

Chapter 3. Parking Ordinances

Subchapter 1. General Provisions

**§8301. Short title**

This chapter may be known and cited as the "Parking Ordinances."

**§8302. Construction of chapter as exercise of police power**

This chapter is an exercise of the police power of the Village relating to the parking of vehicles and its provisions are enacted pursuant to 24 V.S.A. §2291(4) and (15), 23 V.S.A. §1008, and 24 V.S.A. §§1310-1311, as and when applicable. The provisions of this chapter relating to the removal of vehicles are enacted pursuant to 23 V.S.A. §§1753 and 304a as applicable. The provisions of this chapter shall be construed liberally for the preservation, protection, and promotion of the public health, safety, welfare and convenience as such matters relate to the parking of vehicles.

Subchapter 2. Prohibitions and Limitations on Parking

**§8321. General prohibitions during all times**

Unless otherwise permitted or required under this title or by Vermont law, no person shall at any time park any vehicle as follows:

- (1) In any intersection;
- (2) In a crosswalk;
- (3) Upon any bridge.
- (4) On the roadway side of any vehicle stopped or parked at the edge or curb of a street ("double parking");
- (5) Within thirty feet of a stop sign on the approaching side;
- (6) Within twenty feet of any intersection or crosswalk at an intersection;
- (7) Any place where or in any manner such that the parking of the vehicle will reduce the usable width of a roadway for moving vehicular traffic to less than twelve feet;
- (8) Within six feet of a fire hydrant, except dry hydrants located on private property;
- (9) In front of or at any place where the vehicle would block the use of a public or private roadway, driveway, or entranceway;
- (10) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
- (11) Within twenty feet of the driveway entrance to any fire station and on the side of the street opposite and within seventy-five feet of the entrance to any such station when properly signposted;
- (12) On a sidewalk;
- (13) At any place in a no parking zone established pursuant to §8323(a) of this subchapter;
- (14) In a tow away zone established pursuant to §8323(e) of this subchapter;

- (15) In a loading zone established pursuant to §8323(f) of this subchapter;
- (16) In any parking space reserved for handicapped persons pursuant to §8325(a) of this subchapter;
- (17) In any parking space reserved for authorized emergency vehicles pursuant to §8325(b) of this subchapter;
- (18) In any parking space reserved for police and other municipal departments of the Village pursuant to §8324(c) of this subchapter;
- (19) In any manner which straddles or crosses painted lines designating parking spaces, special zones, or crosswalks established under this title;
- (20) At any place within the public highway right of way, or in a public parking area for the principal purpose of displaying such vehicle for sale;
- (21) At any place on a public roadway or in a public parking area for washing or cleaning such vehicle; or
- (22) At any place of a public roadway or in a public parking area for the principal purpose of maintaining or repairing such vehicle except maintenance and repairs necessitated by a bona fide emergency.
- (23) At any parking space dedicated for parking by permit in a long term parking area without displaying a valid permit, during the hours of permit parking as established by RESOLUTION of the Board of Village Trustees.

History:

1994 Amendment. Subsection (20) was amended by deleting the words "on a public roadway" following the word "place" and substituting therefor the phrase "within the public highway right of way," by Woodstock Village Ordinance Revision #3, adopted by the Board on December 27, 1993, effective February 25, 1994.

2008 Amendment. Subsection (8) was amended by adding the words "except dry hydrants located on private property" following existing language, by Woodstock Village Ordinance Revision #31, adopted by the Board on July 8, 2008, effective September 6, 2008.

Revision # 16, 2016 added parking in a long term parking area dedicated to parking by permit without a valid permit as illegal parking.

**§8322. General prohibitions during specific times**

The time limit for parking at parking meters, excluding parking kiosks, is four hours at all meters located on Route 4 and Elm Street. Mechanic street and the library parking lot have no time limit as well as all parking kiosks. With the exception of the fifteen-minute metered parking zone located in front of the U.S. Post Office Building.

Unless otherwise permitted or required under this title or by Vermont law, no person shall park any vehicle in any place hereinafter specified

- (a) At any place on a public roadway or public parking area within a four-hour- non-metered parking zone established pursuant to §8323(b) of this subchapter between the hours of 10 A.M. and 5PM. of every day other than Sunday for any consecutive period of time longer than two hours;
- (b) At any parking meter space within a metered parking zone established pursuant to §8323(c) of this subchapter between the hours of 10 A.M. and 5PM of any day other than Sunday for any period of time not purchased by coin or credit card as provided in

this chapter; with the exception of certain days declared to be: Meter Holidays with free parking, as declared by the Board of Village Trustees.

(c) Upon any roadway between the hours of 12:01 A.M. and 6:00 A.M. from November 15 to April 15, inclusive, of each year, except that parking shall be allowed where, when, and to the extent otherwise permitted as follows:

(1) In the section of the Mechanic Street parking lot identified by clearly marked signs specifically allowing overnight parking, as approved by the Board of Village Trustees; between the hours of 6:00 P.M. and 8:00 A.M..

(2) Parking spaces on Mechanic Street that are parallel to the Kedron Brook; and

(3) On the northerly side of the street known as The Green westbound lane; from its intersection with the westerly side of Mountain Avenue westerly to a point opposite the westerly end of the Village Green on dates having an even number and on the southerly side of the street known as The Green westbound lane; from a point opposite its intersection with the westerly side of Mountain Avenue westerly to the westerly end of the Village Green on dates having an odd number;

(4) Upon any roadway in excess of 48 consecutive hours in one location; and

(5) In any public parking lot between the hours of 12:01 A.M. and 6:00 A.M. except as provided by special regulation.

(6) In any parking space in a long term parking lot, dedicated to employee parking, without displaying a valid parking permit.

Cross Reference: See moratorium provision at end of Appendix K.

History:

2004 Amendment. Subsection (2) was amended generally by section 1 of Woodstock Village Ordinance Revision #17, adopted by the Board on November 24, 2003, effective January 23, 2004.

2004 Amendment. Amended subsection (2) as revised and redesignated by the 2005 Amendment hereinafter described and added a new night parking provision in newly designated subsection (4), by sections 1 and 2, respectively, of Woodstock Village Ordinance Revision #23, adopted by the Board on October 25, 2004, effective December 25, 2004. Revision notes: Leading parentheses were added where necessary to conform style. In the last clause of subsection (2)(c) the phrase "a point opposite" was omitted as obvious typographical error.

2005 Amendment. Amended section generally by consolidating former subsections (1), (2), and (3) into one provision now found in subsection (1), by redesignating former subsection (4) as subsection (2), by redesignating former subsection (6) as subsection (3), and by deleting former subsection (5) relating to late night parking by section 1 of Woodstock Village Ordinance Revision #22, adopted by the Board on September 27, 2004, final as of November 26, 2004, and effective June 1, 2005. In general, see the 2004 Amendment (Revision #23) notes above. The newly redesignated subparagraph (2) set forth in the 2005 Amendment never technically came

into effect due to the adoption of the 2004 Amendment (Revision #23) however its provisions had been in effect under prior law. Furthermore, the deletion of former subsection (5) had no practical effect since the added subsection (4) as described in the 2004 Amendment (Revision #23) had taken effect previously.

2006 Amendment. Amended section generally by reinstating two-hour non-metered parking in new subsection (1) and renumbering the remaining subsections, adding “except as provided by special regulation” to the end of subsection (5) by section 3 of Woodstock Ordinance Revision #26, adopted by the Board on February 27, 2006, effective April 28, 2006. Revision Note: “a point opposite” was deleted in its second instance as enacted in subsection (3)(c) as obvious typographical error.

2009 Amendment. Amended subsection (3) by extending night time parking ban on roadways to April 15 by Woodstock Ordinance Revision #35, adopted by the Board on February 10, 2009, effective April 9, 2009. Revision Note: The enacting Ordinance erroneously referred to subsection (4) which was the location of this provision in an earlier version of the Ordinance revisions.

### **§8323. Special parking zones established**

- (a) Those portions of Village roadways listed in Appendix A to this title are hereby established to be no parking zones.
- (b) Those portions of Village roadways and public parking areas listed in Appendix B to this title are hereby established to be two hour non-metered parking zones.
- (c) Those portions of the Village roadways and public parking areas listed in Appendix C to this title are hereby established to be metered parking zones. Each metered parking zone shall have appropriate timing devices installed to monitor the durations of time. There is no time limit for parking in a space in a metered parking zone during regulated times established in §8322 provided that time has been purchased at the meter by coin or credit card. With the exception of the fifteen-minute metered parking zone described as the portion of the parking meter zone described in W.V.O. 8101 Section 23 (A) which is located easterly of the westerly driveway of the U.S. Post Office Building, which has a maximum time limit of twelve consecutive minutes for one vehicle to be parked at a parking space.
- (d) Consecutive parking time may be purchased by either coin or credit card for parking one vehicle in a parking meter space in a metered parking zone established in subsection (e) of this section during regulated times established in §8322.
- (e) of this section during regulated times established in §8322.
  - (1) REPEALED
  - (2) REPEALED
  - (3) REPEALED
  - (4) Notwithstanding the foregoing provisions of this subsection (d), upon depositing coins or swiping a credit card as directed, less time may actually be purchased, credited, and available to the extent that the monitoring device registers time available from a previous deposit, and to

the extent that the suggested time limit and maximum amount monitored by the device is reached.

- (f) The legal parking rates for metered parking within parking meter zones and for purchasing a parking permit for parking in employee parking areas, shall be determined from time to time by Resolution of the Board of Village Trustees. Time limitations and the cost of time units for parking shall be indicated on each meter.
- (g) Those portions of Village roadways listed in Appendix E to this title are hereby established to be tow away zones. The chief of police or any police officer on duty is hereby directed to cause the prompt removal of any vehicle parked in a tow away zone or any portion thereof as soon as is practicable. The provisions of §8335 of this subchapter shall otherwise apply to such removal.
- (h) Those portions of Village roadways and public parking areas listed in Appendix F to this title are hereby established to be loading zones. In a loading zone, it shall be lawful for the driver of a passenger motor vehicle other than a bus to stand or park such vehicle momentarily to pick up or discharge passengers. In a loading zone, it shall also be lawful for the driver of a freight carrying motor vehicle other than a bus to stand or park such vehicle for a period of time no longer than is necessary to load, unload, or deliver materials, not to exceed thirty minutes.
- (i) The Chief of Police shall place and maintain signs conspicuously displayed at the location of each zone established by subsections (a), (b), (e), and (f) of this section.
- (j) The Board of Village Trustees are authorized to set metered parking fees for parking meters that are bagged or otherwise clearly labeled to be set aside for the exclusive use of a tenant
- (k) The Board of Trustees are authorized to enter into contract(s) with private companies to handle credit card transactions, including debit card transactions for parking at parking meters, and also parking while charging an electric vehicle, at electric vehicle charging stations.
- (l) The Board of Village Trustees is hereby authorized to create, by Resolution, a downtown village employee parking program which may allow the purchase and use of a long term parking permit by employees and business owners working in the Village; and to adopt and amend operating regulations for these employee parking areas. It shall be unlawful for a person to park a vehicle in a parking space reserved for employees, without first paying for, obtaining and displaying a permit to park in such employee parking area.
- (m) The Board of Village Trustees are authorized to enact by Resolutions rules, regulations, time limits, hours of meter operation, and cost to park at a meter, and to establish employee parking program both on and off street.

Cross Reference: See moratorium provision at end of Appendix K.

History:

2004 Amendment. Subsection (c) was amended generally by section 2 of Woodstock Village Ordinance Revision #17, adopted by the Board on November 24, 2003, effective January 23, 2004.

2005 Amendment. Subsection (b) was repealed and subsections (c) and (d) were generally amended by sections 2 and 3, respectively, of Woodstock Village Ordinance Revision #22, adopted by the Board on September 27, 2004, final as of November 26, 2004, and effective June 1, 2005.

Revision # 7 to the 2009 compilation of Woodstock Village Ordinances adopted August 10, 2010 revised sec. 8323 (d) (2) which revised the amount of time that will be purchased at a parking meter with a fixed amount of money. REPEALED sec. 8323 (d) (3) which established the four hour parking limit.

Subsection (b) was reenacted by section 2 of Woodstock Ordinance Revision #26, adopted by the Board on February 27, 2006, effective April 28, 2006.

Revision # 16, 2016 Amendment to the 2009 compilation of Woodstock Village Ordinances REPEALED (d) (1) the rate of paying for parking in the twelve minute metered parking zone; REPEALED (d) (2) which set the rate for paying for parking at a parking meter in the two hour parking meter zone, [authorized the Board of Trustees to establish parking rules and rates by RESOLUTION] authorizes long term employee parking program by permit. It also grants flexibility to the Board of Village Trustees to establish different zones within the Village that contain different rates for purchasing parking time; for the reason of having parking be more expensive on the street in the business district. The compelling reason for the authority to change the zones, by policy of the Board of Village Trustees, from time to time, is to promote economic vitality in the business district by discouraging long term parking by the work force in parking spaces that are important to be available by shoppers.

Revision # 16, to the 2009 compilation of Woodstock Village Ordinances adopted September 13, 2016 Amendment authorizes payment of meter time by credit card, establishes meter holidays, abolishes the suggested time limits on parking at a metered parking space, and authorizes the Board of Village Trustees to establish an overnight parking zone in the Mechanic Street parking lot;

2018 Amendment. Subsection (m) was added by Woodstock Village Ordinance Revision #3, adopted by the Board on September 11, 2018, effective November 11, 2018.

#### **§8324. Bus loading zones**

(a) No person shall park a vehicle other than a bus in any bus loading zone or any portion thereof when the provisions applicable to such zones are effective. This provision shall not apply to drivers of vehicles of the police and other municipal departments of the Village to the extent reserved parking spaces provided for such vehicles under this title overlap any bus loading zone.

(b) No person shall park a bus upon any roadway at any place other than within a bus loading zone for the purpose of loading or unloading passengers, baggage, or any materials carried by such bus or for any other purpose.

(c) No person shall park a bus in a bus loading zone for longer than twenty minutes for any purpose.

(d) No person using a bus loading zone shall allow the bus engine to remain running or idling while the bus is stationary.

History:

2002 Amendment. Subsection (d) was added by section 1 of Woodstock Village Ordinance Revision #16, adopted by the Board on July 22, 2002, effective September 20, 2002.

**§8325. Reserved parking spaces; handicapped persons; emergency vehicles; police and other municipal department uses**

(a) Those portions of Village roadways and public parking areas listed in Appendix G to this title are hereby established as reserved parking spaces for vehicles with special handicapped plates from any state or which have a handicapped parking card issued by the commissioner of motor vehicles when the card is displayed in the lower right side of the windshield or the plate is mounted as provided by Vermont law or as provided by the law of the state where the vehicle is registered.

(b) Those portions of Village roadways and public parking areas listed in Appendix H to this title are hereby established as reserved parking spaces for authorized emergency vehicles.

(c) Those portions of Village roadways and public parking areas listed in Appendix I to this title are hereby established as reserved parking spaces for vehicles of the police and other municipal departments of the Village.

(d) It shall be lawful for persons driving vehicles of the type hereinabove specified for reserved parking spaces to park any such vehicle in an available parking space reserved for such vehicle type for an unlimited period of time and without fee, provided however, such persons shall not be permitted to park in violation of any other applicable provisions of this title.

(e) The Chief of Police shall place and maintain signs conspicuously displayed at the location of each reserved parking space established by this section.

**§8326. Method of parking**

No person shall 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 12 inches of the curb or edge of the roadway except as otherwise provided in this title.

**§8327. Designation of parking meter spaces; placement of parking meters**

(a) Parking meter spaces are hereby established within the parking meter zone in accordance with the following rules:

- (1) On highways, a parking meter space shall be at least six feet wide, at least twenty feet long (or shall otherwise comply with the size requirements of Vermont law), and shall be parallel to the curb or edge of the roadway except within that portion of the parking meter zone described in §8101(23)(C) which shall be at an angle to the curb or edge of the roadway which angle shall be such that a motor vehicle entering such space from the authorized direction of travel shall not be required to turn more than ninety degrees to the right;
  - (2) In that portion of the parking meter zone described in §8101(23)(J), a parking meter space shall be at least nine feet wide, at least twenty feet long (or shall otherwise comply with the size requirements of Vermont law), and shall be at an angle to the northerly and southerly boundary lines thereof which angle shall be such that a motor vehicle entering such space from Mechanic Street shall not be required to turn more than ninety degrees to either the left or right;
  - (3) No parking meter spaces shall be established in any portion of any location falling within special parking zones established pursuant to §8323 of this subchapter, bus loading zones established pursuant to §8324 of this subchapter, or reserved parking spaces established pursuant to §8325 of this subchapter;
  - (4) Notwithstanding any provision of §8321 of this subchapter to the contrary, parking meter spaces may extend to the boundary lines of marked crosswalks at intersections; and
  - (5) Except as hereinabove provided, any applicable general parking prohibitions set forth in section 8321 shall be substantially regarded in laying out parking meter spaces.
- (b) The Chief of Police shall cause lines to be painted or otherwise durably marked upon the surface of the public roadway or public parking area to designate the exact location of each parking meter space established pursuant to this section such that all sides of such space are defined by line or marking or by the curb or edge of the roadway or area except in angle spaces where no line shall be required parallel to the curb or edge of the roadway.
- (c) The Chief of Police shall cause parking meters to be placed at or adjacent to each parking meter space on the sidewalk adjacent thereto, or if there is no sidewalk then at the edge of the roadway adjacent thereto, or, in the public parking area described in §8101(23)(J) near the boundary line of such area nearest to such space. Any parking meter so placed shall have a timing mechanism appropriate to measure the maximum time limit specified in subsections (c) or (d) of section 8323 as applicable, shall contain a clearly legible statement indicating where to deposit coins, the maximum number of minutes of parking time each nickel, dime, and quarter will purchase, and the times and days during which purchase of time for parking is necessary, and shall contain a device



such that upon the expiration of the time purchased for parking a visible signal shall appear indicating the expiration of such time purchased.

(d) Notwithstanding any provision of this section or of the Village ordinances to the contrary, all parking meter spaces existing at the time of the adoption of this subchapter are hereby established to be parking meter spaces hereunder and the existing locations of lines and placement of meters shall be construed to be proper under this subchapter and the same may be reestablished, in whole or in part, from time to time, by repainting lines, replacing meters, or otherwise.

### **§8328. Miscellaneous violations relating to parking meters; parking meter spaces**

(a) REPEALED

(b) No person shall park a vehicle other than a motor vehicle in any parking meter space.

(c) No person shall park a motor vehicle across or beyond any line or marking of a parking meter space or in such position that such motor vehicle is not entirely within the area designated by such lines and markings.

(d) No person shall deface, injure, tamper with, open, or willfully break, destroy, or impair the usefulness of any parking meter.

(e) No person shall deposit slugs, device, or metal substance, or other substitute for lawful U.S. coins in any parking meter.

(f) No person shall cause, allow, permit, or suffer any motor vehicle registered in the name of or operated by such person to be parked or to remain parked in any parking meter space unless such motor vehicle has affixed thereto a valid number plate issued for such motor vehicle by the commissioner of motor vehicles of the State of Vermont or of any other state or jurisdiction of registration.

Cross Reference: See moratorium provision at end of Appendix K.

#### History:

2005 Amendment. Subsection (a) which previously regulated “meter feeding” was repealed by section 4 of Woodstock Village Ordinance Revision #22, adopted by the Board on September 27, 2004, final as of November 26, 2004, and effective June 1, 2005.

### **§8329. Special occasions**

(a) The Trustees may, pursuant to 23 V.S.A. §1010, make special regulations from time to time relating to parking of vehicles on any public roadway or roadways of the Village or portion or portions thereof whenever it appears that traffic will be congested by reason of a public occasion.

(b) The Chief of Police shall conspicuously post and maintain signs indicating the special parking regulations made by the Trustees pursuant to 23 V.S.A. §1010 in and near all affected roadways or portions thereof during any time such regulations shall be in effect.

(c) A special parking regulation for which proper signs have been posted as provided in this section shall take precedence over any inconsistent provision of this title during any time for which such special traffic regulation is, by its terms, in effect.

(d) No person shall park a vehicle in violation of any special parking regulation made by the Trustees pursuant to 23 V.S.A. §1010 provided this prohibition shall not be effective unless and until signs indicating the special parking regulation are conspicuously posted in and near all affected areas.

### **§8330. General exceptions; special exceptions**

(a) The prohibitions contained in this subchapter shall not apply to any necessary parking resulting from:

- (1) A bona fide emergency;
- (2) Compliance with the directions of a police officer or other person having the authority to direct traffic;
- (3) Compliance with an official traffic-control device; or
- (4) Avoidance of conflict with other traffic.

(b) The prohibitions contained in subsections (5), (6), (7), (8), (9), (11), (13), and (15) of section 8321 of this subchapter shall not apply to a person who stops a passenger motor vehicle other than a bus momentarily to pick up or discharge passengers.

(c) The prohibitions contained in subsection (4) of section 8321 of this subchapter ("double parking") and section 8326 of this subchapter shall not apply to the driver of a commercial delivery vehicle (other than a bus) which is double parked for less than ten consecutive minutes between the hours of 12:01 A.M. and 11 A.M., provided the driver shall move the vehicle when necessary to allow a parked vehicle to be removed from a parking space and further provided other provisions of this subchapter not inconsistent with this exception are not violated.

(d) The prohibitions contained in subsections (2)(B) and (3)(B) of section 8322 of this subchapter shall not apply with respect to any particular parking meter space at any time during which the parking meter is not functioning properly or is inaccessible due to accumulations of snow or ice rendering it unsafe for the driver to attempt to reach the parking meter.

(e) A person who is blind or who has an ambulatory handicap, as such terms are defined in 23 V.S.A. §304a(a), may park without fee for an unlimited period in a parking meter space or in a parking zone which is restricted as to length of time parking is permitted. This subsection shall not apply to zones in which parking, standing or stopping of all vehicles is prohibited, which are reserved for special vehicles, or where parking is prohibited by any parking ban. This subsection shall also not apply unless the special handicapped parking card or plate or both showing the international symbol of access issued by the Vermont department of motor vehicles or a handicapped license plate, card or other identification issued by any other state is displayed on the vehicle.

### **§8331. Special permits; exceptions**

(a) Upon request, the Trustees may issue special permits to allow the parking of a motor vehicle on Village streets and public parking areas in such manner as shall be necessary

under the circumstances for the purposes of loading or unloading merchandise or materials, provided, however, no such permit shall permit or be deemed to permit a violation of Vermont law not arising by virtue of this subchapter.

(b) Each permit issued under the authority of this section shall contain such terms and conditions as shall be necessary to reduce the risk to the safety of the public.

(c) A person shall not be found to have violated the provisions of this subchapter where the act constituting the violation has been specially permitted by the Trustees pursuant to this subsection and such permit has been issued for the benefit of such person or such person's customer or client and such permit is at the time thereof in full force and effect.

(d) No permit issued hereunder shall continue in force and effect longer than one year and all such special permits may be revoked, upon written notice to the permittee, at any time when the Trustees determine the public good so requires, notwithstanding any provision of such special permit.

**§8332. Penalty for violations relating to spaces reserved for handicapped persons; removal; artisan's lien; traffic offense**

(a) A person who shall violate §8321(16) of this subchapter shall be fined an amount of money equal to the fine set by the State of Vermont waiver penalty in effect at the time of the violation; for each violation and shall also be liable for towing charges and storage charges if the vehicle has been removed pursuant to this subchapter or Vermont law.

(b) Any vehicle parked in violation of §8321(16) of this subchapter may be removed by or at the direction of a police officer to a place of storage. Police officers shall be exempt from damages incurred to vehicles removed under this section and those persons other than police officers shall be insured and are deemed to be self-insured for liability for any damages incurred to vehicles which they remove under the authority of this section.

(c) Prior to obtaining the return of a vehicle placed in storage pursuant to this section, the owner of such motor vehicle shall pay the tower at the place of storage a towage charge and storage charges that are the towing company's normal and customary towing and storing charges. Such payment may be made in cash or by bank or personal check. Additionally, the tower shall recognize at least two national bank credit cards for use in payment of such towage and storage charges. Sufficient identification may also be required as a condition of releasing such vehicle. Notwithstanding the foregoing, if the owner of the vehicle being removed appears at the scene while the vehicle removal is taking place, the vehicle shall be released upon sufficient identification and upon payment of a towage charge in the amount of twenty-five dollars. If a person uses a personal check in payment of such charges, the tower may require that the check be made payable to the Woodstock Police Department and the Village shall upon receipt of such check make proper reimbursement to the tower as provided in 23 V.S.A. §1754.

(d) An artisan's lien in favor of the Village of Woodstock is hereby imposed against any vehicle parked in violation of §8321(16) of this subchapter for payment of all charges assessed hereunder.

(e) A violation of §8321(16) of this subchapter shall be considered a traffic offense within the meaning of 23 V.S.A. Chapter 23 and shall be prosecuted accordingly.

### **§8333. Civil penalties**

(a) A person who shall violate any provision of this subchapter for which the amount of fine or forfeiture is specified in Appendix K to this title shall be liable to the Village for the amount so specified for each offense.

(b) A person who shall violate any provision of this subchapter for which the amount of fine or forfeiture is not specified in Appendix K to this title shall be liable to the Village for the amount of twenty dollars for each offense.

(c) The Chief of Police or his or her designee shall give notice of such violation and fine by issuance of a traffic ticket placed conspicuously on the vehicle or, alternatively, by such other method as is reasonably calculated to give such notice to the person liable to pay such fine.

(d) For all purposes hereunder, every two hours of consecutive illegal parking under subsections (1) and (2)(A) of section 8322 of this subchapter shall constitute a separate offense provided any portion of such two hours falls within the time and day limits specified in such subsections.

(e) For all purposes hereunder, every twelve minutes of consecutive illegal parking under 8323 W.V.O., also described in described in Appendix D, Title 8 W.V.O. , shall constitute a separate offense provided any portion of such twelve minutes falls within the time and day limits specified in such subsections.

(f) For all purposes hereunder, the registration plate displayed on the vehicle shall constitute in evidence a prima facie presumption that the owner of such vehicle was the person who parked or placed such vehicle when and at the point where such violation occurred.

(g) The amounts for which a person is liable to the Village hereunder may be recovered by the Village in an action of contract as provided in 24 V.S.A. §1311.

(h) The civil penalties herein provided are not intended to be the exclusive remedy to abate or punish violations of this subchapter and shall be construed to be in addition to any civil injunctive relief, any authority to remove vehicles, and any enforcement provision established under Vermont law and applicable under the circumstances.

(i) The provisions of this section shall not apply to violations of §8321(16) of this subchapter.

(j) The provisions of this section shall not apply to violations of §8334(a) and (b) of this subchapter, except in the case of §8334(a) to the extent necessary to determine whether said provision has been violated.

### **§8334. Prohibition; criminal penalties**

- (a) No person shall, after seven days written notice by certified or registered mail, fail to pay the civil penalties assessed under §8333 of this subchapter for three or more separate offenses or make proper objection thereto. For purposes of this provision proper objection is made if in writing, delivered to the chief of police, or in his or her absence the Village Manager or any police officer, setting forth the offense or offenses objected to and the reason or reasons why such person is not validly liable to pay the civil penalty imposed with respect to such offense or offenses. If the reason stated with respect to any particular offense would not constitute a valid defense, then the objection with respect thereto shall not be deemed proper.
- (b) No person shall knowingly submit false information when attempting to make proper objection as provided in subsection (a) of this section.
- (c) Notice hereunder shall be deemed given on the date when mailed, postage prepaid, to the owner of the vehicle as determined by the registration plate displayed on the vehicle, using the address provided in applicable registration records pertaining to such plate. In the absence of a registration plate or if the owner of the vehicle is known not to be the violator, notice hereunder shall be deemed given when mailed, postage prepaid, to the person who has committed the violations.
- (d) Any person who violates subsection (a) or subsection (b) of this section shall be guilty of a misdemeanor and shall be fined twenty-five dollars for each offense.
- (e) The criminal penalties herein provided are in addition to and not in lieu of the civil penalties imposed under this subchapter.

#### **§8335. Authority to remove vehicles**

- (a) Any motor vehicle parked in violation of this subchapter may be removed by or at the direction of a police officer to a place of storage. No person shall remove any motor vehicle from such place of storage without first having paid all towing and storage charges as hereinafter provided.
- (b) Whenever a police officer removes a motor vehicle or causes the same to be removed 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 motor vehicle has been removed and of the procedure and costs hereinafter provided for obtaining a return of such motor vehicle.
- (c) Prior to obtaining the return of a motor vehicle placed in storage pursuant to this section, the owner of such motor vehicle shall pay the tower at the place of storage a towage charge and storage charges that are the towing company's normal and customary towing and storing charges.
- Such payment may be made in cash or by bank or personal check. Additionally, the tower shall recognize at least two national bank credit cards for use in payment of such towage and storage charges. Sufficient identification may also be required as a condition of releasing such motor vehicle. If a person uses a personal check to pay such charges,

the tower may require that the check be made payable to the Woodstock Police Department. Notwithstanding the foregoing, if the owner of a vehicle being removed appears at the scene while the vehicle removal is taking place, the vehicle shall be released upon sufficient identification and upon payment of the towage charge.

(d) A lien in favor of the Village of Woodstock is hereby imposed against any motor vehicle and its owner for the collection of any sums due hereunder for towage and storage charges.

(e) The Village shall promptly reimburse the tower for any towage and storage charges for which the tower has submitted a personal check made payable to the Woodstock Police Department as provided in 23 V.S.A. §1754.

(f) Police officers shall be exempt from damages incurred to motor vehicles removed under this section and those persons other than police officers shall be insured and are deemed to be self-insured for liability for any damages incurred to motor vehicles which they remove under the authority of this section.

(g) The provisions of this section shall not apply to motor vehicles parked in violation of §8321(16) of this subchapter or to the owners of such motor vehicles by reason of such violation, nor shall the provisions of this section be effective to authorize the removal of a motor vehicle parked in violation of any provision of this subchapter, the enforcement of which requires signs to be erected and in place at the time of the violation, if such signs are not, in fact, properly in place at such time.

(h) The provisions of this section shall operate in addition to and not in lieu of any penalties or other remedies which may otherwise be imposed under this title or by Vermont law.

History:

2000 Amendment. Subsection (c) was amended to change the towage charge to sixty dollars and the storage charges to five dollars a day by section 4 of Woodstock Village Ordinance Revision #11, adopted by the Board on November 22, 1999, effective January 21, 2000.

Revision # 16, 2016 Amendment establishes the width of a parking space in a parking lot to be 9 feet wide.

Revision # 16, 2016 Amendment subsection (c) was amended to change towing and storage fees to be the towing company's normal and customary charges for these services.

**§8336. Immobilization and Impoundment of Motor Vehicles**

- (a) By Authority of Title 24 V.S.A., Chapter 61, Section 2291 and 23 V.S.A., Chapter 19, Section 1752 and 1753, municipalities are enabled to regulate parking and to set penalties. This is a civil ordinance.
- (b) Any unattended motor vehicle found parked at any time upon any public highway or parking lot owned or leased by the Village of Woodstock, the owner of which has four (4) or more unpaid parking violations, may be immobilized by an officer or member of the Woodstock Police Department in such a manner as to prevent its operation. Notice must be sent by certified mail to the owner listed by the Department of Motor Vehicle at least fifteen (15) days prior to impoundment. No vehicle shall be immobilized by any means other than a device or other mechanism which will cause no damage to the vehicle unless it is moved while such device or mechanism is in place. When calculating the number of parking tickets outstanding by an individual, all prior unpaid tickets shall be considered in determining the number of tickets necessary to bring about application of the immobilization device.
- (c) The Woodstock Police Department shall send a warning letter to the registered owner of a motor vehicle that has accumulated four (4) unpaid parking tickets explaining that when the vehicle accumulated (5) five unpaid parking ticket it shall be subject to being immobilized with a mechanical device.
- (d) It shall be the duty of the officer or member of the Woodstock Police Department immobilizing such motor vehicle to inform, as soon as practicable, the owner of an immobilized vehicle of the nature and circumstances of the prior unpaid parking violations on account of which such vehicle was immobilized. At the time of immobilization, the officer or member shall cause to be placed on such vehicle, in a conspicuous manner, notice sufficient to warn any individual that such vehicle has been immobilized and that any attempt to move such vehicle may result in damage to such vehicle.
- (e) The owner of such immobilized vehicle, or other duly authorized person, shall be permitted to secure the release of the vehicle upon:
- (1) The payment of all outstanding fines; and
  - (2) The payment of a booting fee of twenty dollars (\$20.00) for such immobilization.
  - (3) The payment of any towing charges.
- (f) In the event the owner of the immobilized vehicle fails to make the payments required in Section (e) above within a period of twenty-four (24) hours from the time of such immobilization, the Police Department shall cause said vehicle to be towed away as provided for in Section 8335 of Woodstock Village Ordinances.

(g) It shall be unlawful for any unauthorized person to deface, injure, tamper with, open, break, destroy or remove the immobilizer, impair the usefulness thereof or attempt to do any of these acts.

(h) As to any vehicle immobilized or impounded pursuant to this chapter by or at the request of the Village of Woodstock, its agents or employees, a person who has a legal entitlement to possession of the vehicle has a right to a seizure administrative hearing to determine whether there was probable cause to immobilize or impound the vehicle. Such person must file a written demand, on forms provided for such a hearing, at the Village of Woodstock Police Department within ten (10) days after such person has received notice that such vehicle has been immobilized or impounded.

**(i) Conduct of Hearing**

- (1) A hearing shall be conducted before a Hearing Officer within forty- eight (48) hours of receipt of a written demand therefore from the person seeking the hearing unless such person waives the right to a speedy hearing. Saturdays,
- (2) Sundays and Town holidays are excluded from the calculation of the forty-eight-hour period. The sole issue before the Hearing Officer shall be whether there was probable cause to immobilize or impound the vehicle in question.
- (3) The Hearing Officer shall be the Chief of Police or an individual designated by the Chief of Police to be the Hearing Officer.
- (4) "Probable cause to immobilize or impound" shall mean such a state of facts as would lead a person of ordinary care and prudence to believe that the owner of the vehicle has four or more unpaid parking violations in the Village of Woodstock, and that a notice of such unpaid parking violations was sent by certified mail to the owner at least fifteen days before such vehicle was immobilized or impounded.
- (5) The Hearing Officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right of possession of the vehicle. The Police Department shall carry the burden of establishing that there was probable cause to immobilize or impound the vehicle in question. At the conclusion of the hearing, the Hearing Officer shall prepare a written decision. A copy of such decision shall be provided to the person demanding the hearing and the registered owner of the vehicle (if not the person requesting the hearing). The Hearing Officer's decision in no way affects any civil proceeding in connection with the immobilization or impoundment in question, and that any civil charges involved in such proceeding may only be challenged in the appropriate court. The decision of the Hearing Officer is final. Failure of the registered or legal owner or his



agent, to request or attend a scheduled post- seizure hearing shall be deemed a waiver of the right to such hearing.

(j) The Hearing Officer shall only determine that as to the vehicle in question either there was probable cause to immobilize or impound the vehicle or there was no such probable cause. In the event that 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 shall be given to the possessor of the vehicle and the Police Department. Upon receipt of the possessor's copy of such certificate, the police shall release the vehicle to its possessor. Upon a finding of no probable cause, any immobilization, towing and storage fees shall be paid by the town. If the possessor fails to present such certificate to the police having custody of the vehicle within twenty-four (24) hours of its receipt, the possessor shall assume liability for all subsequent storage charges. Such certificate shall advise the possessor of such requirement.

**(k) Severability**

This ordinance and the various parts, sentences, sections and clauses thereof, are hereby declared to be severable. If any part, sentence, section or clause is adjudged invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

HISTORY:

2017, Revision 2017, adding section §8336 was adopted by the Board August 8, 2017, effective October 8, 2017.

**§8337. Authority to Immobilize a Motor Vehicle for Habitual Violation of the Village Parking Regulations**

HISTORY:

2018, Revision #3, deleting section §8337 was adopted by the Board on September 11, 2018, effective November 11, 2018. Revision Note: This section is note needed because this content is regulated in Section §8336.

This Ordinance Revision is hereby adopted by the Board of Village Trustees of the Village of Woodstock on this, the 12<sup>th</sup> day of November, 2024 and shall, unless a petition is filed as provided by law, become effective upon sixty (60) days from this date.

VILLAGE OF WOODSTOCK

BOARD OF VILLAGE TRUSTEES

Seton McIlroy, Chair

Jeffrey Kahn, Vice Chair

Brenda Blakeman

Frank Horneck

Lisa Lawlor