

**TOWN OF WESTMORE, VERMONT
PARKING ORDINANCE**

SECTION 1. AUTHORITY. This ordinance is adopted by the Selectboard of the Town of Westmore, Vermont under authority granted in 24 V.S.A. Chapter 59, 24 V.S.A. § 2291(4), 23 V.S.A. § 1008, 23 V.S.A. § 1752, 19 V.S.A. § 304 (a) (6), 4 V.S.A. § 329c)(11), and Vermont Rules of Civil Procedure Rule 80.9.

SECTION 2. PURPOSE. The purpose of this ordinance is to protect, preserve and promote the health, safety, and welfare of persons in the Town of Westmore through the reduction, control and prevention of nuisance parking of vehicles around Willoughby Lake.

SECTION 3. PROHIBITION.

A. No person shall park or leave standing, whether attended or unattended, any motor vehicle, as defined in 23 V.S.A. § 4(21), in the following areas:

(a) Within the town right-of-way of Town Highway #1, also known as Route 16, from the Barton-Westmore town line to the intersection of Vermont Route 5-A;

(b) Within the town right-of-way of Town Highway #4, from the intersection of Town Highway #1, also known as Route 16, to a point 0.82 miles southwesterly of the intersection of Town Highway #4 and Town Highway #1;

B. No person shall stop, park or leave standing any vehicle, whether attended or unattended, upon any part of the paved or main-traveled portion of a highway or in a no parking-zone.

C. Where parking within the highway right-of-way is permitted off the paved or main-traveled portion of a highway, at all times any parked vehicle shall be parked so as to leave an unobstructed portion of the highway open which will allow free passage for other vehicles and which will allow a clear and unobstructed view of the parked vehicle from a distance of not less than two hundred feet in each direction on the highway.

SECTION 4. SIGNAGE. Signs conspicuously printed with the words, “No Parking” and indicating that vehicles may be towed away at the expense of the owner shall be erected and maintained at all such areas where parking is prohibited by Section 3, paragraphs A and B above, of this ordinance.

SECTION 5. PENALTY. The violation of this ordinance shall be a civil offense. The penalty for violation of this ordinance shall be:

First offense	\$ 50
Second offense	\$ 75
Third and subsequent offenses	\$ 100

All penalties for violation of this ordinance shall be paid to the Westmore Treasurer within seven days.

In addition to any penalty, a motor vehicle parked in violation of this ordinance may be removed and impounded by order of a law enforcement officer. The cost of removal and impoundment of the motor vehicle shall be charged against the owner of the motor vehicle. The motor vehicle shall not be released to the owner until all removal and impoundment costs have been paid to the Town of Westmore.

Law enforcement officers are authorized to impound by use of a so-called "Denver Boot" or other immobilizing device, any motor vehicle, the owner of which has four or more unpaid parking violations in a calendar year, provided that notice that the vehicle in question is subject to impoundment is sent to the offender by first class mail at least 15 days prior to impoundment.

SECTION 6. APPEAL. A person may appeal the violation by submitting a written statement of objections to the Selectboard within seven days. The Selectboard will review the objections and respond in writing within 15 days. The Selectboard may uphold or overturn the violation or reduce the penalty. If, after exhausting this appeal process, the violator has not paid the penalty assessed for violation of this ordinance, the Town may institute an action against the violator in District Court accordance with Rule 80.9 of the Vermont Rules of Civil Procedure.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the Westmore selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

SECTION 8. OTHER LAWS. This ordinance is in addition to all other ordinances of the Town of Westmore and all applicable laws of the State of Vermont.

SECTION 9. SEVERABILITY. If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

SECTION 10. REPEAL OF PRIOR PARKING ORDINANCES. All prior parking ordinances of the Town of Westmore are hereby repealed.

DATE

Adoption History

1. Agenda item at regular selectboard meeting held on _____.
2. Read and approved at regular selectboard meeting on _____ and entered in the minutes of that meeting which were approved on _____.
3. Posted in public places on _____.
4. Notice of adoption published in the _____ newspaper on _____ with a notice of the right to petition.
5. Other actions [petitions, etc.]