

TOWN OF WHITINGHAM

TRAFFIC ORDINANCE

Pursuant to the provisions of Title 23, Vermont Statutes Annotated, Section 1008, 1142 and such other general enactment may be material thereto, it is thereby ordained by the Selectboard of the Town of Whitingham that the following Traffic Ordinance be adopted for the Town of Whitingham, Vermont:

ARTICLE I DESIGNATION AS CIVIL ORDINANCE

This Ordinance is designated a civil ordinance pursuant to 24 V.S.A., Section 1971 (b).

ARTICLE II DEFINITIONS

The definitions of Title 23, Vermont Statutes Annotated, Section 4 are incorporated by reference. Except as may be otherwise provided herein, and unless the context otherwise requires, the following additional definitions shall apply in the interpretation of this Traffic Ordinance:

- (a) Street: The whole area within the limits of a public highway, except sidewalks.
- (b) Sidewalks: That portion of a street which is set apart for public pedestrian travel.
- (c) Crosswalk: That portion of a street which is designated for pedestrian use in crossing from one side to the other.
- (d) Vehicle: Any contrivance capable of being used for the conveyance of persons or goods on land, except light carriages for the use of children or invalids.
- (e) Parking: The stopping or standing on a street of any vehicle whether occupied or unoccupied.
- (f) Intersection: Any street which joins another at an angle, whether or not it crosses the other.
- (g) Official Traffic Sign: Any traffic light, blinker, sign, signal or marking placed by the Selectboard for the regulation of vehicular or pedestrian traffic or of parking, and any sign, signal or marking placed by a Police Officer to designate temporary regulations.
- (h) Emergency Vehicle: An ambulance or rescue vehicle or any vehicle of the Fire or Police Department when responding to an emergency.
- (i) Police Department: If no organized department, the term "Police Department" is to mean town police officers, constables, sheriffs, deputy sheriffs and state police.
- (j) Police Officer: Town police officers, town constables, sheriffs, deputy sheriffs and state police officers.
- (k) State Aid Highways and Town Highways: Same defined in Title 19 Vermont Statutes Annotated Section 1.

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ARTICLE III AUTHORITY OF POLICE OFFICERS

Section 1. Police to Direct Traffic.

It shall be the duty of any police officer to endorse the provisions of this ordinance. Officers of the Police Department 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, 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. Exemption to Authorized Emergency Vehicles

The provisions of this ordinance regulating the movement, parking and standing of 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 IV OFFICIAL TRAFFIC SIGNS AND SIGNALS

Section 1. Disobeying Official Traffic and Signals.

It shall be unlawful for any person to disobey the direction of an official traffic sign, except in response to the direction of a police officer.

Section 2. Tampering with Official Traffic Signs and Signals.

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

Section 3. Location of Traffic Control Signals.

Traffic control signs shall be maintained at the following locations:

STOP signs at:

Intersections of VT Route 100 on the following roads:

- Hebard Hill Road
- Fuller Hill Road
- Wilmington Cross Road (both ends)
- Birdville Road

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- Fowler Road
- Allard Road
- Ginny Morse Road
- Goodnow Road
- Corse Road
- Plumb Road
- Town Hill Road
- Maple Drive
- Stimpson Hill Road
- School Street
- Brook Street
- Dam Road
- Pike Road
- Shippee Road
- Merrifield Road

Intersection of VT Route 112 on the following roads:

- Holbrook Road

Intersections of VT Route 8A on the following roads:

- Pratt Road
- Maple Hill Lane
- McMillan Road
- Chapel Hill Road

Intersections of Parsons Road on the following roads:

- Lake Hill Road
- Stonehouse Road
- Gates Pond Road
- Bernard Road
- Butler Brook Road
- Reed Hill Road

Intersections of Burrington Hill Road on the following roads:

- Chapel Hill Road at intersection with Burrington Hill Road
- Houghton Road at intersection with Burrington Hill Road
- Cyrus Road at intersection with Burrington Hill Road
- Green Road at intersection with Burrington Hill Road
- Streeter Hill Road with intersection with Burrington Hill Road

Other locations:

- Lake Hill Road at intersection of Gates Pond Road
- Gates Pond Road at intersection of Collins Road
- Fowler Road at intersection Wilmington Cross Road
- Allard Road at intersection of Ginny Morse Road

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- Houghton Road at intersection with Maple Hill Lane
- Nate Flynn Road at intersection with Kentfield Road
- Shippee Road at intersection with Merrifield Road

YIELD signs at:

- Sadawga Lake Road at intersection with Kentfield Road
- Poverty Row at intersection with Town Hill Road

Section 4. 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 signals or signs.

ARTICLE V PEDESTRIANS

Section 1. Location of Crosswalks.

Crosswalks shall be located at the discretion of the Selectboard and shall be approximately six feet wide and shall cross street in the places and in the manner designated by the Selectboard.

Section 2. Marking of Crosswalks.

Crosswalks shall be marked by parallel painted lines or parallel rows of colored markets and where such crosswalk borders upon a curbing, such curbing shall be painted between such parallel lines.

ARTICLE VI SPEEDING RESTRICTIONS

Section 1.

It shall be unlawful to operate a vehicle within the Town limits of Whitingham at a speed greater than the posted limits. Speed zones on State Highway Routes 100, 112 shall be the same as posted by the State of Vermont and enforceable under this regulation.

- (a) It shall be unlawful to operate a vehicle greater than thirty (30) miles per hour on Gates Pond Road between its junction with Route 100 (Jacksonville Center) and junction with Parsons Road.
- (b) It shall be unlawful to operate a vehicle greater that thirty-five (35) miles per hour on the entire length of Parsons Road.
- (c) It shall be unlawful to operate a vehicle greater than thirty miles per hour on Ginny Morse Road, Town Hill Road, and Sadawga Lake Road, from Route 100 (Near School) and its junction with Route 100 (Four Corners) at the end of Sadawga Lake Road.

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- (d) It shall be unlawful to operate a vehicle greater than thirty miles per hour on Poverty Row and Goodnow Road between its junction with Route 100 and Burrington Hill Road.
- (e) It shall be unlawful to operate a vehicle greater than thirty miles per hour on Sadawga Lake Road between junction with Town Hill Road and Kentfield Road.
- (f) It shall be unlawful to operate a vehicle greater than thirty miles per hour on Maple Drive between its junction with Route 100 (Four Corners) passing Faulkner Road to Route 100 (School Street).
- (g) It shall be unlawful to operate a vehicle greater than thirty miles per hour on Brook Street between its junction with Maple Drive and its junction with Route 100.
- (h) It shall be unlawful to operate a vehicle greater than thirty-five miles per hour on the Wilmington Cross Road between its junctions with Route 100.

Section 3. Signs

Signs indicating the speed limit provided above shall be posted conspicuously within the highway limits at least two hundred (200) feet ahead of the point where such speed becomes effective.

Section 4. Operation Where Children or Apparent Danger

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

ARTICLE VII

THROUGH WAYS AND DANGEROUS INTERSECTIONS

Section 1. Through Ways

It shall be unlawful for the operator of a vehicle to enter or cross a through way from an intersecting street without bringing such vehicle to a full stop.

The following streets or portions of streets are hereby designated as through ways:

- (a) State Highway Route 112.
- (b) State Highway Route 100.
- (c) State Highway Route 8A.

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ARTICLE VIII

PARKING OF VEHICLES

Section 1. Method of Parking

It shall be unlawful for any person to park a vehicle on a public street other 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 eighteen (18) inches from the curb or shoulder of such street.

Section 2. Stopping on a Curve, Hill or Used Part of the Street.

Except otherwise provided for in this ordinance, it shall be unlawful for any person to stop or park a vehicle within one hundred 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 at any time:

- (a) within fifty feet of a fire hydrant, or dry hydrant;
- (b) within five feet of a private driveway;
- (c) on a crosswalk;
- (d) on a sidewalk;
- (e) abreast of another vehicle;
- (f) along the side or opposite any street excavation or obstruction;
- (g) within fifteen feet of a driveway of a fire station;
- (h) upon any bridge;
- (i) within fifteen feet of any intersection or on that part of any street opposite the junction of one street with another;
- (j) 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;

Section 4. Abandoned Vehicles or Vehicles Parked so to Amount to a Nuisance

- (a) It shall be unlawful to leave a vehicle on property owned, leased or maintained by the Town, or parked on a street within the Town, for twelve hours or more continuously.
- (b) It shall be unlawful to park any vehicle on a street in a manner to interfere with the removal of snow from the street.
- (c) Wherever a vehicle is parked on a street contrary to this ordinance or so to interfere with the policing, construction or maintenance of the street, including but not limited to the removal of snow, the police department may cause motor vehicle to be towed away at the expense of the owner provided that signs indicating that vehicles may be towed away at owner's expense are posted conspicuously at intervals of not more than one hundred (100) feet along street where parking is restricted by this ordinance.

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- (d) It shall be unlawful to park an automobile without authorization on publicly or privately owned land, including, by illustration and not limitation, public municipal, or private parking lots, drives and ways. The owner of the automobile shall be required to pay a towing charge, not to exceed the maximum fee set by law, of such vehicle and storage charges, not to exceed the maximum fee set by law, for which a lien is imposed against the automobile and/or its owner which shall be in addition to any penalty imposed under Article IX.

Section 5. Parking for Display Purposes

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

Section 6. 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 vehicle with gasoline, oil or water.

Section 7. Parking Within Lines.

Where lines are marked on the streets for parking, all drivers must park their vehicles or leave them standing within said lines.

Section 8. Exceptions

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

ARTICLE IX

ENFORCEMENT AND PENALTIES

A violation of this Ordinance shall be a civil matter enforced in accord with the provisions of 24 VSA, Section 1974a, Section 1977, et seq. A civil penalty of no more than \$500.00 may be imposed for a violation of this civil ordinance and the waiver fee shall be \$100.00 for a first offense, \$200.00 for a second offense, and \$300.00 for a subsequent offense within six months of the most recent offense. Each day a violation continues constitutes a separate violation.

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ARTICLE X

GENERAL PROVISIONS

Section 1. Seperate Offenses

Each violation of a provision of this ordinance shall be deemed a separate offense.

Section 2. Penalties

The provisions of this ordinance shall be cumulative to the fullest extent permitted by law with respect to all other statutes or ordinances now or hereafter adopted regardless of their order of passage or enactment.

Section 3. Severability

The provisions of this ordinance are declared to be severable and if any provision hereof be adjudged invalid such judgment shall not affect the validity of any other provision.

Section 4. Designation

This ordinance may be referred to as the Whitingham Traffic Ordinance of 2022 and in a prosecution hereunder a copy of such ordinance, certified by the Town Clerk shall be prima facie evidence thereof. An allegation that the act constituting the offense charged is contrary to a specified provision of this ordinance shall be a sufficient reference hereto.

Section 5. Repeal of Prior Ordinances

Upon the effective date of this ordinance, any other traffic ordinance or traffic regulation heretofore adopted by the Town of Whitingham is hereby repealed, except the *Ordinance Regulating ATVs, which is a stand-alone ordinance.*

Section 6. Publication and Posting

This Ordinance shall be entered in the Selectboard Minutes, filed with the Town Clerk, and posted in at least five (5) conspicuous places within the Town. A summary of this Ordinance shall be published in the Deerfield Valley News not later than fourteen (14) days following the dated specified below when this Ordinance is adopted.

Section 7. Right to Petition

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

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Section 8. Adoption/Effective Date


This Ordinance is hereby adopted by the Selectboard of the Town of Whitingham on this 7th day of September 2022 and shall, unless a petition is filed within forty-four days as provided by law, become effective upon sixty (60) days (November 6, 2022) from this date.

Adopted by the Selectboard of the Town of Whitingham, Windham County, State of Vermont, at a meeting held on September 7, 2022.

WHITINGHAM SELECTBOARD:




Scott M. Reed, Chair



James Weber, Vice Chair



Greg Brown



Craig Hammer



Robin Kingsley