDING, PARKING*****DIVISION 1. GENERALLY****Secs. 12-61–12-75. Reserved.****DIVISION 2. PARKING REGULATIONS****Sec. 12-76. Registration plate displayed constitutes a prima facie presumption.**

In any prosecution for the violation of these parking regulations or any amendment thereto, the registration plate displayed on such motor vehicle shall constitute in evidence a prima facie presumption that the owner of such motor vehicle was the person who parked or placed such motor vehicle at the point where such violation occurred.

(Ord. No. 0-76-3, §§ 13-216, 13-227, 11-18-76)

*Cross references—Streets, sidewalks and other public places, Ch. 10; streets, § 10-26 et seq.

Sec. 12-77. Fine.

Unless another penalty is expressly provided by state statute or action of the board of selectmen, every person convicted of a violation of any provision of this division shall be punished by a fine or not more than fifty dollars (\$50.00) or by imprisonment for not more than thirty (30) days.

(Ord. No. 0-76-3, § 13-229, 11-18-76)

Cross reference—General penalty, § 1-13.

Sec. 12-78. Authority to impound vehicles; obligation to notify.

(a) In addition to their authorization under section 12-86, members of the police department are hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety or to a garage designated or maintained by the police department, or otherwise maintained by this town under the circumstances hereinafter enumerated:

- (1) When any vehicle is left unattended upon any bridge, viaduct or causeway or in any tube or tunnel where such vehicle constitutes an obstruction to traffic;
- (2) When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal;
- (3) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.

(b) Whenever an officer removes a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

(c) Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of five (5) days, then and in that event the officer shall immediately send or cause to be sent a written report of such removal by mail to the state department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal, and name of the garage or place where the vehicle is stored. The costs for such removal and storage shall be as defined in section 12-86(c).

(Ord. No. 0-76-3, § 13-228, 11-18-76)

State law reference—Similar provisions, 23 V.S.A. 1102.

Sec. 12-79. Standing or parking close to curb.

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as otherwise provided in this chapter.

(Ord. No. 0-76-3, § 13-201, 11-18-76)

State law reference—Similar provisions, 23 V.S.A. 1105.

Sec. 12-80. Signs or markings indicating angle parking.

(a) The chief of police shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets.

(b) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street.

(Ord. No. 0-76-3, § 13-202, 11-18-76)

Sec. 12-81. Obedience to angle parking signs or markings.

Upon those streets which have been signed or marked by the chief of police for angle parking, no person shall park or stand a