



MEMO From the Office of the Town Manager

To: Colchester Selectboard
From: Ruby Tetrick, Communications Coordinator
CC: Aaron Frank, Town Manager; Renae Marshall, Deputy Town Manager; Andrew Bolduc, Deputy Town Manager, Peter Hull, Chief of Police; Randy Alemn, Director of Public Works; Glen Cuttitta, Director of Parks & Recreation
Date: June 19, 2026
Re: Updates to the Colchester Code of Ordinances, Chapter 9: Offenses and Miscellaneous Provisions, Chapter 12: Traffic, and Chapter 13: Streets and Sidewalks

The proposed changes to the Colchester Code of Ordinances, Chapters 9, 12, and 13 are located in the following sections:

- Chapter 9: Offenses and Miscellaneous Provisions
 - Section 9-46. Motor vehicles, pedestrians, and bicycles – page 16 of this document
- Chapter 12: Traffic
 - Section 12-50. General bicycle regulations – page 59 of this document
- Chapter 13: Streets and Sidewalks
 - Section 13-18. Vehicles on sidewalks – page 118 of this document



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CC: Aaron Frank, Town Manager; Renae Marshall, Deputy Town Manager; Andrew Bolduc, Deputy Town Manager, Peter Hull, Chief of Police; Randy Alemy, Director of Public Works; Glen Cuttitta, Director of Parks & Recreation

Date: June 22, 2026

Re: Updates to the Colchester Code of Ordinances, Chapter 9: Offenses and Miscellaneous Provisions, Chapter 12: Traffic, and Chapter 13: Streets and Sidewalks

Issue: The issue is whether or not the Selectboard shall approve the proposed amendments to the Colchester Code of Ordinances, Chapter 9: Offenses and Miscellaneous Provisions, Chapter 12: Traffic, and Chapter 13: Streets and Sidewalks, regarding the use of electric bicycles, motor-assisted bicycles, and motor-driven cycles on Town sidewalks and multiuse paths, following a public hearing held on July 14, 2026 as per the recommendation contained in a memo from Ruby Tetrick, Communications Coordinator, dated June 22, 2026.

Background: The Town of Colchester, like most municipalities around the country, has seen an uptick in the number of alternative modes of transportation being used on its sidewalks and multiuse paths. Users of the sidewalks and paths are opting to utilize electric bicycles, motor-assisted bicycles, and motor-driven cycles to get around. School-aged kids are also frequent users of these types of bikes.

Last fall, Town staff wrote a [memo](#) to the Selectboard about some of these modes transportation, specifically defining electric bicycles and motor-driven cycles (the two most common types of non-manual cycles we see on the road). Additionally, Town staff have distributed public information via the Town newsletter and social media informing the public of the difference between electric bicycles and motor-driven cycles.

Proposed Changes: In order to promote the safety of all users of Town sidewalks and multiuse paths, and to eliminate confusion regarding these similar, albeit different, modes of transportation, Town staff are proposing changes to the Colchester Code of Ordinances.

Per [23 V.S.A. § 1136a](#), Vermont municipalities have the power to prohibit all classes of electric bicycles from traveling on their sidewalks and multiuse paths. With these proposed amendments, Town staff are recommending that class 3 electric bicycles be prohibited, but class 1 and class 2 electric bicycles remain permitted to travel on sidewalks and multiuse paths.

Class 3 electric bicycles have capacity to travel up to 28 miles per hour and must be operated by a rider aged 16 or older. Because of the high speed capacity of these electric bicycles, Town staff believe

it is in the best interest of all users of sidewalks and multiuse paths to prohibit class 3 electric bicycles from traveling here.

The additional edits to the ordinance explicitly state, in accordance with state law, what types of cycles are and are not allowed on Town sidewalks and multiuse paths.

Please note that the additional edits for clarity do not effectuate any change on the enforcement of the ordinance. What is now explicitly stated in the Town's ordinance, was already in effect via state statute.

In drafting these changes, staff in the Town Manager's Office collaborated with the Colchester Police Department, the Department of Public Works, and the Department of Parks & Recreation.

These changes would be effective 21 days after the Selectboard's approval, following the public hearing.

Staff Recommendation/Proposed Motion: The Colchester Selectboard moves to approve the proposed amendments to the Colchester Code of Ordinances, Chapter 9: Offenses and Miscellaneous Provisions, Chapter 12: Traffic, and Chapter 13: Streets and Sidewalks, regarding the use of electric bicycles, motor-assisted bicycles, and motor-driven cycles on Town sidewalks and multiuse paths following a public hearing on July 14, 2026 as per the recommendation contained in a memo from Ruby Tetrick, Communications Coordinator, dated June 22, 2026.

Chapter 9 OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE I. - IN GENERAL

ARTICLE II. - PROCEDURES AND FEES FOR CONTROL AND CONTAINMENT OF HAZARDOUS

MATERIALS ARTICLE III. - REGULATING CONDUCT IN COLCHESTER PARKS

ARTICLE IV. - FALSE ALARMS

ARTICLE I. IN GENERAL

Sec. 9-1. Hauling and dumping rubbish.

Sec. 9-2. Dumping ice and snow in

public areas. Sec. 9-3. Use of firearms

regulated.

Sec. 9-4. Panhandling.

Secs. 9-5—9-14. Reserved.

Sec. 9-1. Hauling and dumping rubbish.

- (a) *Covers required.* No person shall convey upon any public highway of the Town at any time in any truck, wagon, cart or other vehicle any ashes, refuse, rubbish, waste or other discarded materials of any type whatsoever unless such vehicle, during such conveyance of such materials or matter is covered by a canvas tarpaulin or other suitable material of such character as to effectively prevent the emission of offensive or noxious odors from the materials or matter conveyed and unless such covering is fastened to such vehicle so as to prevent the falling or dripping of the load or any part thereof upon the highway.
- (b) *Compliance prerequisite to dumping.* No person who has not complied with subsection (a) of this section shall dump, discard or otherwise dispose of any ashes, refuse, rubbish, waste, discarded materials or other matter of any type whatsoever at the sanitary land fill area.
- (c) *Violation; penalty.* Any person found to have violated this section shall be fined pursuant to Chapter 1, Section 1-9. If any violation continues, each day's violation shall be deemed a separate violation.

(Ord. of 3-12-68, §§ 1—3; Ord. of 9-10-96)

Sec. 9-2. Dumping ice and snow in public areas.

- (a) *Placing prohibited without permission.* No person, by his/her own act, or through his/her agents or employees, shall throw, put, place, push, or otherwise deposit snow, or ice, in the following public areas without the written permission of the Town Manager or his/her designated representatives:
- (1) On the paved or travelled portion of any public street;
 - (2) On any Town sidewalk.
- (b) *Restrictions may accompany permission.* In granting written permission under the previous section, the Town Manager or his/her representatives may impose such restrictions as are necessary to protect the safety and welfare of the public, and such permission may be revoked at any time.
- (c) *Violations; penalty.* Any person who shall violate this section or the restrictions imposed by the written permission of the Town Manager or his/her agent shall, upon conviction, be fined pursuant to Chapter 1, Section 1-9, and each twenty-four (24) hours continuance of such violation shall be deemed a separate offense.

(Ord. of 11-9-71, §§ 1—3; Ord. of 9-10-96)

Sec. 9-3. Use of firearms regulated.

(a) *Definitions.*

- (1) Firearm means a mechanical device from which a projectile is forced through and discharged from a metal tube by exploding gunpowder.
- (2) Shotgun means a firearm specifically designed to use shotgun shells containing birdshot, buckshot, or a single projectile.
- (3) Rifle means a firearm that has a rifled barrel that is held against the shoulder when shot.
- (4) Muzzle loader means a firearm that loads from the muzzle and uses black powder or black powder substitute.
- (5) Handgun means a small firearm (such as a revolver or a pistol) designed to be held and shot with one (1) hand.
- (6) Birdshot/Buckshot means a shell loaded with at least three (3) metal pellets called shot.

(b) *Restricted firearms use in certain areas.* The following areas of the Town are restricted to the use and discharge of a firearm for hunting purposes using birdshot or buckshot only. No person may shoot or discharge any other firearm into or within a restricted use area.

(1) All zoning areas within these boundaries:

- a. West of a line from Lake Champlain to Prim Road, Bean Road, and Parsons Road to the Winooski River.
- b. An area bounded by a line north from Prim Road to Lake Champlain, along the shore line to Mallett's Creek, east to Interstate 89, south to Blakely Road, west along Blakely Road and West Lakeshore Drive to Prim Road.
- c. From Interstate 89 to Route 7 between Creek Farm Road and Bay Road.

(2) The areas zoned Residential 1 within these boundaries:

- a. From Severance Road to the Winooski city line between Route 7 and Essex town line.

(3) The areas zoned Residential 2 within these boundaries:

- a. The area between Blakely Road, Malletts Bay Avenue and Lavigne Road.

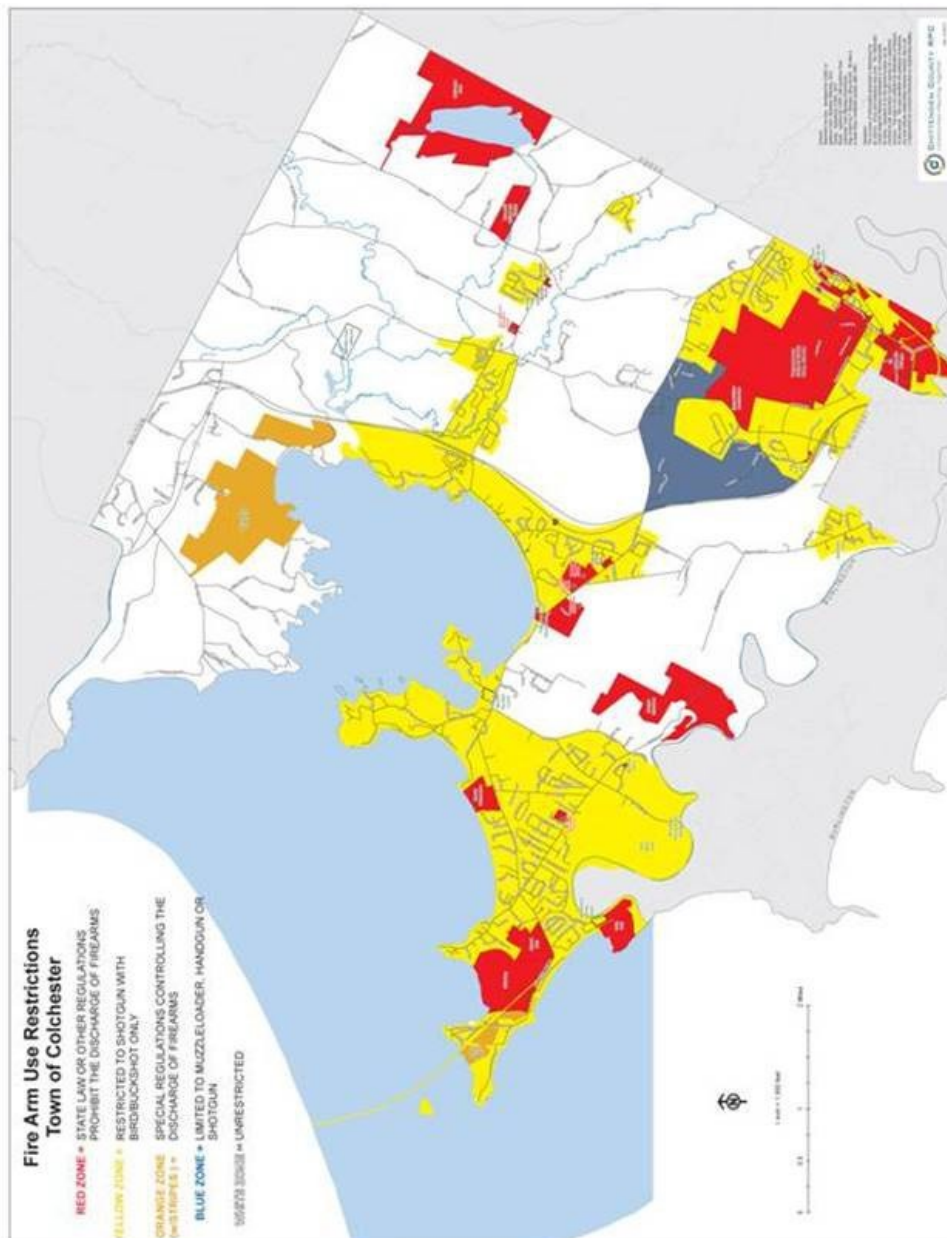
(4) The areas zoned Residential 3 within these boundaries:

- a. South of a line from Abigail Drive and the Winooski River to the Winooski city line.
- b. South of Blakely Road and Severance Road to the Winooski/South Burlington city lines between Interstate 89 to the Essex town line.
- c. From Bay Road to Blakely Road between Interstate 89 to Route 7 and Poor Farm Road.
- d. From Route 2a to Pond Brook between East Road and Middle Road.
- e. From Route 2a to Indian Brook between Mill Pond Road and the Essex townline.

- (5) All areas zoned Mobile Home Park.
 - (6) All areas zoned General Development 2.
 - (7) All areas zoned Business District from Severance Road to Winooski city line between Route 7 and the Essex town line.
 - (8) All areas zoned Commercial from Malletts Bay Avenue and Lavigne Road to the Essex town line between Blakely Road and Severance Road to the Winooski city line.
- (c) **Limited firearms use in certain areas.** The following areas of the Town are limited to the use and discharge of a muzzle loaded firearm, handgun or a shotgun using birdshot, buckshot or slug for hunting purposes. No person may shoot or discharge any other firearm into or within a limited use area.
- (1) The area zoned General Development 3 south of Severance Road to Sunderland Hollow Natural Area and between Route 7 and the Essex town line.
 - (2) The areas zoned Residential 1, General Development 3 and Business District south of Blakely Road to Interstate 89 and between Route 7 and Interstate 89.
- (d) Winooski Valley Park District and other nonprofit organizations reserve the right to regulate the discharge of firearms on property under their control.
- (e) The use of all firearms in Colchester Town Parks will be regulated by Article III, Section 9-49, Regulating Conduct in Colchester Parks.

Certain uses excepted:

- (1) Nothing shall prevent owners of land from the use of firearms to protect their lands or other property from damage being caused by wild animals or for other reasons which are otherwise lawful.
- (2) Nothing in this section shall prevent police officers from the use of firearms in performance of their legal duties.
- (3) Firing ranges in conformance with zoning regulations and State law are excluded from provisions of this section.



Sec. 9-4. Panhandling.

It shall be unlawful for any person to engage in panhandling if it involves any of the following conduct:

- (a) Panhandling in a manner that is threatening, intimidating, coercive or obscene;
- (b) Intentionally touching or grabbing the person being solicited;
- (c) Directing fighting words at the person being solicited;
- (d) Intentionally obstructing free passage of cyclists and pedestrians on public sidewalks and paths; or
- (e) Intentionally obstructing, impeding, or otherwise making unsafe the flow of traffic.

Nothing in this section is intended to violate an individual's right of free speech under the First Amendment.

Secs. 9-5—9-14. Reserved.

ARTICLE II. PROCEDURES AND FEES FOR CONTROL AND CONTAINMENT OF HAZARDOUS MATERIALS [1]

Sec. 9-15. Authority.

Sec. 9-16. General purposes.

Sec. 9-17. Application.

Sec. 9-18. Definitions.

Sec. 9-19. Duties of person in possession. Sec. 9-20. Control, containment and clean up. Sec. 9-21. Costs.

Sec. 9-22. Use of costs and fees collected.

Sec. 9-23. Enforcement.

Secs. 9-24—9-29. Reserved.

Sec. 9-15. Authority.

This article is adopted pursuant to the authority granted to the Town by Section 103(a) and Section 104(5) of the Colchester Town Charter as enacted by the General Assembly of the State of Vermont, March 5, 1985.

(Ord. of 11-13-90, § 1)

Sec. 9-16. General purposes.

It is the purpose of this article to provide for the orderly and expeditious control and clean-up of any hazardous materials which may escape from the control of the person or persons having possession of them, and thereby pose a threat to the Town. Further, it is the purpose of this article to require that any person possessing any such hazardous material shall compensate the Town for all services provided in relation to the control and clean-up of such material, and to reimburse the Town for any costs or damages, direct or indirect, incurred by the Town as a result of its effort to contain, control or clean up such hazardous material.

(Ord. of 11-13-90, § 2)

Sec. 9-17. Application.

This article applies to all incidents involving hazardous materials within the boundaries of the Town, and to all persons who may possess such materials found within the boundaries of the Town, except as State or Federal law and/or regulation may take precedence and authority over any such incident or person. This article shall be in addition to any and all provisions of said State or Federal law and/or regulation.

(Ord. of 11-13-90, § 3)

Sec. 9-18. Definitions.

For the purposes of this article, the following words shall have the following meanings:

Hazardous materials. Those substances, materials or agents in such quantity, state and form as may constitute a potential risk to the health and safety of the people and environment of the Town and which may constitute a threat to the property of the people, including, without limitation, the following, explosives, radioactive materials, etiologic agents, flammable materials, combustible materials, poisons, oxidizing or corrosive materials, and compressed gases. Also any other materials listed as hazardous by the Office of Hazardous Materials Safety of the United States Department of Transportation in Title 49 of the Code of Federal Regulations, as amended, or those materials the disposal of which is regulated under 9 V.S.A. Section 2821 et seq., 10 V.S.A. Section 6601 et seq., and 10 V.S.A. Section 7001 et seq.

Person. Any individual, corporation or other entity having the recognized legal status of a person (i.e. association), or any partnership, trust or other legal entity as distinguished from the individual members thereof.

Possession. To possess, own, hold or have within his/her or its control any material defined as hazardous. In the case of any corporation or other legal entity, in addition to the entity itself, its officers, directors or other natural persons having legal responsibility for the control of such entity shall be deemed to be in possession. It is the intention of this article to include within the concept "person in possession" not only the legal owner but also any and all other persons who may at any time come within the

chain of control without regard to the issue of legal title. Person in possession shall include not only the owner but any agent, consignee, employee, contractor or representative within a chain of control.

(Ord. of 11-13-90, § 4)

Sec. 9-19. Duties of person in possession.

The person or persons in possession of any hazardous material shall have the duty to prevent its discharge or release and to assure that any such material is used in a manner which will prevent its escape from safe containment. No person in possession shall discharge, dump, deposit, release or dispose of any hazardous material within the Town. In the event of the discharge or release of any hazardous material from safe containment, the person in possession at the time of discharge shall immediately report the same to the Colchester Fire Department and the Colchester Police Department.

(Ord. of 11-13-90, § 5; Ord. of 4-14-20)

Sec. 9-20. Control, containment and clean up.

The Town shall promptly respond to each such reported incident and shall take such action as is necessary to protect public health, safety, welfare, property and environment. The primary goals of the Town shall be to bring the material under control in safe containment and to minimize the damage caused by such material.

(Ord. of 11-13-90, § 6)

Sec. 9-21. Costs.

The person or persons in possession of any hazardous material shall pay a response fee of two hundred dollars (\$200.00) and in addition shall be strictly liable to the Town for all costs incurred by the Town in the control, containment and clean-up of the materials which may have been discharged or released. If such material was possessed by more than one (1) person, then all shall be jointly and severally liable and the costs incurred by the Town may be recovered from any one (1) of them by suit brought in any

court of competent jurisdiction.

(Ord. of 11-13-90, § 7)

Sec. 9-22. Use of costs and fees collected.

All costs and fees collected under this article shall be placed in a special hazardous materials account and expended by the Town Manager in accordance to the policies and limits established by the Selectboard.

(Ord. of 11-13-90, § 8)

Sec. 9-23. Enforcement.

The Town Manager shall be responsible for administering and enforcing this article.

(Ord. of 11-13-90, § 9)

Secs. 9-24—9-29. Reserved.

FOOTNOTE(S):

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Editor's note— Being not specifically amendatory of the Code, the provisions enacted by §§ 1—9 of a Nov. 13, 1990, ordinance have been incorporated herein as Art. II to Ch. 9, §§ 9-15—9-23, at the editor's discretion. ([Back](#))

ARTICLE III. REGULATING CONDUCT IN COLCHESTER PARKS [2]

Sec. 9-30. Purpose and authority.

Sec. 9-31. Definitions.

Sec. 9-32. Park hours and closures.

Sec. 9-33. Buildings and other property.

Sec. 9-34. Park usage.

Sec. 9-35. Use of cameras and recording devices.

Sec. 9-36. Authority to rent or lease parks

and equipment. Sec. 9-37. Fees.

Sec. 9-38. Reserved areas.

Sec. 9-39. Permit system.

Sec. 9-40. Picketing or demonstrations.

Sec. 9-41. Commercial activities.

Sec. 9-42. Noise and amplified sound.

Sec. 9-43. Fireworks and explosives.

Sec. 9-44. Litter.

Sec. 9-45. Distribution of printed material.

Sec. 9-46. Motor vehicles and bicycles.

Sec. 9-47. Parking.

Sec. 9-48. Aircraft and radio-controlled

devices. Sec. 9-49. Firearms and

other weapons.

Sec. 9-50. Metal

detectors.

Sec. 9-51. Abandoned property.

Sec. 9-52. Pets.

Sec. 9-53. Swimming and wading.

Sec. 9-54. Boating and fishing.

Sec. 9-55. Camping and overnight use.

Sec. 9-56. Fires and firewood.

Sec. 9-57. Personal risk in natural areas.

Sec. 9-58. Natural resource protection and preservation. Sec. 9-59. Pollution of waters.

Sec. 9-60. Smoking.

Sec. 9-61. Drug and alcohol use.

Sec. 9-62. Enforcement.

Secs. 9-63—9-70. Reserved.

Sec. 9-30. Purpose and authority.

The purpose of this article is to ensure all Colchester residents that the Town parks will be clean, safe and enjoyable places for people to engage in the recreation pursuits

of their choice, and to protect the peace, order, health, safety, comfort, protection, morality, and general welfare of the Town and of its citizens. Because recreation is different things to different people, the following regulations have been developed to facilitate the use of parks for active and passive, scheduled and spontaneous, group and individual recreation activities. This article is adopted pursuant to 24 V.S.A. Ch. 61, Section 103(b), and Sections 105 et seq. of the Colchester Town Charter.

(Ord. of 9-22-15)

Sec. 9-31. Definitions.

As used in the article, the following terms shall have the following meanings ascribed to them:

- (a) *Town*: Town of Colchester, Vermont.
- (b) *Department*: Colchester Parks and Recreation Department.
- (c) *Director*: The Director of the Colchester Parks and Recreation Department, or his/her designee.
- (d) *Fireworks*: The term "fireworks" means any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, including blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, balloons that are propelled by explosives, firecrackers, torpedoes, sky rockets, Roman candles, cherry bombs, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance, except sparklers.
- (e) *Manager*: Town of Colchester Town Manager, or his/her designee.
- (f) *Motor vehicle*: Any wheeled conveyance (except a wheelchair) for transportation of persons or materials whether powered or drawn by motor such as an automobile, truck, golf cart, recreational vehicle, motorcycle or scooter. "Vehicle" does not include any Town of Colchester fleet or emergency vehicles operating in the course of public safety or official Town of Colchester business.
- (g) *Park/park property*: May include, but is not limited to, parks, open space, greenspace, natural areas, cultural and historic sites, playgrounds, ball fields, pools, pavilions, greenways, wetlands, floodplains, lakes, rivers, beaches or water areas, and buildings and structures which are under the control of or assigned for inspection, upkeep, maintenance or operation by the Department.
- (h) *Permit*: A document provided by the Department granting permission for use of reserved park property and which sets forth terms and conditions applicable thereto.
- (i) *Person*: Any person, firm, association, joint venture, partnership, company, corporation, entity or organization of any kind.
- (j) *Pet*: Any domesticated animal kept for pleasure rather than utility.
- (k) *Plant*: Any tree, vine, shrub, flower, fungi or related living organism.
- (l) *Recreation Path*: any trail, path, or sidewalk in the Town of Colchester on Town owned land or Town or State of Vermont Right of Way, made of gravel, dirt, pavement, or concrete.
- (m) *Special event*: Any organized activity open to the public, taking place on park property and having as its purpose entertainment, recreation and/or education, such as a festival or celebration, foot or vehicle race, parade or concert.

(Ord. of 9-22-15; Ord. of 7-5-22)

Sec. 9-32. Park hours and closures.

- (a) All parks shall be open to the public during designated hours. The opening and closing hours shall be posted at each park in order to give notice to the public.
- (b) No person shall enter or remain on park property during hours when the park is closed. The provisions of this section shall not apply to emergency personnel or department employees while in the discharge of their duties, or to any person having permission by the Director to be or remain in any part of the parks between such hours.
- (c) In the interest of public safety, the Director may close parks or areas within parks to public entry or otherwise restrict use until such time as the area can be made available for safe public use. Except in emergency circumstances, notice of closure shall be posted, and only authorized persons shall enter closed or restricted areas.

(Ord. of 9-22-15)

Sec. 9-33. Buildings and other property.

- (a) No person shall willfully mark, destroy, deface, vandalize or otherwise damage any building or other property belonging to or used by Town of Colchester in any park.
- (b) No person shall construct or erect on park property any building or structure of whatever kind, whether permanent or temporary in character, except as part of a Department program or permitted event.

(Ord. of 9-22-15)

Sec. 9-34. Park usage.

- (a) No person shall enter or use any park for which an entrance or use fee has been established unless each person has first paid the fee or is otherwise authorized to enter.

(b) The Director may establish rules for the proper use of park amenities such as playgrounds, swim areas, skate parks, etc. which shall be enforceable by park personnel.

(Ord. of 9-22-15)

Sec. 9-35. Use of cameras and recording devices.

No person shall use any type of camera or similar device to record or produce a visual image in any park restroom, locker room, bath house, shower facility or other area used for dressing or changing clothes.

(Ord. of 9-22-15)

Sec. 9-36. Authority to rent or lease parks and equipment.

The Director is authorized to rent or lease the use of park equipment and to charge a fee for the use of park facilities to individuals and private or public organizations.

(Ord. of 9-22-15)

Sec. 9-37. Fees.

Reasonable fees may be assessed by the Selectboard for the use of parks by individuals. The Town shall establish a schedule of such fees as approved by the Selectboard.

(Ord. of 9-22-15)

Sec. 9-38. Reserved areas.

- (a) Parks and park property shall be reserved only by permit made in accordance with the Department's reservation policy. Said reserved park areas may include athletic fields, group picnic shelters and associated amenities, recreation facility spaces, and those areas requested for the use of special events.
 - (b) No person shall use or occupy a reserved space except the person or party for whom the space is reserved.
 - (c) Any person having a permit issued by the Department must comply with all applicable rules and regulations. Upon request, confirmation of the reservation must be displayed to department employees charged with supervision or patrolling of parks. Violations of permit requirements may result in immediate suspension or revocation of the permit.
 - (d) Department employees, in the course of authorized business, shall have the right to enter the premises of any building, structure or enclosure on park property, including those rented or set aside for the private or exclusive use of any individual or group.
- (Ord. of 9-22-15)

Sec. 9-39. Permit system.

- (a) Application for any permit or permission issued pursuant to this article shall be made to the Parks and Recreation Department.
 - (b) Application for group use of a park shall be made to the Parks and Recreation Department at least fourteen (14) days prior to the proposed activity date. Application for group use of a park shall be made on a form provided by the Parks and Recreation Department.
 - (c) The organization of any assembly or group to conduct programs or entertainment in any park is allowed by permit from the Parks and Recreation Department. Said permits shall be carried by the person directing or leading such activity. Failure to follow the conditions of the permit shall void the permit.
 - (d) The Parks and Recreation Director or designee shall issue a permit if the applicant's use will not unreasonably interfere with the enjoyment and use of the park by the general public based on the consideration or whether the applicant's activity:
 - (1) Will unreasonably detract from residents' entitlement to recreation;
 - (2) Will unreasonably infringe on public health, safety or welfare;
 - (3) Will unreasonably conflict with facilities reserved for other uses;
 - (4) Will unreasonably interfere with traffic or burden police services; or
 - (5) Is likely to cause personal or property injury, incite violence, crime or disorderly conduct.
 - (e) The Parks and Recreation Director may impose reasonable conditions upon the issuance of a permit.
 - (f) A fee may be imposed by the Selectboard as a condition to the issuance of a permit.
 - (g) As a condition of the issuance of a permit, the Parks and Recreation Director may, at his/her discretion, require the individual/group to have in attendance a Law Enforcement Officer, Fire Officer or Rescue Officer.
 - (h) Denial of an application shall be accompanied by a statement of reasons for such a denial. An applicant may appeal the action of the Parks and Recreation Director to the Town Manager, within thirty (30) days of notification of a denial.
 - (i) Any permit is revocable for violation of any article or for breach of the conditions attached to the permit.
- (Ord. of 9-22-15)

Sec. 9-40. Picketing or demonstrations.

Any person, group or organization engaged in any picketing, demonstrations, assembly, gathering, procession or other activity protected by the U.S. Constitution shall be prohibited from blocking the ingress and egress of any park or park property, from disrupting or interfering with scheduled events, or preventing or being inconsistent with the intended use of the park at the proposed site of assembly.

(Ord. of 9-22-15)

Sec. 9-41. Commercial activities.

- (a) No person shall conduct the commercial sale of, or offer to sell any goods, ware, drinks, food or similar items nor render or offer to render any service for hire, at any park except as authorized by contract or permit issued by the Director.
 - (b) Commercial vendors interested in doing business on Town property/parks shall contact the Parks and Recreation Director to complete the proper permit application.
 - (c) No person shall place any stand, cart or vehicle for the transportation, sale, trade or display of any article, material or service within any park area unless approved by the Director in conjunction with a permitted use of a reserved park area.
- (Ord. of 9-22-15)

Sec. 9-42. Noise and amplified sound.

Patrons shall preserve the peace and quiet enjoyment of the parks by observing all state laws governing noise and amplified sound while on park property.

- (a) All unreasonably loud noise is hereby prohibited in Town parks. Noise shall be deemed to be unreasonable when it disturbs, injures, or endangers the peace or health of another or when it endangers the health, safety, or welfare of park users. A

determination of unreasonable shall be made by enforcement personnel based on time/place/density of park usage and other relevant factors.

- (b) The operation or permitting the operation of any musical instrument, radio, television, phonograph, or other device for the production or reproduction of sound is hereby prohibited in all Town parks, unless played in connection with a permit granted by the Director of the Town Department of Parks and Recreation.

(Ord. of 9-22-15)

Sec. 9-43. Fireworks and explosives.

No person shall possess or use any kind of firework or other explosive material or system, except by permit, in any park, except as otherwise indicated in Section 9-49 of this article.

(Ord. of 9-22-15)

Sec. 9-44. Litter.

- (a) No person shall dump, deposit, place or throw any garbage, glass, coals, ashes, paper, boxes, cans, dirt, waste or other trash in any park except in proper receptacles where provided. Where receptacles are not provided, litter shall be carried away from park property by the person or persons responsible for its presence.

- (b) No glass containers are permitted within park boundaries.

(Ord. of 9-22-15)

Sec. 9-45. Distribution of printed material.

No person shall hand out, distribute, post, display or affix any printed material or advertisement within any park property or on any vehicle that is calculated to attract the attention of the public. Exceptions to this rule include the direct distribution, without charge to the receiver thereof, of non-commercial handbills to any person willing to accept it; announcements of Department-sponsored or sanctioned events; authorized signs located entirely within concession structures; and signs or distribution of printed materials approved by the Director in conjunction with a permitted use of a reserved park area.

(Ord. of 9-22-15)

Sec. 9-46. Motor vehicles, pedestrians, and bicycles.

- (a) All applicable state and local motor vehicle laws are enforceable within parks.
- (b) Law enforcement officers may enforce all applicable state and local motor vehicle, traffic and parking laws, and enforce all rules and regulations set forth by the Director within park property. Enforcing officials may direct traffic and enforce the rules and regulations set forth by the Director within park property.
- (c) All vehicles operated on park roads must be street legal by state and local vehicle laws.
- (d) All motorized vehicles, class 3 electric bicycles, motor-assisted bicycles, and motor-driven cycles, as those terms are defined in 23 V.S.A. § 4, of every kind and description are prohibited from driving on Colchester Recreation paths, except as follows:
 - (1) Emergency response vehicles and authorized town maintenance and enforcement vehicles;
 - (2) Vehicles crossing the path at designated crossing points such as intersections and driveways;
 - (3) Vehicles travelling on public roads which share road surface with designated recreation paths;
 - (4) Motorized wheelchairs; and
 - (5) Segways with permission of Parks and Recreation Director.
- (e) Racing of bicycles is prohibited on recreation paths, unless approved by the Parks and Recreation Director.
- (f) Pedestrians have the right-of-way on recreation paths.
- (g) Users of the recreation paths shall observe and obey the following:
 - (1) All users shall stay to the right side of the path except when passing.
 - (2) Passing shall be done on the left or the person(s) being passed. Users shall warn others prior to passing them by announcing "passing on your left" or some other suitable warning.
 - (3) Users shall travel single file when necessary for safety.
 - (4) Users shall obey all applicable traffic rules and regulations, including coming to a complete stop at all stop signs, and shall walk their bicycle in any area posted for walking only.
 - (5) All users shall travel only at such speeds and in such a manner as is safe under the circumstances, including current weather conditions and the condition of the path surface.
- (h) Bicycles, including class 1 and 2 electric bicycles, as those terms are defined in 23 V.S.A. § 4, are allowed on concrete or asphalt paths within parks but are prohibited on natural surface trails and other park areas unless expressly designated as bicycle trails.
- (i) All terrain vehicles (ATV) and snowmobiles are not permitted within the boundaries of parks, except with prior written permission from the Director of Parks and Recreation.

(Ord. of 9-22-15; Ord. of 7-5-22)

Sec. 9-47. Parking.

- (a) No person shall park a vehicle on park property at any place other than in the expressly designed space provided for that particular type of vehicle, unless directed otherwise by a Law Enforcement Officer or Department Employee, or by official signs or markings.
- (b) No driver or operator of any vehicle shall leave a vehicle parked on park property after posted closing hours without permission of the Director. Such permission shall be posted in a conspicuous location while the vehicle is parked after hours. If there is no permission vehicle will be towed at owner's expense.
- (c) Vehicles parked in unauthorized areas that pose a threat to patron safety may be towed at the owner's expense.
- (d) No vehicle shall be parked on park property when the parked vehicle is for the purposes of sale or repair.

(Ord. of 9-22-15)

Sec. 9-48. Aircraft and radio-controlled devices.

- (a) No person shall operate, direct or be responsible for any aircraft, helicopter, glider, balloon, parachute, uav, drone or other aerial apparatus that shall take off from, operate within, or land within park property except in emergency law enforcement situations or when permission has been obtained from the Director.
- (b) No person shall launch or operate any radio-controlled model rocket, airplane, glider, boat, car or similar vehicle without permission from the Director.

(Ord. of 9-22-15)

Sec. 9-49. Firearms and other weapons.

- (a) No person shall shoot or otherwise discharge a firearm, weapon, bow, arrow or similar device from within a park, or into any park from beyond the boundaries of such park.
- (b) Subject to the requirements of applicable state law, the Director may permit the use of weapons in a park for recreational, educational, wildlife or natural resource management purposes, or other departmental functions under supervision, written guidelines or agreements.
- (c) Shotguns may be legally discharged in that area of the Causeway Park, which is bordered by water, for the purpose of hunting.
(Ord. of 9-22-15)

Sec. 9-50. Metal detectors.

No person shall use a metal detector in any park except for official activities authorized by the Director.

(Ord. of 9-22-15)

Sec. 9-51. Abandoned property.

No person shall abandon a vehicle or other personal property in any park. Abandoned property shall be removed, impounded and sold in conformance to Town of Colchester Ordinances.

(Ord. of 9-22-15)

Sec. 9-52. Pets in Parks and on Recreation Paths.

- (a) Any person bringing a domestic pet within park boundaries shall keep the pet on a physical leash, or under the immediate personal supervision and control of the owner. "Under the immediate supervision and control of the owner" means that the pet will stop and come to the owner upon command and that the pet is at all times prevented from causing injury, damage, disturbance or annoyance to park property or other park users. Police K-9 are exempt.
 - 1) Additionally, on recreation paths and sidewalks, all dogs must be leashed on a maximum six-foot leash.
- (b) No exotic animals are permitted at any park.
- (c) No person shall bring a pet into an enclosed park building except those qualified as service animals under the Americans with Disabilities Act, or as part of an authorized program or event.
- (d) Any pet not under the immediate personal supervision and control of a responsible person or any pet creating a disturbance or nuisance, may be restrained, confiscated or removed from the park by authorized personnel.
- (e) No person shall permit a pet for which he or she is responsible to be in the water of a swimming area or designated water play area, and no such person shall permit a pet except for those qualified as service animals under the Americans with Disabilities Act, to be within the land area or beach area adjacent to the water of a swimming area or designated water play area. Pets are not permitted to enter any natural or constructed body of water except in areas dedicated for such purpose.
- (f) Persons bringing pets onto park property are required to carry appropriate material and remove any fecal waste left by their pets.
- (g) Horseback riding shall not be permitted in the parks.
- (h) No pets shall be unattended.
- (i) Current rabies and appropriate inoculation and registration tags must be displayed on pets at all times.

(Ord. of 9-22-15; Ord. of 7-5-22)

Sec. 9-53. Swimming and wading.

No person shall swim, wade or play in any natural or built water area within a park except where specifically designated, and in compliance with such rules and regulations set by the Director. All persons swimming in the public parks do so at their own risk.

(Ord. of 9-22-15)

Sec. 9-54. Boating and fishing.

Boating or fishing shall not be conducted within two hundred (200) feet of any designated swimming area, in accordance with U.S. Coast Guard regulations.

(Ord. of 9-22-15)

Sec. 9-55. Camping and overnight use.

No person may erect a tent or related shelter at any time to camp, sleep or park a vehicle overnight at any park or open space, except as authorized by permit, and only in areas designated or marked for such purpose.

(Ord. of 9-22-15)

Sec. 9-56. Fires and firewood.

- (a) No person may light, build or maintain a fire in any park except in a device provided, maintained or designated for such purposes, or as authorized by the Director.
- (b) Grills are provided throughout the parks for patron use; use of any other grill or cooking equipment is prohibited unless otherwise authorized by the Director.
- (c) No person may cut, gather or collect wood or other combustible material at any park for use as firewood or fuel, unless authorized by the Director.
- (d) Fires or lighted grills shall not be left unattended, and any person starting a fire shall not leave the area without extinguishing said fire.
- (e) During periods when a fire hazard has been declared "high" or greater by the State of Vermont or similar agency, the Director may prohibit or restrict fires in park areas.

(Ord. of 9-22-15)

Sec. 9-57. Personal risk in natural areas.

Personal risks associated with the natural environment are inherent in parks. Native wild animals, poisonous plants, rough terrain and other natural conditions are considered a part of the visitor's experience. Park users are responsible for their own health and welfare regarding natural elements and other environmental conditions when they elect to enter such areas.

(Ord. of 9-22-15)

Sec. 9-58. Natural resource protection and preservation.

- (a) No person shall dig, cut, break, move, excavate, disturb, remove, destroy, harm or tamper with, nor carry within, any soil,

rocks, trees, shrubs, plants, mushrooms, down-timber or other wood or materials without authorization from the Director.

- (b) No person shall harm, harass, disturb the breeding grounds or habitat of, hunt, trap or remove any animal, including mammals, fish, insects, birds, reptiles, amphibians or any other living creature, including eggs and nests, from any park except upon authorization of the Director. This subsection shall not apply to fish caught by an individual in possession of a valid Vermont fishing license fishing in an area designated for this activity, in accordance with state fishing regulations.
- (c) No person shall feed any non-domesticated animal in any park unless authorized by the Director.
- (d) Park properties that are primarily in their natural state, yet provide some means of access for visitors, shall be maintained to protect the environment as well as the user.

(Ord. of 9-22-15)

Sec. 9-59. Pollution of waters.

- (a) No person shall throw, discharge, disturb or otherwise place or cause to be placed in the waters of any lake, river, stream, or other body of water within park property any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.
- (b) No person shall bury, discharge or intentionally dispose of a toxic or hazardous substance in parks or on park property, or the State waters found therein.

(Ord. of 9-22-15)

Sec. 9-60. Smoking.

- (a) No person shall smoke on public beaches.
- (b) At no time shall marijuana or any product containing THC be used in the parks or beaches.

(Ord. of 9-22-15)

Sec. 9-61. Drug and alcohol use.

- (a) It is unlawful to use, possess or sell any controlled substance in violation of State statutes.
 - (b) It is unlawful to serve, possess, consume or bring beer, wine or other alcoholic beverages into a park in kegs, barrels, or other bulk tap quantities without permission of the Director.
 - (c) Containers of alcoholic beverages are not permitted on Town beaches.
- (Ord. of 9-22-15)

Sec. 9-62. Enforcement.

- (a) This article is a civil ordinance and shall be enforced in the Vermont Judicial Bureau or in the Vermont Superior Court, Civil Division, Chittenden Unit, at the election of the enforcing official, in accordance with 24 V.S.A. §§ 1974a et seq.
- (b) Violations of this article are punishable by a civil penalty of not more than eight hundred dollars (\$800.00) per violation. The Selectboard may adopt a separate Schedule of Fines relative to this article.
- (c) The enforcing official may choose to file an enforcement action in the Vermont Superior Court, Civil Division, Chittenden Unit, to seek injunctive relief, and fines as appropriate. Any enforcing official shall have the authority to eject from any of the parks any person acting in violation of any provisions of the ordinance codified in this article or in violation of any permit issued pursuant to this article and may issue a notice against trespass on behalf of the Town of Colchester.
- (d) Waiver fee: An issuing Municipal Official shall have the authority to recover a waiver fee, in lieu of a civil penalty, in the amount set forth in the schedule of fines adopted by Selectboard.
- (e) Enforcement Officials: For the purpose of enforcement in the Judicial Bureau, any Town of Colchester Police Officer, the Director of the Department of Parks and Recreation, or his or her designee, and any person(s) duly appointed by the Selectboard shall have the authority to act as issuing Municipal Officials to issue and pursue before the Judicial Bureau a municipal complaint.

Schedule of Fines

Park Ordinance	Maximum Each Offense	1st Offense	2nd Subsequent Offense
Park Hours, § 9-32	\$800.00	\$50.00	\$100.00
Buildings (vandalism) and other property, § 9-33	\$800.00	\$200.00	\$300.00
Park usage, § 9-34	\$800.00	\$50.00	\$100.00
Use of cameras or recording device, § 9-35	\$800.00	\$100.00	\$200.00
Authority to rent or lease parks and equipment, § 9-3	\$800.00	\$50.00	\$100.00
Reserved areas, § 9-38	\$800.00	\$100.00	\$200.00
Permit system, § 9-39	\$800.00	\$100.00	\$200.00
Picketing or demonstrations, § 9-40	\$800.00	\$100.00	\$200.00
Commercial activities, § 9-41	\$800.00	\$100.00	\$200.00
Noise and amplified sound, § 9-42	\$800.00	\$100.00	\$200.00
Fireworks and explosives, § 9-43	\$800.00	\$100.00	\$200.00
Litter, § 9-44	\$800.00	\$50.00	\$100.00
Distribution of printed material, § 9-45	\$800.00	\$50.00	\$100.00
Motor vehicles and bicycles, § 9-46	\$800.00	\$100.00	\$200.00
Parking, § 9-47	\$800.00	\$50.00	\$100.00
Aircraft and radio controlled devices, § 9-48	\$800.00	\$50.00	\$100.00
Firearms and other weapons, § 9-49	\$800.00	\$200.00	\$300.00
Metal detectors, § 9-50	\$800.00	\$50.00	\$100.00
Abandoned property, § 9-51	\$800.00	\$100.00	\$200.00
Pets, § 9-52	\$800.00	\$50.00	\$100.00
Swimming and wading, § 9-53	\$800.00	\$50.00	\$100.00

Boating and fishing, § 9-54	\$800.00	\$100.00	\$200.00
Camping and overnight use, § 9-54	\$800.00	\$100.00	\$200.00
Fires and firewood, § 9-56	\$800.00	\$100.00	\$200.00
Natural Resource Protection, § 9-58	\$800.00	\$400.00	\$800.00
Pollution of waters, § 9-59	\$800.00	\$400.00	\$800.00

Smoking, § 9-60	\$800.00	\$50.00	\$100.00
Drug and alcohol use, § 9-61	\$800.00	\$50.00	\$100.00

(Ord. of 9-22-15)

Secs. 9-63—9-70. Reserved.

Chapter 9 OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE I. - IN GENERAL

ARTICLE II. - PROCEDURES AND FEES FOR CONTROL AND CONTAINMENT OF HAZARDOUS

MATERIALS ARTICLE III. - REGULATING CONDUCT IN COLCHESTER PARKS

ARTICLE IV. - FALSE ALARMS

ARTICLE I. IN GENERAL

Sec. 9-1. Hauling and dumping rubbish.

Sec. 9-2. Dumping ice and snow in

public areas. Sec. 9-3. Use of firearms

regulated.

Sec. 9-4. Panhandling.

Secs. 9-5—9-14. Reserved.

Sec. 9-1. Hauling and dumping rubbish.

- (a) *Covers required.* No person shall convey upon any public highway of the Town at any time in any truck, wagon, cart or other vehicle any ashes, refuse, rubbish, waste or other discarded materials of any type whatsoever unless such vehicle, during such conveyance of such materials or matter is covered by a canvas tarpaulin or other suitable material of such character as to effectively prevent the emission of offensive or noxious odors from the materials or matter conveyed and unless such covering is fastened to such vehicle so as to prevent the falling or dripping of the load or any part thereof upon the highway.
- (b) *Compliance prerequisite to dumping.* No person who has not complied with subsection (a) of this section shall dump, discard or otherwise dispose of any ashes, refuse, rubbish, waste, discarded materials or other matter of any type whatsoever at the sanitary land fill area.
- (c) *Violation; penalty.* Any person found to have violated this section shall be fined pursuant to Chapter 1, Section 1-9. If any violation continues, each day's violation shall be deemed a separate violation.

(Ord. of 3-12-68, §§ 1—3; Ord. of 9-10-96)

Sec. 9-2. Dumping ice and snow in public areas.

- (a) *Placing prohibited without permission.* No person, by his/her own act, or through his/her agents or employees, shall throw, put, place, push, or otherwise deposit snow, or ice, in the following public areas without the written permission of the Town Manager or his/her designated representatives:
 - (1) On the paved or travelled portion of any public street;
 - (2) On any Town sidewalk.
- (b) *Restrictions may accompany permission.* In granting written permission under the previous section, the Town Manager or his/her representatives may impose such restrictions as are necessary to protect the safety and welfare of the public, and such permission may be revoked at any time.
- (c) *Violations; penalty.* Any person who shall violate this section or the restrictions imposed by the written permission of the Town Manager or his/her agent shall, upon conviction, be fined pursuant to Chapter 1, Section 1-9, and each twenty-four (24) hours continuance of such violation shall be deemed a separate offense.

(Ord. of 11-9-71, §§ 1—3; Ord. of 9-10-96)

Sec. 9-3. Use of firearms regulated.

- (a) *Definitions.*
 - (1) Firearm means a mechanical device from which a projectile is forced through and discharged from a metal tube by exploding gunpowder.
 - (2) Shotgun means a firearm specifically designed to use shotgun shells containing birdshot, buckshot, or a single projectile.
 - (3) Rifle means a firearm that has a rifled barrel that is held against the shoulder when shot.
 - (4) Muzzle loader means a firearm that loads from the muzzle and uses black powder or black powder substitute.

(5) Handgun means a small firearm (such as a revolver or a pistol) designed to be held and shot with one (1) hand.

(6) Birdshot/Buckshot means a shell loaded with at least three (3) metal pellets called shot.

(b) *Restricted firearms use in certain areas.* The following areas of the Town are restricted to the use and discharge of a firearm for hunting purposes using birdshot or buckshot only. No person may shoot or discharge any other firearm into or within a restricted use area.

(1) All zoning areas within these boundaries:

a. West of a line from Lake Champlain to Prim Road, Bean Road, and Parsons Road to the Winooski River.

b. An area bounded by a line north from Prim Road to Lake Champlain, along the shore line to Mallett's Creek, east to Interstate 89, south to Blakely Road, west along Blakely Road and West Lakeshore Drive to Prim Road.

c. From Interstate 89 to Route 7 between Creek Farm Road and Bay Road.

(2) The areas zoned Residential 1 within these boundaries:

a. From Severance Road to the Winooski city line between Route 7 and Essex town line.

(3) The areas zoned Residential 2 within these boundaries:

a. The area between Blakely Road, Malletts Bay Avenue and Lavigne Road.

(4) The areas zoned Residential 3 within these boundaries:

a. South of a line from Abigail Drive and the Winooski River to the Winooski city line.

b. South of Blakely Road and Severance Road to the Winooski/South Burlington city lines between Interstate 89 to the Essex town line.

c. From Bay Road to Blakely Road between Interstate 89 to Route 7 and Poor Farm Road.

d. From Route 2a to Pond Brook between East Road and Middle Road.

e. From Route 2a to Indian Brook between Mill Pond Road and the Essex townline.

- (5) All areas zoned Mobile Home Park.
- (6) All areas zoned General Development 2.
- (7) All areas zoned Business District from Severance Road to Winooski city line between Route 7 and the Essex town line.
- (8) All areas zoned Commercial from Malletts Bay Avenue and Lavigne Road to the Essex town line between Blakely Road and Severance Road to the Winooski city line.

(c) *Limited firearms use in certain areas.* The following areas of the Town are limited to the use and discharge of a muzzle loaded firearm, handgun or a shotgun using birdshot, buckshot or slug for hunting purposes. No person may shoot or discharge any other firearm into or within a limited use area.

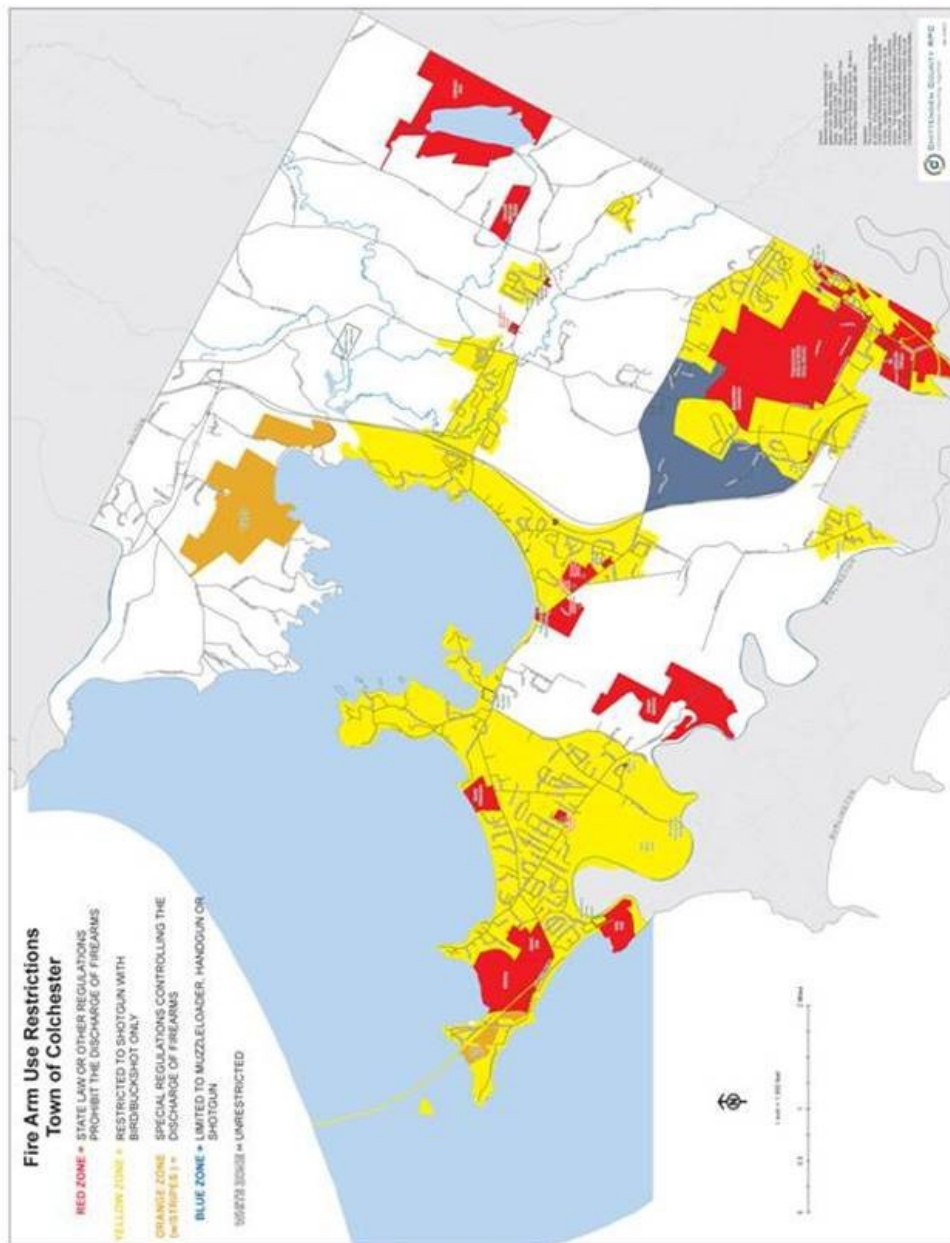
- (1) The area zoned General Development 3 south of Severance Road to Sunderland Hollow Natural Area and between Route 7 and the Essex town line.
- (2) The areas zoned Residential 1, General Development 3 and Business District south of Blakely Road to Interstate 89 and between Route 7 and Interstate 89.

(d) Winooski Valley Park District and other nonprofit organizations reserve the right to regulate the discharge of firearms on property under their control.

(e) The use of all firearms in Colchester Town Parks will be regulated by Article III, Section 9-49, Regulating Conduct in Colchester Parks.

Certain uses excepted:

- (1) Nothing shall prevent owners of land from the use of firearms to protect their lands or other property from damage being caused by wild animals or for other reasons which are otherwise lawful.
- (2) Nothing in this section shall prevent police officers from the use of firearms in performance of their legal duties.
- (3) Firing ranges in conformance with zoning regulations and State law are excluded from provisions of this section.



(Ord. of 4-11-80, §§ 1—3; Ord. of 3-5-91; Ord. of 11-12-91; Ord. of 5-26-15)

Sec. 9-4. Panhandling.

It shall be unlawful for any person to engage in panhandling if it involves any of the following conduct:

- (a) Panhandling in a manner that is threatening, intimidating, coercive or obscene;
- (b) Intentionally touching or grabbing the person being solicited;
- (c) Directing fighting words at the person being solicited;
- (d) Intentionally obstructing free passage of cyclists and pedestrians on public sidewalks and paths; or
- (e) Intentionally obstructing, impeding, or otherwise making unsafe the flow of traffic.

Nothing in this section is intended to violate an individual's right of free speech under the First Amendment.

(Ord. of 12-8-15)

Secs. 9-5—9-14. Reserved.

ARTICLE II. PROCEDURES AND FEES FOR CONTROL AND CONTAINMENT OF HAZARDOUS MATERIALS [1]

Sec. 9-15. Authority.

Sec. 9-16. General purposes.

Sec. 9-17. Application.

Sec. 9-18. Definitions.

Sec. 9-19. Duties of person in possession. Sec. 9-20. Control, containment and clean up. Sec. 9-21. Costs.

Sec. 9-22. Use of costs and fees collected.

Sec. 9-23. Enforcement.

Secs. 9-24—9-29. Reserved.

Sec. 9-15. Authority.

This article is adopted pursuant to the authority granted to the Town by Section 103(a) and Section 104(5) of the Colchester Town Charter as enacted by the General Assembly of the State of Vermont, March 5, 1985.

(Ord. of 11-13-90, § 1)

Sec. 9-16. General purposes.

It is the purpose of this article to provide for the orderly and expeditious control and clean-up of any hazardous materials which may escape from the control of the person or persons having possession of them, and thereby pose a threat to the Town. Further, it is the purpose of this article to require that any person possessing any such hazardous material shall compensate the Town for all services provided in relation to the control and clean-up of such material, and to reimburse the Town for any costs or damages, direct or indirect, incurred by the Town as a result of its effort to contain, control or clean up such hazardous material.

(Ord. of 11-13-90, § 2)

Sec. 9-17. Application.

This article applies to all incidents involving hazardous materials within the boundaries of the Town, and to all persons who may possess such materials found within the boundaries of the Town, except as State or Federal law and/or regulation may take precedence and authority over any such incident or person. This article shall be in addition to any and all provisions of said State or Federal law and/or regulation.

(Ord. of 11-13-90, § 3)

Sec. 9-18. Definitions.

For the purposes of this article, the following words shall have the following meanings:

Hazardous materials. Those substances, materials or agents in such quantity, state and form as may constitute a potential risk to the health and safety of the people and environment of the Town and which may constitute a threat to the property of the people, including, without limitation, the following, explosives, radioactive materials, etiologic agents, flammable materials, combustible materials, poisons, oxidizing or corrosive materials, and compressed gases. Also any other materials listed as hazardous by the Office of Hazardous Materials Safety of the United States Department of Transportation in Title 49 of the Code of Federal Regulations, as amended, or those materials the disposal of which is regulated under 9 V.S.A. Section 2821 et seq., 10 V.S.A. Section 6601 et seq., and 10 V.S.A. Section 7001 et seq.

Person. Any individual, corporation or other entity having the recognized legal status of a person (i.e. association), or any partnership, trust or other legal entity as distinguished from the individual members thereof.

Possession. To possess, own, hold or have within his/her or its control any material defined as hazardous. In the case of any corporation or other legal entity, in addition to the entity itself, its officers, directors or other natural persons having legal responsibility for the control of such entity shall be deemed to be in possession. It is the intention of this article to include within the concept "person in possession" not only the legal owner but also any and all other persons who may at any time come within the chain of control without regard to the issue of legal title. Person in possession shall include not only the owner but any agent, consignee, employee, contractor or representative within a chain of control.

(Ord. of 11-13-90, § 4)

Sec. 9-19. Duties of person in possession.

The person or persons in possession of any hazardous material shall have the duty to prevent its discharge or release and to assure that any such material is used in a manner which will prevent its escape from safe containment. No person in possession shall discharge, dump, deposit, release or dispose of any hazardous material within the Town. In the event of the discharge or release of any hazardous material from safe containment, the person in possession at the time of discharge shall immediately report the same to the Colchester Fire Department and the Colchester Police Department.

(Ord. of 11-13-90, § 5; Ord. of 4-14-20)

Sec. 9-20. Control, containment and clean up.

The Town shall promptly respond to each such reported incident and shall take such action as is necessary to protect public health, safety, welfare, property and environment. The primary goals of the Town shall be to bring the material under control in safe containment and to minimize the damage caused by such material.

(Ord. of 11-13-90, § 6)

Sec. 9-21. Costs.

The person or persons in possession of any hazardous material shall pay a response fee of two hundred dollars (\$200.00) and in addition shall be strictly liable to the Town for all costs incurred by the Town in the control, containment and clean-up of the materials which may have been discharged or released. If such material was possessed by more than one (1) person, then all shall be jointly and severally liable and the costs incurred by the Town may be recovered from any one (1) of them by suit brought in any

court of competent jurisdiction.

(Ord. of 11-13-90, § 7)

Sec. 9-22. Use of costs and fees collected.

All costs and fees collected under this article shall be placed in a special hazardous materials account and expended by the Town Manager in accordance to the policies and limits established by the Selectboard.

(Ord. of 11-13-90, § 8)

Sec. 9-23. Enforcement.

The Town Manager shall be responsible for administering and enforcing this article.

(Ord. of 11-13-90, § 9)

Secs. 9-24—9-29. Reserved.

FOOTNOTE(S):

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Editor's note— Being not specifically amendatory of the Code, the provisions enacted by §§ 1—9 of a Nov. 13, 1990, ordinance have been incorporated herein as Art. II to Ch. 9, §§ 9-15—9-23, at the editor's discretion. ([Back](#))

ARTICLE III. REGULATING CONDUCT IN COLCHESTER PARKS [2]

Sec. 9-30. Purpose and authority.

Sec. 9-31. Definitions.

Sec. 9-32. Park hours and closures.

Sec. 9-33. Buildings and other property.

Sec. 9-34. Park usage.

Sec. 9-35. Use of cameras and recording devices.

Sec. 9-36. Authority to rent or lease parks

and equipment. Sec. 9-37. Fees.

Sec. 9-38. Reserved areas.

Sec. 9-39. Permit system.

Sec. 9-40. Picketing or demonstrations.

Sec. 9-41. Commercial activities.

Sec. 9-42. Noise and amplified sound.

Sec. 9-43. Fireworks and explosives.

Sec. 9-44. Litter.

Sec. 9-45. Distribution of printed material.

Sec. 9-46. Motor vehicles and bicycles.

Sec. 9-47. Parking.

Sec. 9-48. Aircraft and radio-controlled

devices. Sec. 9-49. Firearms and

other weapons.

Sec. 9-50. Metal detectors.

Sec. 9-51. Abandoned property.

Sec. 9-52. Pets.

Sec. 9-53. Swimming and wading.

Sec. 9-54. Boating and fishing.

Sec. 9-55. Camping and overnight use.

Sec. 9-56. Fires and firewood.

Sec. 9-57. Personal risk in natural areas.

Sec. 9-58. Natural resource protection and preservation. Sec. 9-59. Pollution of waters.

Sec. 9-60. Smoking.

Sec. 9-61. Drug and alcohol use.

Sec. 9-62. Enforcement.

Secs. 9-63—9-70. Reserved.

Sec. 9-30. Purpose and authority.

The purpose of this article is to ensure all Colchester residents that the Town parks will be clean, safe and enjoyable places for people to engage in the recreation pursuits



of their choice, and to protect the peace, order, health, safety, comfort, protection, morality, and general welfare of the Town and of its citizens. Because recreation is different things to different people, the following regulations have been developed to facilitate the use of parks for active and passive, scheduled and spontaneous, group and individual recreation activities. This article is adopted pursuant to 24 V.S.A. Ch. 61, Section 103(b), and Sections 105 et seq. of the Colchester Town Charter.

(Ord. of 9-22-15)

Sec. 9-31. Definitions.

As used in the article, the following terms shall have the following meanings ascribed to them:

- (a) *Town*: Town of Colchester, Vermont.
- (b) *Department*: Colchester Parks and Recreation Department.
- (c) *Director*: The Director of the Colchester Parks and Recreation Department, or his/her designee.
- (d) *Fireworks*: The term "fireworks" means any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, including blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, balloons that are propelled by explosives, firecrackers, torpedoes, sky rockets, Roman candles, cherry bombs, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance, except sparklers.
- (e) *Manager*: Town of Colchester Town Manager, or his/her designee.
- (f) *Motor vehicle*: Any wheeled conveyance (except a wheelchair) for transportation of persons or materials whether powered or drawn by motor such as an automobile, truck, golf cart, recreational vehicle, motorcycle or scooter. "Vehicle" does not include any Town of Colchester fleet or emergency vehicles operating in the course of public safety or official Town of Colchester business.
- (g) *Park/park property*: May include, but is not limited to, parks, open space, greenspace, natural areas, cultural and historic sites, playgrounds, ball fields, pools, pavilions, greenways, wetlands, floodplains, lakes, rivers, beaches or water areas, and buildings and structures which are under the control of or assigned for inspection, upkeep, maintenance or operation by the Department.
- (h) *Permit*: A document provided by the Department granting permission for use of reserved park property and which sets forth terms and conditions applicable thereto.
- (i) *Person*: Any person, firm, association, joint venture, partnership, company, corporation, entity or organization of any kind.
- (j) *Pet*: Any domesticated animal kept for pleasure rather than utility.
- (k) *Plant*: Any tree, vine, shrub, flower, fungi or related living organism.
- (l) *Recreation Path*: any trail, path, or sidewalk in the Town of Colchester on Town owned land or Town or State of Vermont Right of Way, made of gravel, dirt, pavement, or concrete.
- (m) *Special event*: Any organized activity open to the public, taking place on park property and having as its purpose entertainment, recreation and/or education, such as a festival or celebration, foot or vehicle race, parade or concert.

(Ord. of 9-22-15; Ord. of 7-5-22)

Sec. 9-32. Park hours and closures.

- (a) All parks shall be open to the public during designated hours. The opening and closing hours shall be posted at each park in order to give notice to the public.
- (b) No person shall enter or remain on park property during hours when the park is closed. The provisions of this section shall not apply to emergency personnel or department employees while in the discharge of their duties, or to any person having permission by the Director to be or remain in any part of the parks between such hours.
- (c) In the interest of public safety, the Director may close parks or areas within parks to public entry or otherwise restrict use until such time as the area can be made available for safe public use. Except in emergency circumstances, notice of closure shall be posted, and only authorized persons shall enter closed or restricted areas.

(Ord. of 9-22-15)

Sec. 9-33. Buildings and other property.

- (a) No person shall willfully mark, destroy, deface, vandalize or otherwise damage any building or other property belonging to or used by Town of Colchester in any park.
- (b) No person shall construct or erect on park property any building or structure of whatever kind, whether permanent or temporary in character, except as part of a Department program or permitted event.

(Ord. of 9-22-15)

Sec. 9-34. Park usage.

- (a) No person shall enter or use any park for which an entrance or use fee has been established unless each person has first paid the fee or is otherwise authorized to enter.
- (b) The Director may establish rules for the proper use of park amenities such as playgrounds, swim areas, skate parks, etc. which shall be enforceable by park personnel.

(Ord. of 9-22-15)

Sec. 9-35. Use of cameras and recording devices.

No person shall use any type of camera or similar device to record or produce a visual image in any park restroom, locker room, bath house, shower facility or other area used for dressing or changing clothes.

(Ord. of 9-22-15)

Sec. 9-36. Authority to rent or lease parks and equipment.

The Director is authorized to rent or lease the use of park equipment and to charge a fee for the use of park facilities to individuals and private or public organizations.

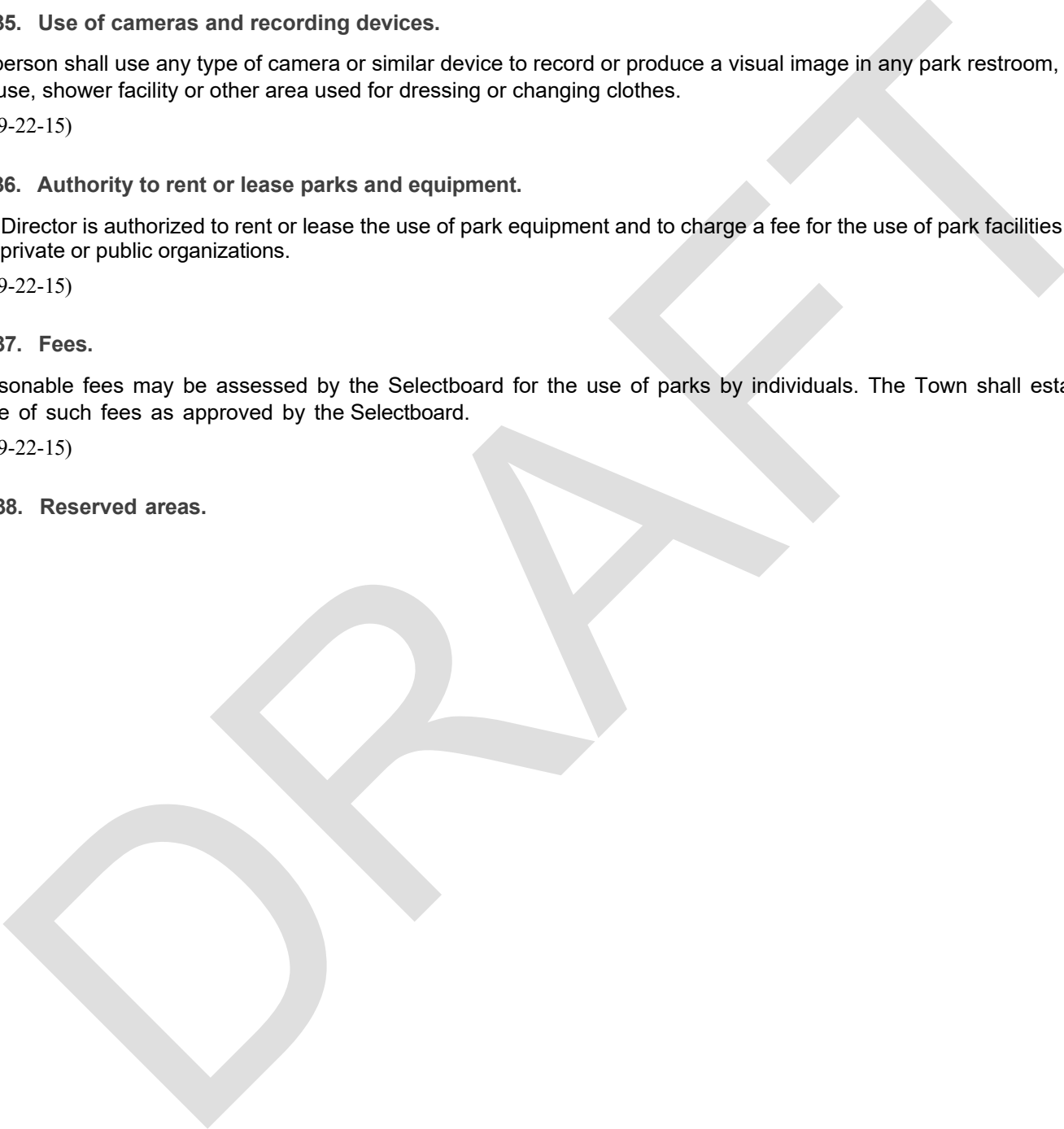
(Ord. of 9-22-15)

Sec. 9-37. Fees.

Reasonable fees may be assessed by the Selectboard for the use of parks by individuals. The Town shall establish a schedule of such fees as approved by the Selectboard.

(Ord. of 9-22-15)

Sec. 9-38. Reserved areas.



- (a) Parks and park property shall be reserved only by permit made in accordance with the Department's reservation policy. Said reserved park areas may include athletic fields, group picnic shelters and associated amenities, recreation facility spaces, and those areas requested for the use of special events.
 - (b) No person shall use or occupy a reserved space except the person or party for whom the space is reserved.
 - (c) Any person having a permit issued by the Department must comply with all applicable rules and regulations. Upon request, confirmation of the reservation must be displayed to department employees charged with supervision or patrolling of parks. Violations of permit requirements may result in immediate suspension or revocation of the permit.
 - (d) Department employees, in the course of authorized business, shall have the right to enter the premises of any building, structure or enclosure on park property, including those rented or set aside for the private or exclusive use of any individual or group.
- (Ord. of 9-22-15)

Sec. 9-39. Permit system.

- (a) Application for any permit or permission issued pursuant to this article shall be made to the Parks and Recreation Department.
 - (b) Application for group use of a park shall be made to the Parks and Recreation Department at least fourteen (14) days prior to the proposed activity date. Application for group use of a park shall be made on a form provided by the Parks and Recreation Department.
 - (c) The organization of any assembly or group to conduct programs or entertainment in any park is allowed by permit from the Parks and Recreation Department. Said permits shall be carried by the person directing or leading such activity. Failure to follow the conditions of the permit shall void the permit.
 - (d) The Parks and Recreation Director or designee shall issue a permit if the applicant's use will not unreasonably interfere with the enjoyment and use of the park by the general public based on the consideration or whether the applicant's activity:
 - (1) Will unreasonably detract from residents' entitlement to recreation;
 - (2) Will unreasonably infringe on public health, safety or welfare;
 - (3) Will unreasonably conflict with facilities reserved for other uses;
 - (4) Will unreasonably interfere with traffic or burden police services; or
 - (5) Is likely to cause personal or property injury, incite violence, crime or disorderly conduct.
 - (e) The Parks and Recreation Director may impose reasonable conditions upon the issuance of a permit.
 - (f) A fee may be imposed by the Selectboard as a condition to the issuance of a permit.
 - (g) As a condition of the issuance of a permit, the Parks and Recreation Director may, at his/her discretion, require the individual/group to have in attendance a Law Enforcement Officer, Fire Officer or Rescue Officer.
 - (h) Denial of an application shall be accompanied by a statement of reasons for such a denial. An applicant may appeal the action of the Parks and Recreation Director to the Town Manager, within thirty (30) days of notification of a denial.
 - (i) Any permit is revocable for violation of any article or for breach of the conditions attached to the permit.
- (Ord. of 9-22-15)

Sec. 9-40. Picketing or demonstrations.

Any person, group or organization engaged in any picketing, demonstrations, assembly, gathering, procession or other activity protected by the U.S. Constitution shall be prohibited from blocking the ingress and egress of any park or park property, from disrupting or interfering with scheduled events, or preventing or being inconsistent with the intended use of the park at the proposed site of assembly.

(Ord. of 9-22-15)

Sec. 9-41. Commercial activities.

- (a) No person shall conduct the commercial sale of, or offer to sell any goods, ware, drinks, food or similar items nor render or offer to render any service for hire, at any park except as authorized by contract or permit issued by the Director.
- (b) Commercial vendors interested in doing business on Town property/parks shall contact the Parks and Recreation Director to complete the proper permit application.
- (c) No person shall place any stand, cart or vehicle for the transportation, sale, trade or display of any article, material or service within any park area unless approved by the Director in conjunction with a permitted use of a reserved park area.

(Ord. of 9-22-15)

Sec. 9-42. Noise and amplified sound.

Patrons shall preserve the peace and quiet enjoyment of the parks by observing all state laws governing noise and amplified

sound while on park property.

- (a) All unreasonably loud noise is hereby prohibited in Town parks. Noise shall be deemed to be unreasonable when it disturbs, injures, or endangers the peace or health of another or when it endangers the health, safety, or welfare of park users. A determination of unreasonable shall be made by enforcement personnel based on time/place/density of park usage and other relevant factors.
- (b) The operation or permitting the operation of any musical instrument, radio, television, phonograph, or other device for the production or reproduction of sound is hereby prohibited in all Town parks, unless played in connection with a permit granted by the Director of the Town Department of Parks and Recreation.

(Ord. of 9-22-15)

Sec. 9-43. Fireworks and explosives.

No person shall possess or use any kind of firework or other explosive material or system, except by permit, in any park, except as otherwise indicated in Section 9-49 of this article.

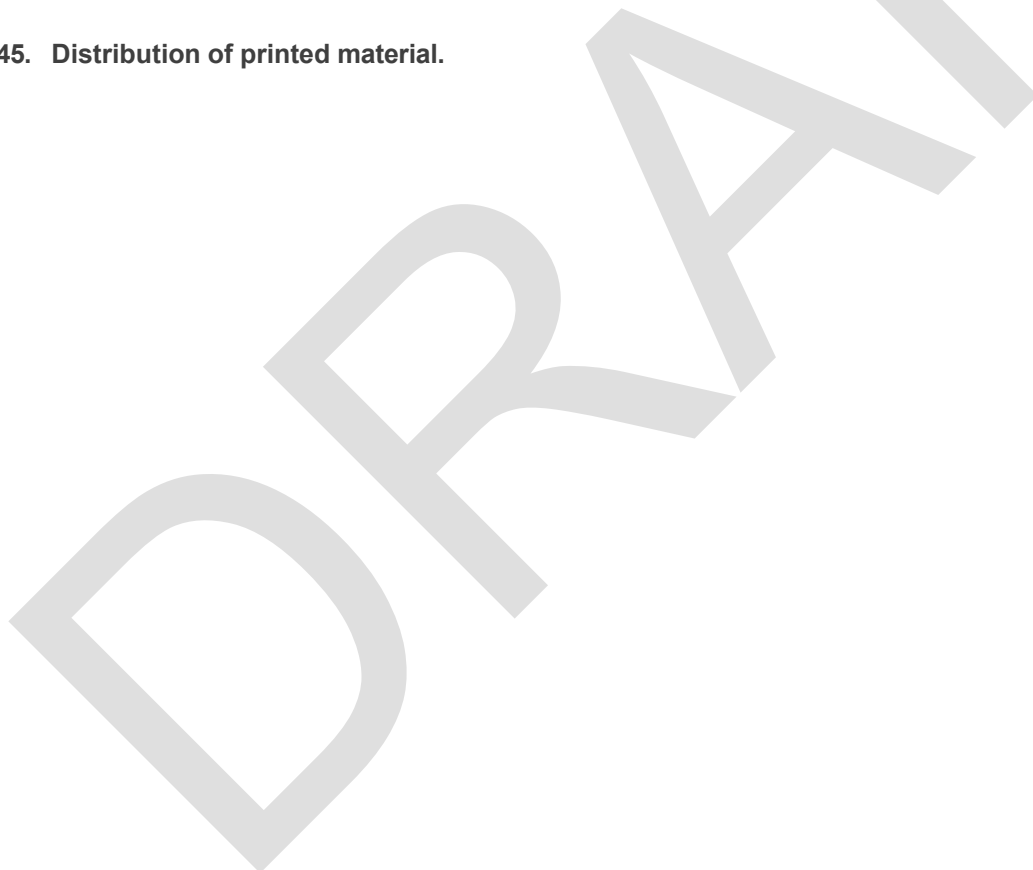
(Ord. of 9-22-15)

Sec. 9-44. Litter.

- (a) No person shall dump, deposit, place or throw any garbage, glass, coals, ashes, paper, boxes, cans, dirt, waste or other trash in any park except in proper receptacles where provided. Where receptacles are not provided, litter shall be carried away from park property by the person or persons responsible for its presence.
- (b) No glass containers are permitted within park boundaries.

(Ord. of 9-22-15)

Sec. 9-45. Distribution of printed material.



No person shall hand out, distribute, post, display or affix any printed material or advertisement within any park property or on any vehicle that is calculated to attract the attention of the public. Exceptions to this rule include the direct distribution, without charge to the receiver thereof, of non-commercial handbills to any person willing to accept it; announcements of Department-sponsored or sanctioned events; authorized signs located entirely within concession structures; and signs or distribution of printed materials approved by the Director in conjunction with a permitted use of a reserved park area.

(Ord. of 9-22-15)

Sec. 9-46. Motor vehicles, pedestrians, and bicycles.

- (a) All applicable state and local motor vehicle laws are enforceable within parks.
- (b) Law enforcement officers may enforce all applicable state and local motor vehicle, traffic and parking laws, and enforce all rules and regulations set forth by the Director within park property. Enforcing officials may direct traffic and enforce the rules and regulations set forth by the Director within park property.
- (c) All vehicles operated on park roads must be street legal by state and local vehicle laws.
- (d) All motorized vehicles, class 3 electric bicycles, motor-assisted bicycles, and motor-driven cycles, as those terms are defined in 23 V.S.A. § 4, are prohibited from driving on Colchester Recreation paths, except as follows:
 - (1) Emergency response vehicles and authorized town maintenance and enforcement vehicles;
 - (2) Vehicles crossing the path at designated crossing points such as intersections and driveways;
 - (3) Vehicles travelling on public roads which share road surface with designated recreation paths;
 - (4) Motorized wheelchairs; and
 - (5) Segways with permission of Parks and Recreation Director.
- (e) Racing of bicycles is prohibited on recreation paths, unless approved by the Parks and Recreation Director.
- (f) Pedestrians have the right-of-way on recreation paths.
- (g) Users of the recreation paths shall observe and obey the following:
 - (1) All users shall stay to the right side of the path except when passing.
 - (2) Passing shall be done on the left or the person(s) being passed. Users shall warn others prior to passing them by announcing "passing on your left" or some other suitable warning.
 - (3) Users shall travel single file when necessary for safety.
 - (4) Users shall obey all applicable traffic rules and regulations, including coming to a complete stop at all stop signs, and shall walk their bicycle in any area posted for walking only.
 - (5) All users shall travel only at such speeds and in such a manner as is safe under the circumstances, including current weather conditions and the condition of the path surface.
- (h) Bicycles, including class 1 and 2 electric bicycles, as those terms are defined in 23 V.S.A. § 4, are allowed on concrete or asphalt paths within parks but are prohibited on natural surface trails and other park areas unless expressly designated as bicycle trails.
- (i) All terrain vehicles (ATV) and snowmobiles are not permitted within the boundaries of parks, except with prior written permission from the Director of Parks and Recreation.

(Ord. of 9-22-15; Ord. of 7-5-22)

Sec. 9-47. Parking.

- (a) No person shall park a vehicle on park property at any place other than in the expressly designed space provided for that particular type of vehicle, unless directed otherwise by a Law Enforcement Officer or Department Employee, or by official signs or markings.
- (b) No driver or operator of any vehicle shall leave a vehicle parked on park property after posted closing hours without permission of the Director. Such permission shall be posted in a conspicuous location while the vehicle is parked after hours. If there is no permission vehicle will be towed at owner's expense.
- (c) Vehicles parked in unauthorized areas that pose a threat to patron safety may be towed at the owner's expense.
- (d) No vehicle shall be parked on park property when the parked vehicle is for the purposes of sale or repair.

(Ord. of 9-22-15)

Sec. 9-48. Aircraft and radio-controlled devices.

- (a) No person shall operate, direct or be responsible for any aircraft, helicopter, glider, balloon, parachute, uav, drone or other aerial apparatus that shall take off from, operate within, or land within park property except in emergency law enforcement situations or when permission has been obtained from the Director.

(b) No person shall launch or operate any radio-controlled model rocket, airplane, glider, boat, car or similar vehicle without permission from the Director.

(Ord. of 9-22-15)

Sec. 9-49. Firearms and other weapons.

(a) No person shall shoot or otherwise discharge a firearm, weapon, bow, arrow or similar device from within a park, or into any park from beyond the boundaries of such park.

(b) Subject to the requirements of applicable state law, the Director may permit the use of weapons in a park for recreational, educational, wildlife or natural resource management purposes, or other departmental functions under supervision, written guidelines or agreements.

(c) Shotguns may be legally discharged in that area of the Causeway Park, which is bordered by water, for the purpose of hunting.

(Ord. of 9-22-15)

Sec. 9-50. Metal detectors.

No person shall use a metal detector in any park except for official activities authorized by the Director.

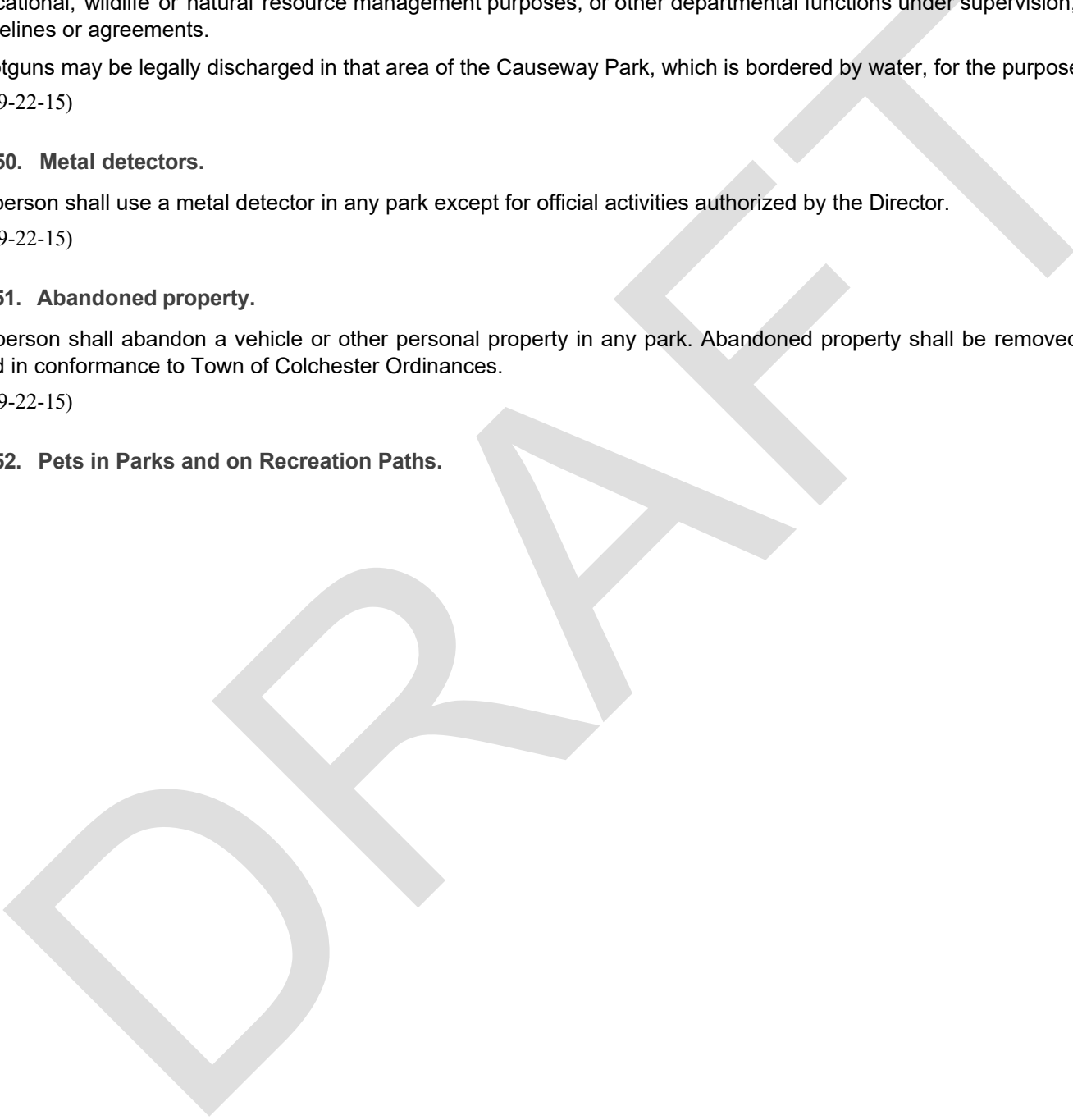
(Ord. of 9-22-15)

Sec. 9-51. Abandoned property.

No person shall abandon a vehicle or other personal property in any park. Abandoned property shall be removed, impounded and sold in conformance to Town of Colchester Ordinances.

(Ord. of 9-22-15)

Sec. 9-52. Pets in Parks and on Recreation Paths.



- (a) Any person bringing a domestic pet within park boundaries shall keep the pet on a physical leash, or under the immediate personal supervision and control of the owner. "Under the immediate supervision and control of the owner" means that the pet will stop and come to the owner upon command and that the pet is at all times prevented from causing injury, damage, disturbance or annoyance to park property or other park users. Police K-9 are exempt.
 - 1) Additionally, on recreation paths and sidewalks, all dogs must be leashed on a maximum six-foot leash.
- (b) No exotic animals are permitted at any park.
- (c) No person shall bring a pet into an enclosed park building except those qualified as service animals under the Americans with Disabilities Act, or as part of an authorized program or event.
- (d) Any pet not under the immediate personal supervision and control of a responsible person or any pet creating a disturbance or nuisance, may be restrained, confiscated or removed from the park by authorized personnel.
- (e) No person shall permit a pet for which he or she is responsible to be in the water of a swimming area or designated water play area, and no such person shall permit a pet except for those qualified as service animals under the Americans with Disabilities Act, to be within the land area or beach area adjacent to the water of a swimming area or designated water play area. Pets are not permitted to enter any natural or constructed body of water except in areas dedicated for such purpose.
- (f) Persons bringing pets onto park property are required to carry appropriate material and remove any fecal waste left by their pets.
- (g) Horseback riding shall not be permitted in the parks.
- (h) No pets shall be unattended.
- (i) Current rabies and appropriate inoculation and registration tags must be displayed on pets at all times.

(Ord. of 9-22-15; Ord. of 7-5-22)

Sec. 9-53. Swimming and wading.

No person shall swim, wade or play in any natural or built water area within a park except where specifically designated, and in compliance with such rules and regulations set by the Director. All persons swimming in the public parks do so at their own risk.

(Ord. of 9-22-15)

Sec. 9-54. Boating and fishing.

Boating or fishing shall not be conducted within two hundred (200) feet of any designated swimming area, in accordance with U.S. Coast Guard regulations.

(Ord. of 9-22-15)

Sec. 9-55. Camping and overnight use.

No person may erect a tent or related shelter at any time to camp, sleep or park a vehicle overnight at any park or open space, except as authorized by permit, and only in areas designated or marked for such purpose.

(Ord. of 9-22-15)

Sec. 9-56. Fires and firewood.

- (a) No person may light, build or maintain a fire in any park except in a device provided, maintained or designated for such purposes, or as authorized by the Director.
- (b) Grills are provided throughout the parks for patron use; use of any other grill or cooking equipment is prohibited unless otherwise authorized by the Director.
- (c) No person may cut, gather or collect wood or other combustible material at any park for use as firewood or fuel, unless authorized by the Director.
- (d) Fires or lighted grills shall not be left unattended, and any person starting a fire shall not leave the area without extinguishing said fire.
- (e) During periods when a fire hazard has been declared "high" or greater by the State of Vermont or similar agency, the Director may prohibit or restrict fires in park areas.

(Ord. of 9-22-15)

Sec. 9-57. Personal risk in natural areas.

Personal risks associated with the natural environment are inherent in parks. Native wild animals, poisonous plants, rough terrain and other natural conditions are considered a part of the visitor's experience. Park users are responsible for their own health and welfare regarding natural elements and other environmental conditions when they elect to enter such areas.

(Ord. of 9-22-15)

Sec. 9-58. Natural resource protection and preservation.

- (a) No person shall dig, cut, break, move, excavate, disturb, remove, destroy, harm or tamper with, nor carry within, any soil, rocks, trees, shrubs, plants, mushrooms, down-timber or other wood or materials without authorization from the Director.
- (b) No person shall harm, harass, disturb the breeding grounds or habitat of, hunt, trap or remove any animal, including mammals, fish, insects, birds, reptiles, amphibians or any other living creature, including eggs and nests, from any park except upon authorization of the Director. This subsection shall not apply to fish caught by an individual in possession of a valid Vermont fishing license fishing in an area designated for this activity, in accordance with state fishing regulations.
- (c) No person shall feed any non-domesticated animal in any park unless authorized by the Director.
- (d) Park properties that are primarily in their natural state, yet provide some means of access for visitors, shall be maintained to protect the environment as well as the user.

(Ord. of 9-22-15)

Sec. 9-59. Pollution of waters.

- (a) No person shall throw, discharge, disturb or otherwise place or cause to be placed in the waters of any lake, river, stream, or other body of water within park property any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.
- (b) No person shall bury, discharge or intentionally dispose of a toxic or hazardous substance in parks or on park property, or the State waters found therein.

(Ord. of 9-22-15)

Sec. 9-60. Smoking.

- (a) No person shall smoke on public beaches.
- (b) At no time shall marijuana or any product containing THC be used in the parks or beaches.

(Ord. of 9-22-15)

Sec. 9-61. Drug and alcohol use.

- (a) It is unlawful to use, possess or sell any controlled substance in violation of State statutes.
 - (b) It is unlawful to serve, possess, consume or bring beer, wine or other alcoholic beverages into a park in kegs, barrels, or other bulk tap quantities without permission of the Director.
 - (c) Containers of alcoholic beverages are not permitted on Town beaches.
- (Ord. of 9-22-15)

Sec. 9-62. Enforcement.

- (a) This article is a civil ordinance and shall be enforced in the Vermont Judicial Bureau or in the Vermont Superior Court, Civil Division, Chittenden Unit, at the election of the enforcing official, in accordance with 24 V.S.A. §§ 1974a et seq.
- (b) Violations of this article are punishable by a civil penalty of not more than eight hundred dollars (\$800.00) per violation. The Selectboard may adopt a separate Schedule of Fines relative to this article.
- (c) The enforcing official may choose to file an enforcement action in the Vermont Superior Court, Civil Division, Chittenden Unit, to seek injunctive relief, and fines as appropriate. Any enforcing official shall have the authority to eject from any of the parks any person acting in violation of any provisions of the ordinance codified in this article or in violation of any permit issued pursuant to this article and may issue a notice against trespass on behalf of the Town of Colchester.
- (d) Waiver fee: An issuing Municipal Official shall have the authority to recover a waiver fee, in lieu of a civil penalty, in the amount set forth in the schedule of fines adopted by Selectboard.
- (e) Enforcement Officials: For the purpose of enforcement in the Judicial Bureau, any Town of Colchester Police Officer, the Director of the Department of Parks and Recreation, or his or her designee, and any person(s) duly appointed by the Selectboard shall have the authority to act as issuing Municipal Officials to issue and pursue before the Judicial Bureau a municipal complaint.

Schedule of Fines

Park Ordinance	Maximum Each Offense	1st Offense	2nd Subsequent Offense
Park Hours, § 9-32	\$800.00	\$50.00	\$100.00
Buildings (vandalism) and other property, § 9-33	\$800.00	\$200.00	\$300.00
Park usage, § 9-34	\$800.00	\$50.00	\$100.00
Use of cameras or recording device, § 9-35	\$800.00	\$100.00	\$200.00
Authority to rent or lease parks and equipment, § 9-3	\$800.00	\$50.00	\$100.00
Reserved areas, § 9-38	\$800.00	\$100.00	\$200.00
Permit system, § 9-39	\$800.00	\$100.00	\$200.00
Picketing or demonstrations, § 9-40	\$800.00	\$100.00	\$200.00
Commercial activities, § 9-41	\$800.00	\$100.00	\$200.00
Noise and amplified sound, § 9-42	\$800.00	\$100.00	\$200.00
Fireworks and explosives, § 9-43	\$800.00	\$100.00	\$200.00
Litter, § 9-44	\$800.00	\$50.00	\$100.00
Distribution of printed material, § 9-45	\$800.00	\$50.00	\$100.00
Motor vehicles and bicycles, § 9-46	\$800.00	\$100.00	\$200.00
Parking, § 9-47	\$800.00	\$50.00	\$100.00
Aircraft and radio controlled devices, § 9-48	\$800.00	\$50.00	\$100.00
Firearms and other weapons, § 9-49	\$800.00	\$200.00	\$300.00
Metal detectors, § 9-50	\$800.00	\$50.00	\$100.00
Abandoned property, § 9-51	\$800.00	\$100.00	\$200.00

Pets, § 9-52	\$800.00	\$50.00	\$100.00
Swimming and wading, § 9-53	\$800.00	\$50.00	\$100.00
Boating and fishing, § 9-54	\$800.00	\$100.00	\$200.00
Camping and overnight use, § 9-54	\$800.00	\$100.00	\$200.00
Fires and firewood, § 9-56	\$800.00	\$100.00	\$200.00
Natural Resource Protection, § 9-58	\$800.00	\$400.00	\$800.00
Pollution of waters, § 9-59	\$800.00	\$400.00	\$800.00

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Smoking, § 9-60	\$800.00	\$50.00	\$100.00
Drug and alcohol use, § 9-61	\$800.00	\$50.00	\$100.00

(Ord. of 9-22-15)

Secs. 9-63—9-70. Reserved.

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Chapter 12 TRAFFIC ^[1]

ARTICLE I. - IN GENERAL

ARTICLE II. - MOVING VEHICLES

ARTICLE III. - PARKING, STANDING, AND STOPPING

ARTICLE IV. - PEDESTRIANS

ARTICLE V. - BICYCLISTS

FOOTNOTE(S):

--- (1) ---

Cross reference— Buildings and building regulations, Ch. 4; fire protection and prevention, Ch. 7; on-site sewage disposal and potable water supply regulations, Ch. 8; sewers, Ch. 10; peddling on Town highways, § 119. ([Back](#))

ARTICLE I. IN GENERAL

Sec. 12-0. Purpose.

Sec. 12-1. Signs required.

Sec. 12-2. Exemptions.

Sec. 12-3. Violation; penalty.

Sec. 12-4. Clinging to vehicles.

Sec. 12-5. Duty to drive on right.

Sec. 12-6. Stops at intersections.

Sec. 12-7. Yield right-of-way.

Sec. 12-8. Following fire apparatus and driving over fire hose.

Sec. 12-9. Stop when traffic obstructed—Do not block intersection.

Sec. 12-10. Signal of intention to change lanes required.

Sec. 12-11. Obedience to lane markings required.

Sec. 12-12. Traffic control signals legend and regulations.

Sec. 12-13. Flashing signals.

Sec. 12-14. Signs, signals, markings and devices.

Sec. 12-15. Reserved.

Sec. 120. Purpose.

This ordinance is enacted to provide certain regulations for the use of motor vehicles on town highways which promote public safety and provide for the orderly and efficient flow of motor vehicles on the town highways. The Police Department shall have authority to regulate vehicular traffic on all public streets. The Chief of Police or his/her designee in regulating traffic may depart temporarily as far as may be necessary from the traffic regulations of this ordinance.

(Ord. of 8-9-16)

Sec. 121. Signs required.

Suitable signs shall be posted conspicuously by the Town within the highway limits, a reasonable distance from a point where such regulations become effective.

(Ord. of 7-23-62)

Sec. 122. Exemptions.

The provisions of this ordinance shall not apply to automotive emergency vehicles when responding to an emergency.

Sec. 123. Violation; penalty.

- (a) Any person who violates any regulations set forth in this ordinance, unless otherwise specified, shall be subject to the penalties as provided in Title 23, V.S.A., Chapter 13.
- (b) A Town of Colchester Police Court is hereby established with jurisdiction over parking ordinances of the Town pursuant to Title 23, V.S.A., Chapter 19. The Chief of Police shall be the Judge of the Police Court and shall adjudicate the receiving of waivers of service of process and trial, admission of violation, and fines from violations of the parking ordinance.
- (c) Provisions of this ordinance that constitute violations shall be enforced by the Town police department and any other law enforcement agency authorized by the Vermont legislature to enforce vehicular laws.
- (d) Any person who violates a provision of this ordinance may receive a Vermont Civil Violation Complaint or Vermont Municipal Ordinance ticket, as appropriate. Appeals, payment and adjudication of said tickets are handled by the Vermont Judicial Bureau. The schedule of fines for Municipal Ordinance violations shall be approved by the Selectboard.

(Ord. of 3-6-79; Ord. of 8-9-16; Ord. 11-13-18)

Sec. 124. Clinging to vehicles.

No person riding upon a sleigh, board, scooter, coaster, or other item or vehicle shall attach him/herself or such item or vehicle to any vehicle while upon a public highway as defined in 23 V.S.A. Chapter 4.

(Ord. of 8-9-16)

Sec. 125. Duty to drive on right.

Operators of vehicles proceeding in opposite directions shall exercise due care and shall keep to the right of the center of the highway so as to pass without interference with other highway users.

(Ord. No. 8-9-16)

Sec. 126. Stops at intersections.

(a) When stop signs are erected at or near the entrance to any intersection, every driver of a vehicle approaching a stop sign or signal shall stop at or before a clearly marked stop line; or if there is no stop line, before entering the crosswalk on the near side of the intersection. If no stop line is marked, then drivers shall stop at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, except when directed to proceed by a police officer or traffic control-signal.

(b) After the driver of a vehicle has stopped in obedience to a stop sign at an intersection where a stop sign is erected at one (1) or more entrances thereto, such driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard, but said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding.

(Ord. of 8-9-16)

Sec. 127. Yield rightofway.

The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions, or shall stop if necessary, and shall yield the right-of-way to any pedestrian legally crossing the roadway, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard.

(Ord. of 8-9-16)

Sec. 128. Following fire apparatus & driving over fire hose.

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

(b) No motor vehicle shall be operated over any unprotected hose of a fire department when laid down on any street, private driveway or roadway, to be used at any fire or alarm of fire, without the consent of the fire department official in command or a law enforcement officer.

(Ord. of 8-9-16; Ord. of 11-13-18)

Sec. 129. Stop when traffic obstructed—Do not block intersection.

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 allow the passage of other vehicles or pedestrians without obstruction from any direction, notwithstanding any traffic control signal indication to proceed.

(Ord. of 8-9-16)

Sec. 1210. Signal of intention to change lanes required.

The operator of any vehicle upon any public highway shall, before turning his/her vehicle from one traffic lane into another traffic lane, indicate by hand signal or directional light his/her intention to do so.

(Ord. of 8-9-16)

Sec. 1211. Obedience to lane markings required.

Where traffic lanes are so marked as to indicate their use for right turn only, left turn only, through traffic only, or a combination of the same, no person shall operate a motor vehicle except in the direction indicated by such markings.

(Ord. of 8-9-16)

Sec. 1212. Traffic control signals legend and regulations.

Whenever traffic is controlled by a traffic-control signal exhibiting different colored lights successively one (1) at a time, or with arrows, the following colors only shall be used and the terms and light shall indicate and apply to drivers of vehicles, except when otherwise directed by a police officer, and subject to the right-of-way of emergency vehicles, consistent with the Manual of Uniform Traffic Control Devices.

(a) *Green alone*: Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign or pavement marking prohibits either turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles lawfully within the intersection when the signal is exhibited.

(b) *Steady yellow alone*: Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter and the vehicular traffic, except such vehicles lawfully within the intersection, shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(c) *Steady red alone*: Vehicular traffic facing the signal shall stop at or before a clearly marked stop line; or if there is no stop line, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green is shown alone.

(d) *Steady red with green arrow*: Vehicular traffic facing the signal may cautiously enter the intersection only to make the movement indicated by the arrow and shall yield to other traffic lawfully using the intersection.

(e) *Turn on red after stop*: Unless a sign is in place prohibiting a right turn on red or a steady red arrow, vehicular traffic facing a steady red signal may cautiously enter the intersection to make the turn after stopping as required by subsection (c). Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within the adjacent crosswalk and to other traffic lawfully using the intersection.

(Ord. of 8-9-16; Ord. of 11-13-18)

Sec. 1213. Flashing signals.

Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

(a) *Flashing red (stop signal)*: When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a stop line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after

making a stop at a stop sign.

- (b) *Flashing yellow (caution signal)*: When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed only with caution.

(Ord. of 8-9-16; Ord. of 11-13-18)

Sec. 1214. Signs, signals, markings and devices.

- (a) It shall be unlawful for any person willfully to deface, injure, move or obstruct or interfere with any official traffic sign, signal, marking or device.
- (b) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal; or which attempts to direct the movement of traffic; or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal; and no person shall place or maintain, nor shall there be permitted upon any highway, any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection, upon private property adjacent to highways, of signs giving useful directional information and of a type that cannot be mistaken for official signs.
- (c) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance, and the chief of police is empowered to remove the same or cause it to be removed without notice.

(Ord. of 8-9-16; Ord. of 11-13-18)

Sec. 1215. Reserved.

ARTICLE II. MOVING VEHICLES

Sec. 12-16. Speed limits.

Sec. 12-17. Traffic-control light locations.

Sec. 12-18. School speed zone.

Sec. 12-19. One-way traffic.

Sec. 12-20. Abandoned vehicles.

Sec. 12-21. Turning prohibitions.

Sec. 12-22. Stopping in roadway prohibited.

Sec. 12-23. Authority to prohibit use of streets by trucks.

Secs. 1224—1230. Reserved.

Sec. 1216. Speed limits.

The maximum speed limit on the streets and highways shall be as follows:

Class 2 Highways:

Bay Road: 35 mph

Barnes Avenue:

- From Route 15 to Winchester Place: 25 mph

Church Road: 35 mph

Colchester Pond Road:

- From Depot Road to Sand Road (0.15 miles): 35 mph

Depot Road: 35 mph

East Road

- From US Route 2A intersection to north (0.50 miles): 30 mph
- Continued to Town of Milton Line (2.46 miles): 40 mph

East Lakeshore Drive: 25 mph

Farnsworth Road: 40 mph

Jasper Mine Road:

- From the east intersection of U.S. Route 2 to Mayo Road (0.35 miles): 40 mph

Johnson Avenue: 25 mph

Lime Kiln Road: 25 mph

Mallets Bay Avenue:

- From the Winooski city limits to the Thibault Farm (so called) for a distance of approximately 1.4 miles: 30 mph
- From the Thibault Farm (so called) to the Blakely Road intersection (a distance of approximately 1.51 miles): 35 mph

Mayo Road: 40 mph

Porters Point Road:

- From the east intersection with Prim Road to Church Road (0.15 miles): 35 mph

Route 127 Including Heineberg Drive, Prim Road, West Lakeshore Drive (Prim Road to East Lakeshore Drive only), and Blakely Road

- From Burlington city line to the Prim Road and West Lakeshore Drive intersection (2.20 miles): 35 mph
- From Prim Road and West Lakeshore Drive intersection to the East Lakeshore and Blakely Road intersection (1.01 miles): 25 mph

- From the intersection of East Lakeshore Drive and Blakely Road for approximately 2.73 miles to the intersection of Blakely Road and Roosevelt Hwy. (U.S. 2/7): 35 mph

Severance Road: 35 mph

Vt. National Guard Road: 25 mph

West Lakeshore Drive from Prim Road to Church Road: 35 mph

Winchester Place: 25 mph

Class 3 Highways:

Abigail Drive: 25 mph

Acorn Lane: 25 mph

Aikey Lane: 25 mph

Al-Shir Road: 25 mph

Andrea Lane: 25 mph

Anna's Court: 25 mph

Arbor Lane: 25 mph

Aurielle Drive: 25 mph

Austin House Road: 30 mph

Barbara Terrace: 25 mph

Barnes Avenue:

- From Winchester Place to Camp Johnson: 25 mph

Bay View Road: 25 mph

Bean Road: 35 mph

Belair Drive: 25 mph

Belwood Avenue: 25 mph

Birch Drive: 25 mph

Birchwood Drive: 25 mph

Biscayne Heights: 25 mph

Bissette Drive: 25 mph

Blackberry Circle: 25 mph

Bloomfield Drive: 25 mph

Bluebird Drive: 25 mph

Bonanza Park: 25 mph

Braeloch Road: 30 mph

Brentwood Drive: 25 mph

Brickyard Road: 25 mph

Brigham Hill Road 25 mph

Brooke Lane: 25 mph

Brosseau Lane: 25 mph

Buckingham Drive: 25 mph

Burnham Lane: 25 mph

Butternut Lane: 25 mph

Caleb Court: 25 mph

Camp Kiniya Road: 25 mph

Canyon Road: 25 mph

Canyon Estates Drive: 25 mph

Carriage Way: 25 mph

Casey Lane: 25 mph

Cedar Creek Road: 25 mph

Cedar Ridge Drive: 25 mph

Champlain Drive: 25 mph

Chestnut Lane: 25 mph

Chimney Hill Drive: 25 mph

Churchill Lane: 25 mph

Clay Point Road: 30 mph

Cobbleview Drive: 25 mph

Colchester Point Road:

- From Porters Point Road intersection west for approximately 1.0 mile: 35 mph
- For remaining section to Mills Point Road: 30 mph

Colchester Pond Road:

- From Sand Road intersection to end of public portion (0.70 miles): 25 mph

Colonial Drive: 25 mph

Conquest Circle: 25 mph

Colden Road: 25 mph

Collins Farm Road: 25 mph

Coon Hill Road: 25 mph

Country Meadows: 25 mph

Creek Farm Road:

- From the intersection of U.S. Routes 2 and 7 for 1.31 miles north: 35 mph

Creek Glen: 25 mph

Crossfield Drive: 25 mph

Curve Hill Road:

- From Colchester Pond Road intersection south for a distance of 1,600' one thousand six hundred (1,600) feet: 25 mph
- For remaining distance to Town of Essex (approximately 1,500 feet): 30 mph

Dalton Drive: 25 mph

Deer Lane: 25 mph

Depot Road: 35 mph

Don-Mar Terrace: 25 mph

Dunlop Way: 25 mph

Eagle Park Drive: 25 mph

Edgewood Drive: 25 mph

Emmas Way: 25 mph

Ethan Allen Avenue: 25 mph

Everbreeze Drive: 25 mph

Fastnet Circle: 25 mph

Fern Court: 25 mph

Fieldgreen Drive: 25 mph

Ford Lane: 25 mph

Forman Drive: 25 mph

Fox Run: 25 mph

Galvin Hill Road: 25 mph

Giffin Court: 25 mph

Goodsell Point Road: 35 mph

Granite Creek Drive: 25 mph

Greenwood Drive: 25 mph

Gregg Lane: 25 mph

Grey Birch Drive: 25 mph

Hawkes Way: 25 mph

Hegeman Avenue: 25 mph

Hercules Drive: 30 mph

Heritage Lane: 25 mph

Hillcrest Lane: 25 mph

Hidden Oaks Drive: 25 mph

Hilltop Court: 25 mph

Holbrook Court: 25 mph

Hollow Creek: 25 mph

Holy Cross Road: 35 mph

Horizon View Drive: 25 mph

Hummingbird Drive: 25 mph

Indian Circle: 25 mph

Ira Allen Court: 25 mph

Jason Drive: 25 mph

Jasper Mine Road:

- From Mayo Road intersection west to road end: 40 mph

Jeffrey Drive: 25 mph

Jen Barry Lane: 25 mph

Jocelyn Court: 25 mph

Joey Drive: 25 mph

Julie Drive: 25 mph

Juniper Drive: 25 mph

Justin Morgan Drive: 25 mph

Kathleen Lane: 25 mph

Kylies Way: 25 mph

Lakewood Court: 25 mph

Landing Avenue: 25 mph

Laura Lane: 25 mph

Lavigne Road: 35 mph

Lawrence J. Drive: 25 mph

Leclair Drive: 25 mph

Leoray Court: 25 mph

Liberty Lane: 25 mph

Lily Lane: 25 mph

Lindale Drive: 25 mph

Logan Drive: 25 mph

Lois Lane: 25 mph

Lomartire Drive: 25 mph

Longwood Circle: 25 mph

Lower Mountain View Drive: 25 mph

Macrae Road: 35 mph

Mainiere Lane: 25 mph

Mallard Drive: 25 mph

Maple Ridge Drive: 25 mph

Marble Island Road (public portion): 25 mph

Marcou Lane: 25 mph

Mariner Heights: 25 mph

Mazza Court: 25 mph

Meadow Drive: 25 mph

Mercier Drive: 25 mph

Middle Road: 30 mph

Midnight Pass: 25 mph

Mill Pond Road: 35 mph

Mills Point Road: 30 mph

Morellen Lane: 25 mph

Morehouse Drive: 25 mph

Mountain View Drive: 30 mph

New England Avenue: 25 mph

Nice Way: 25 mph

North Harbor Road: 25 mph

Northland Court: 25 mph

Norway Drive: 25 mph

Nottingham Court: 25 mph

Oak Circle: 25 mph

Oak Ridge Drive: 25 mph

Old Saw Mill Road: 25 mph

Orchard Circle: 25 mph

Orchard Drive: 25 mph

Orion Drive: 25 mph

Overlake Drive: 25 mph

Parkwood Drive: 25 mph

Parsons Road: 25 mph

Pebble Beach Road: 25 mph

Pine Lane: 25 mph

Pine Island Road: 35 mph

Pine Meadow Drive: 25 mph

Ponderosa Drive: 25 mph

Poor Farm Road: 25 mph

Porters Point Road:

- From Church Road intersection to Holy Cross intersection: 35 mph
- From Holy Cross Road to end of Porters Point Road: 25 mph

Pretty Road: 25 mph

Prim Road: 35 mph

Princess Anne: 25 mph

Rathe Road:

- Public portion: 0.19 miles beginning at Roosevelt Highway (U.S. Route 2/7) to Mountain View Drive: 30 mph

Raymond Road: 25 mph

Red Oak Drive: 25 mph

Renkin Drive: 25 mph

Reynolds Drive: 25 mph

Richfield Lane: 25 mph

River Road: 25 mph

Robin Road: 25 mph

Rudgate Road: 25 mph

Ryan Place: 25 mph

Sand Road:

- From the Colchester Pond Road intersection (Town Hwy. 6) to the Essex town line: 35 mph

Shady Lane: 25 mph

Shetland Lane: 25 mph

Shore Acres Drive: 25 mph

South Bay Circle: 25 mph

South Oak Circle: 25 mph

South Park Drive: 30 mph

Spauldings Bay: 25 mph

Spear Lane: 25 mph

Stone Drive: 25 mph

Sunderland Woods Road: 25 mph

Sunset Road: 25 mph
Tanglewood Drive: 25 mph
Thayer Bay Circle: 25 mph
Thayer Bay Road: 25 mph
Thibault Drive: 25 mph
Thomas Drive: 25 mph
Timberlake Drive: 25 mph
Tower Ridge: 25 mph
Troy Avenue: 25 mph
Turquoise Drive: 25 mph
Valleyfield Drive: 25 mph
Village Drive: 25 mph
Vincenza Way: 25 mph
Wall Street: 25 mph
Walnut Grove: 25 mph
Water Tower Circle: 25 mph
Waterlefe Way: 25 mph
Watkins Road: 35 mph
West View Road: 25 mph
Waybury Road: 25 mph
Westward Drive: 25 mph
Wheatley Court: 25 mph
Wildflower Lane: 25 mph
Wildlife Loop: 25 mph
Williams Road: 35 mph
Windemere Way: 25 mph
Wintergreen Drive: 25 mph
Woodrose Lane: 25 mph
Woodside Drive: 25 mph
Young Street: 25 mph

Other:

Laker Lane (High School Road): 25 mph

U.S. Route 2A (Main Street):

- Beginning at the Colchester/Essex Town Line 1.17 miles north to 0.3 miles south of Mill Pond Road: 40 mph
- From 0.3 miles south of East Road to the intersection of US Routes 2 and 7: 35 mph

U.S. Route 2/U.S. Route 7 (Roosevelt Highway):

- Beginning at the Winooski city line, .35 miles north to .26 miles south of Hercules Drive: 30 mph
- From .26 miles south of Hercules Drive to .02 miles north of Rathe Road: 40 mph
- From five hundred (500) feet south of Bay Road intersection to five hundred (500) feet north of Creek Road intersection: 35 mph
- For 0.2 miles on the south end and 0.1 miles on the north end: transitional: 40 mph

U.S. Route 15 (College Parkway):

- From the Town of Essex Line to the entrance of Camp Johnson: 45 mph
- From the Camp Johnson entrance to the Winooski city line: 35 mph

(Ord. of 11-11-14; Ord. of 8-9-16; Ord. of 10-25-16; Ord. of 1-10-17; Ord. of 3-28-17; Ord. of 12-12-17; Ords. of 10-23-18(2); Ord. of 11-13-18; Ord. of 1-12-21; Ord. of 4-12-22; Ord. of 3-4-25)

Sec. 1217. Traffic control light locations.

Traffic-control light signals are hereby established at the following locations:

- (1) Heineburg Drive, Porters Point Road, Prim Road, Macrae Road.
- (2) Blakely Road and Lakeshore Drive.
- (3) Blakely Road at the school/pedestrian crossing.
- (4) U.S. Route 2 at I89 south on ramp.
- (5) U.S. Route 2 at I89 north on ramp.

- (6) U.S. Route 2 at U.S. Route 7.
- (7) U.S. Route 7 at Severance Road.
- (8) U.S. Route 7 at Rathe Road.
- (9) U.S. Route 7 at Hercules Drive.
- (10) U.S. Route 7 at Mountain View Drive.
- (11) U.S. Route 7 at I89 north on ramp.
- (12) U.S. Route 7 at I89 south on ramp.
- (13) U.S. Route 7 at South Park Drive.
- (14) U.S. Route 15 at Camp Johnson.
- (15) U.S. Route 15 at Barnes Avenue.
- (16) U.S. Route 15 at Fanny Allen Hospital.
- (17) U.S. Route 15 at St. Michaels College Main Entrance.
- (18) U.S. Route 15 at Lime Kiln Road.
- (19) U.S. Route 15 at St. Michaels College South Entrance.
- (20) U.S. Route 2A (Main Street) at Mill Pond and East Roads.

(Ord. of 1-7-75; Ord. of 8-23-77; Ord. of 12-5-78; Ord. of 10-27-81; Ord. of 1-5-82; Ord. of 7-6-82; Ord. of 10-11-83; Ord. of 6-23-87; Ord. of 4-12-88; Ord. of 6-12-90; Ord. of 9-10-91; Ord. of 10-8-91; Ord. of 6-22-93; Ord. of 2-27-96; Ord. of 10-14-97; Ord. of 8-11-98; Ord. of 2-23-99; Ord. of 6-1-99; Ord. of 9-28-99; Ord. of 11-23-99; Ord. of 1-31-01; Ord. of 9-25-01; Ord. of 3-12-02; Ord. of 10-22-02; Ord. of 2-11-03; Amend. of 12-16-03; Ord. of 6-22-04; Ord. of 7-27-04; Ord. of 4-24-07(1); Ord. of 4-14-08(1); Amend. of 8-25-09; Amend. of 9-8-09; Amend. of 1-12-10; Amend. of 3-23-10; Ord. of 1-25-11; Ord. of 2-22-11; Ord. of 1-10-12; Ord. of 2-12-13; Ords. of 8-13-13; Ord. of 11-11-14; Ord. of 8-9-16; Ord. of 11-13-18)

Sec. 1218. School speed zone.

A speed limit of twenty-five (25) miles per hour shall apply on the following roads when school is in session and warning lights are flashing.

- (1) On Malletts Bay Avenue, from Blakely Road intersection south three hundred (300) feet.
- (2) On Blakely Road beginning three hundred (300) feet west of Laker Lane to two hundred (200) feet east of Quinn Lane.
- (3) On Porters Point Road, beginning three hundred sixteen (316) feet south and two hundred thirtysix (236) feet north of the school property.
- (4) On Main Street, beginning .09 miles south of Middle Road for .26 miles to .19 miles south of U.S. Route 7.

(Ord. of 4-22-97; Ord. of 6-8-04; Ord. of 6-22-04; Ord. of 8-9-16)

Sec. 1219. Oneway traffic.

One-way traffic shall be designated at the following locations:

- (1) Along the public access south of the Burnham Memorial Library, beginning at the east boundary of Townowned land, west to the access drive/U.S. Route 2A (Main Street) intersection where "Do Not Enter" signs shall be placed facing U.S. Route 2A.

(Ord. of 3-14-00; Ord. of 8-9-16)

Sec. 1220. Abandoned vehicles.

(a) *Definitions.* As used in this section, the following words shall have the meanings ascribed to them:

- (1) *Street* or *highway* shall mean the entire width between property lines of every way available for public use for vehicular or pedestrian travel, and designated for such public use by a municipal legislative body, or the appropriate agency of the State of Vermont, or laid out pursuant to Title 19, Vermont Statutes Annotated.
- (2) *Vehicle* shall mean a machine propelled by other than muscular power designed to travel along the ground by use of wheels, treads, runners or slides, and transport persons or property, pull machinery or be pulled by machinery and shall include, but not be limited to, automobiles, trucks, trailers, motorcycles, tractors and wagons.
- (b) *Leaving dismantled, nonoperating or unregistered vehicles on streets prohibited.* No person shall leave any partially dismantled, nonoperative, wrecked, junked or unregistered vehicle on any street or highway within the Town.

(c) *Authority to remove vehicles.*

- (1) The Chief of Police, or any Colchester Police Officer, is hereby authorized to remove or have removed any vehicles left at any place within the Town which reasonably appear to be in violation of this section.
- (2) Any vehicle removed by the Chief of Police or his/her agent for violating this section shall be impounded until lawfully claimed by the owner thereof or legally disposed of.
- (3) The costs of impounding and storing any vehicle in violation of this section shall be the responsibility of the owner of the vehicle.

(Ord. of 92501, § 1230; Ord. of 8916)

Sec. 1221. Turning prohibitions.

- (a) Left turns shall be prohibited for westbound traffic on Blakely Road at Severance Green (a private road).
- (b) Left turns shall be prohibited for southbound traffic on Heineberg Drive at the entrance of 49 Heineberg Drive.
- (c) No operator shall turn right on red after stop where signage indicates that it is not allowed.

(Ord. of 8-13-13; Ord. of 8-9-16; Ord. of 11-13-18)

Sec. 1222. Stopping in roadway prohibited.

No driver shall stop his/her vehicle in the traveled portion of a roadway in a manner that interferes with the flow of traffic for the purpose of solicitation, or any purpose other than temporarily to engage in loading or unloading mail, refuse/recycling, merchandise, or passengers.

(Ord. of 8-9-16)

Sec. 1223. Authority to prohibit use of streets by trucks.

- (a) Trucks as further described in this section shall be prohibited from using the following streets:

(b) "Truck" defined. The term "truck" as used in this section, shall mean and include any motor vehicle or combination of vehicles, at least one of which shall be motorized, which vehicle or combination of vehicles has a total vehicle weight in excess of sixteen thousand (16,000) pounds. Total vehicle weight shall be computed as required by 23 V.S.A., Chapter 7, Section 367.

(c) This section shall not apply to trucks making deliveries to or from properties located on such streets, municipal maintenance vehicles, or emergency vehicles. This exemption shall also apply to motor vehicles originating from properties located on such streets.

(Ord. of 11-13-18)

Secs. 1224—1230. Reserved.

ARTICLE III. PARKING, STANDING, AND STOPPING

Sec. 12-31. No-parking zones.

Sec. 1232. Parking without authorization on public grounds—Snow removal.

Sec. 12-33. Parking ban for emergencies and special events.

Sec. 12-34. Stop signs required.

Sec. 12-35. Yield signs required.

Sec. 12-36. Fire hydrant and fire lane parking prohibited.

Secs. 1237—1239. Reserved.

Sec. 1231. Noparking zones.

(a) *Designation.* There shall be no parking on the following streets and publicly owned land:

There shall be no parking within twenty (20) feet of the intersection of two (2) or more public roads or within twenty (20) feet of the intersection of a public road and private road or drive when signs indicating these prohibitions are provided.

Anna's Court: No parking along the sidewalk (north) side (inner side of loop).

All school property: There shall be no parking in the fire lanes.

Bayside Park: In and along the south and northwest sides of West Lakeshore Drive, from the entrance of Bayside Park to Hazelett Strip Casting Corporation.

Bellwood Avenue: There shall be no parking on the north and south sides of Bellwood Avenue for a distance of five hundred (500) feet to the intersection of Church Road.

Blakely Road: There shall be no parking on the southerly side of Blakely Road within twenty (20) feet of either side of the crosswalk located between the entrances of Colchester Middle School and Colchester High School.

Brooke Lane: No parking along the sidewalk side (east side).

Brosseau Lane: No parking on the west (sidewalk) side of the street.

Butternut Lane: No parking on the non-sidewalk (westerly) side of the street.

Caleb Court: No parking on the south side of the street.

Churchill Lane: No parking on both sides of street.

Colchester Point Road: On either side for the distance that it abuts the Town-owned property of Airport Park.

Colchester Pond Road: There shall be no parking on either side of Colchester Pond Road for a distance of three hundred (300) feet on the north side and five hundred (500) feet on the south side of the entrance drive to the parking lot access to Colchester Pond.

Collins Farm Road: No parking on either side of the street.

Church Road: There shall be no parking on the west side of Church Road in front of Holy Cross Church beginning twenty (20) feet south of the south entrance to the property and north to the end of the no parking zone.

Dalton Drive: No parking on the south side of the street.

Eagle Park Drive: There shall be no parking on either side of Eagle Park Drive (Town Hwy 96) for a distance of eighty-five (85) feet from the Severance Road (Town Hwy 7) intersection.

Emmas Way: No parking on the west side of the street.

Ethan Allen Avenue: No parking on the south side of the street.

Ethan Allen Avenue: No parking in bus loading zones as identified by signs.

Fox Run: No parking on the north side of the street.

Granite Creek Road: There shall be no parking on the west side of the street.

Hegeman Avenue: No parking on the south side of the street.

Hegeman Avenue: No parking in bus loading zones as identified by signs.

Heineberg Drive: There shall be no parking on either side of Heineberg Drive from Porters Point Road (Town Hwy. 30) intersection to the Burlington city line.

Jen Barry Lane: No parking on eastern side of street.

Johnson Avenue: There shall be no parking in front of the Handy Apartments on the right side of Johnson Avenue.

Kathleen Lane: No parking on the west side of the street.

Leoray Court: No parking on the south side of the street.

Lily Lane: No parking on the north side of the street.

Lomartire Drive: No parking along sidewalk (North/East) side of the street.

Marina District: No parking beginning at Mazza's General Store and continuing along both sides of W. Lakeshore Drive to Bayside Park.

Mills Point Road: There shall be no parking on either side of Mills Point Road from its intersection with the Causeway Bike Path south for a distance of three hundred (300) feet.

Morehouse Drive: No parking on the north side of the street.

Nourses Beach: There shall be no parking on either side of Goodsell Point Road (Town Hwy. 41) for two hundred fifty (250) feet. There shall be no parking on Town Hwy. 1, Bay Road, and Lakeshore Drive on either side of the highway for two hundred fifty (250) feet from the Goodsell Point Road intersection.

Old Sawmill Road: On-street parking shall be limited to residents and guests only.

U.S. Route 2A (Main Street)—Village: There shall be no parking along either side of U.S. Route 2A (Main Street) for a distance of four hundred (400) feet near Our Lady of Grace Church.

South Bay Circle: No parking on the first one hundred sixty-five (165) feet of South Bay Circle on the east/north (sidewalk) side of the street.

Spear Lane: No parking on the non-sidewalk (northerly) side of the street.

Stone Drive: There shall be no parking on the inside of the street from its intersections with Granite Creek Road.

Troy Avenue: No parking on either side of the street.

Vincenza Way: No parking on both sides of street.

Wall Street: No parking on the north side of the street from the southern intersection with Severance Road for a distance of 0.2 miles.

Walnut Grove: No parking on the west side of the street.

Waterlefe Way: No parking on the west/north (sidewalk) side of the street.

Westview Drive: There shall be no parking on either side of the street.

Wildlife Loop: No parking along the sidewalk (South/West) side of the street.

Williams Road: There shall be no parking on the south side of the street beginning at the Williams Road/E. Lakeshore Drive intersection for a distance of four hundred (400) feet.

Young Street: No parking along either side of Young Street from Malletts Bay Avenue to the intersection of Colonial Drive, a distance of 0.2 of a mile.

- (b) *Penalty.* Any motor vehicle parked in violation of subsection (a) shall be ticketed, which ticket shall constitute a penalty of twenty-five dollars (\$25.00) for the first violation. The penalty shall increase to fifty dollars (\$50.00) for the second or subsequent violation within thirty (30) days of a previous violation; said ticket is to be payable within three (3) days of the offense as provided for in Title 13, V.S.A., Chapter 19. The Ticketing Officer shall have the option of having the motor vehicle parked in violation of subsection (a) towed away at the expense of the owner, which expense shall not exceed three hundred dollars (\$300.00). The Officer may have the vehicle towed if, in the Officer's judgment, said vehicle constitutes a traffic hazard or if the vehicle appears to have been abandoned, or if, in the Officer's judgment, the vehicle in that location shall constitute a hazard to the health, safety and welfare of the citizens of the Town.

- (c) *[Loading and unloading zone.]* There shall be no parking on the following streets and publicly owned land except for the purpose of loading and unloading passengers from vehicles:

Ethan Allen Avenue: A loading and unloading zone is established on the north side of the street, beginning at the Ethan Allen Avenue/Doyle Street intersection west for one hundred eighty (180) feet. At no time shall vehicles be parked unattended within this zone.

(Ord. of 7-16-68; Ord. of 7-23-68; Ord. of 9-6-77; Ord. of 8-1-78; Ord. of 3-6-79; Ord. of 12-30-80; Ord. of 6-16-81; Ord. of 10-27-81; Ord. of 12-13-88; Ord. of 6-18-91; Ord. of 6-22-93; Ord. of 2-25-97; Ord. of 8-10-99; Ord. of 2-22-00; Ord. of 10-18-00; Ord. of 1-2-01; Ord. of 4-24-01; Ord. of 3-12-02; Ord. of 7-23-02; Ord. of 4-14-08; Ord. of 1-12-10; Ord. of 2-22-11; Ord. of 1-10-12; Ord. of 12-11-12; Ord. of 1-8-13; Ord. of 2-12-13; Ord. of 8-13-13; Ord. of 11-11-14; Ord. of 9-22-15; Ord. of 10-13-15; Ord. of 8-9-16; Ord. of 1-10-17; Ords. of 3-28-17(2); Ord. of 12-12-17; Ords. of 10-23-18(2); Ord. 11-13-18; Ord. of 12-10-19; Ord. of 1-12-21; Ord. of 3-4-25)

Sec. 1232. Parking without authorization on public grounds—Snow removal.

- (a) *Designation of areas.* No automobile shall be parked without authorization on publicly owned land within the Town and including, by way of illustration and not limitation, public and municipal parking lots, drives and ways, including the highways of the said Town, between the hours of 10:00 p.m. and 6:00 a.m. from the 15th day of November in each year until the following 15th day of March. The Chief of Police or the Director of Public Works may declare a parking ban for weather related emergencies at other times to facilitate efficient snow removal or roadway maintenance.
- (b) *Penalty.* Any motor vehicle parked in violation of subsection (a) shall be ticketed, which ticket shall constitute a penalty of twenty-five dollars (\$25.00) for the first violation. The penalty shall increase to fifty dollars (\$50.00) for the second or subsequent violation within thirty (30) days of previous violation; said ticket is payable within three (3) days of the offense as provided for in Title 23, V.S.A. Section 1746. Any police officer of the Town and the Town Manager are hereby authorized to cause vehicles parked in violation of this section to be removed and the owner of any vehicle so removed shall be required to pay a reasonable towing charge not to exceed three hundred dollars (\$300.00) for such removal as well as storage charges not to exceed twenty-five dollars (\$25.00) a day and there is hereby imposed a lien against such vehicle so removed for the payment of the said towing and storage charges.

(Ord. of 3-6-79; Ord. of 11-10-92; Ord. of 8-9-16)

Sec. 1233. Parking ban for emergencies and special events.

- (a) *General prohibition.* It shall be unlawful for any person to park a vehicle within any designated town rightofway anytime of the year during a declared parking ban.
- (b) *Authority to declare parking ban.* Those listed below may have the authority to declare a parking ban, given that there is a demonstrated need for street maintenance, a hazardous weather event, special events or when situations exist which may threaten public health, safety, or welfare.
- (1) The Director of Public Works or his/her designee has full authority in declaring a parking ban.
 - (2) The Town Manager may declare a parking ban after consultation with the Director of Public Works.
 - (3) The Chief of Police or his/her designee has full authority in declaring a parking ban.
- (c) *With as much advanced warning as practical,* the Town shall make reasonable efforts to notify the public of the parking ban. For nonemergency matters such as a special event or planned street maintenance, the Town shall post "no parking" signs twenty-four (24) hours in advance of the parking ban. The temporary no parking signs must state the time during which the parking prohibition is in effect.
- (d) *Signage declaring a parking ban shall be of such size and material as approved by the Director of Public Works or his/her designee.*

(e) Vehicles in violation of a parking ban may be ticketed or towed at the owner's expense.

(Ord. of 8-9-16; Ord. of 11-13-18)

Editor's note— An ordinance adopted Aug. 6, 2016, enacted provisions designated as § 1233 and renumbered §§ 1233, 1234 as §§ 1234, 1235.

Sec. 1234. Stop signs required.

(a) *Designation.* Stop signs shall be erected at the following locations:

Abigail Drive at Malletts Bay Avenue

Abigail Drive at Carriage Way (west)

Abigail Drive at Carriage Way (east)

Acorn Lane and Oak Circle

Aikey Lane at Watkins Road

Al-Shir Road and Bellwood Avenue

Anna's Court at Anna's Court (where the road reconnects to itself and forms a "T" intersection).

Anna's Court at Malletts Bay Avenue

Aurielle Drive and Porters Point Road

Austin House Road and East Road

Barbara Terrace and Holy Cross Road

Bay Road at Roosevelt Highway

Bay Road Extension at Roosevelt Highway

Bay View Road and Williams Road

Bean Road and MacRae Road

Bean Road and Prim Road

Belair Drive at Church Road

Belwood Avenue at Church Road

Birch Drive and Prim Road

Birchwood Drive and U.S. Route 2A (Main Street)

Birchwood Drive at Canyon Estates Drive and Canyon Road

Biscayne Heights and Colchester Point Road

Biscayne Heights at Windemere Way

Bissette Drive and Al-Shir Road

Bissette Drive at Porters Point

Blackberry Circle at Fox Run (east)

Blackberry Circle at Fox Run (west)

Blear Drive at Church Road

Bloomfield Drive at Porters Point Road

Bluebird Drive and Porters Point Road

Bonanza Pk. at Heineburg Drive (Route 127)

Braelock Road and Clay Point Road

Brentwood Drive at U.S. Route 7

Brooke Lane at Macrae Road

Brosseau Lane at Jasper Mine Road

Buckingham Drive at Colchester Point Road

Burnham Lane at Nice Way (north)

Burnham Lane at Nice Way (south)

Butternut Lane at Blakely Road

Caleb Court and Church Road

Camp Kiniya Road and Clay Point Road

Canyon Estates Drive at Canyon Road and Birchwood Drive

Canyon Road and U.S. Route 2A (Main Street)

Canyon Road at Canyon Estates and Birchwood Drive

Carriage Way at Colonial Drive

Carriage Way at Abigail Drive
Casey Lane at Porters Point Road
Casey Lane at Pretty Road
Chestnut Lane and Justin Morgan Drive
Chimney Hill Drive at Mayo Road
Churchill Lane at East Lakeshore Drive
Church Road and Holy Cross Road
Church Road and Porters Point Road
Clay Point Road and U.S. Route 2
Clay Point Road at Jasper Mine Road
Cobbleview Drive and U.S. Route 2A
Colchester Point Road and Porters Point Road
Colden Road and Niquette Bay Road
Collins Farm Road at Roosevelt Highway
Conquest Circle and Timberlake Drive
Coon Hill Road and U.S. Route 7
Creek Farm Road and U.S. Route 7
Creek Glen Road at Deer Lane
Crossfield Drive at Porters Point Road (east)
Crossfield Drive at Porters Point Road (west)
Dalton Drive at Barnes Street
Deer Lane at Creek Farm Road
Depot Road and East Road
Depot Road and Sand Road Extension
Doyle Street at Ethan Allen Avenue
Doyle Street at Hegeman Avenue
Eagle Park Drive and Severance Road
Edgewood Drive at Blakely Road (east)
Edgewood Drive at Blakely Road (west)
Emmas Way and Porters Point Road
Ethan Allen Avenue at Barnes Street
Exit from the circle in front of Colchester High School and the high school service road
Exit from the Colchester Middle School and Blakely Road
Everbreeze Drive at Williams Road (north)
Everbreeze Drive at Williams Road (south)
Farnsworth Road and East Road
Fastnet Circle at North Harbor Road
Fern Court at Mercier Drive
Fern Court at Bean Road
Ford Lane at Bean Road
Forman Drive at Severance Road
Fox Run at Williams Road
Giffin Court at Severance Road
Granite Creek Road at Bay Road
Greenwood Drive and Porters Point Road
Gregg Lane at Al-Shir Road
Grey Birch Drive and River Road
Hawkes Way at Edgewood Drive
Hegeman Avenue at Barnes Avenue
Hegeman Avenue at Ethan Allen Avenue

Hegeman Avenue at VT National Guard Road
Hercules Drive and U.S. Route 7
Hercules Drive Eastbound at Hercules Drive
Hercules Drive Westbound at Hercules Drive
Hercules Drive Northbound at Hercules Drive
Hercules Drive Southbound at Hercules Drive
Heritage Lane and U.S. Route 2A
Hidden Oaks Drive at Severance Road
Holbrook Court and Heineberg Drive
Hollow Creek Road at Justin Morgan Drive
Hollow Creek Road at LeClair Road
Holy Cross Road and Porters Point Road
Hummingbird Drive at Malletts Bay Avenue
Indian Circle at Creek Glen
Ira Allen Court at Bean Road
Jason Drive and Williams Road
Jasper Mine Road at U.S. Route 2
Jeffrey Drive at Williams Road
Jen Barry Lane at Holy Cross Road
Jocelyn Court at U.S. Route 2A
Joey Drive at Williams Road
Johnson Avenue at U.S. Route 15
Johnson Avenue at Vt. National Guard Road
Julie Drive at Williams Road
Justin Morgan Drive at Creek Farm Road
Kathleen Lane at Severance Road
King Street at Dalton Drive
King Street at Ethan Allen Avenue
Kylies Way at Wall Street
Laker Lane at Blakely Road
Lakewood Court at Holy Cross Road
Lamoille Bluff at North Harbor Road
Lavigne Road and Blakely Road
Lavigne Road and Mallets Bay Avenue
Lawrence J. Drive at Porters Point Road
LeClair Drive at Creek Farm Road
Leoray Court at Heineburg Drive
Liberty Lane at Severance Road
Liberty Lane at Hidden Oaks Drive
Lily Lane at Main Street
Logan Drive at U.S. Route 2A (Main Street)
Lois Lane at Porters Point Road
Lomartire Drive at Malletts Bay Ave
Lomartire Drive at Annas Court
Lone Pine Road at Bay Road
Mallard Drive and Porters Point Road
Malletts Bay Avenue and Blakely Road
Mallets Bay Club Road at Marble Island Road
Malletts Head Road at Marble Island Road
Mangum Avenue at Hegeman Avenue

Maple Ridge Drive at Princess Anne Drive

Marble Island Road at W. Lakeshore Drive

Marcou Lane at Jasper Mine Road

Mariner Heights at Marble Island Road

Mayo Road at Jasper Mine Road

Mazza Ct. and Malletts Bay Avenue

Meadow Drive and Prim Road

Meadow Drive and Prim Road

Mercier Drive at Macrae Road

Middle Road and U.S. Route 2A

Midnight Pass at Williams Road

Mill Pond Road and Severance Road

Morehouse Drive at Malletts Bay Avenue

Morellen Lane at Williams Road

Munson Road at Bay Road

Nice Way at Blakely Road

Nice Way at Lavigne Road

Niquette Bay Road at U.S. Route 2

North Harbor Road at Watkins Road (both locations)

Norway Drive and Porters Pt. Road

Nottingham Court at Church Road

Oak Circle and Rathe Road

Oak Circle and Sunderland Woods Road

Old Saw Mill Road and Blakely Road

Orchard Circle at Orchard Drive

Orchard Drive and U.S. Route 7

Orion Drive at Hercules Drive

Overlake Drive at Holy Cross Road

Parkwood Drive at Hidden Oaks Drive

Parkwood Drive at Liberty Lane

Parsons Road at Macrae Road

Pebble Beach Road at Marble Island Road

Pet Way at the west bound approach of Pet Way at the Pet Way and South Park Drive intersection

Pine Island Road and Malletts Bay Avenue

Pine Lane and Porters Point Road

Pine Meadow Drive and Airport Road

Pine Meadow Drive and Porters Point Road

Poor Farm Road and Blakely Road

Poor Farm Road and U.S. Route 7

Porters Point Road and Colchester Point Road

Porters Point Road and Holy Cross Road

Pretty Road at Porters Point Road

Prim Road at W. Lakeshore Drive

Princess Anne Drive and Porters Point Road

Queen Street at Dalton Drive

Queen Street at Ethan Allen Avenue (east side of VT ETV)

Rathe Road and U.S. Route 7

Raymond Road and U.S. Route 2

Raymond Road at Jasper Mine Road

Red Oak Drive and Colchester Point Road

Richfield Lane at Crossfield Drive (east)
Richfield Lane at Crossfield Drive (west)
River Road and Porters Pt. Road
Ryan Place at Crossfield Drive
Sand Road and Lost Nation Road
Shady Lane and Porters Point Road
Shetland Lane at Justin Morgan Drive
Shore Acres Drive at W. Lakeshore Drive
South Bay Circle at E. Lakeshore Drive
South Bay Circle at South Bay Circle (westbound approach)
South Oak Circle at Sunderland Woods Road
South Oak Circle at Rathe Road
South Park Drive at the east bound approach of South Park Drive and Pet Way Intersection
Spear Lane at Butternut Lane
Stone Drive at Granite Creek Road (north)
Sunderland Woods Road and U.S. Route 7
Tanglewood Drive and Colchester Point Road
Tanglewood Drive (north and south bound approaches), Waybury Road and Rudgate Road
Thayer Bay Road at Holy Cross Road
Thibault Drive at Porters Point Road
Thomas Drive and Blakely Road
Thomas Drive and Mallets Bay Avenue
Timberlake Drive at Church Road
Timberlake Drive at W. Lakeshore Drive
Troy Avenue at Barnes Street
Troy Avenue at Hegeman Avenue
Troy Avenue at Mangum Street (sign each side for Champlain in Sheltered Workshop)
Turquoise Drive at W. Lakeshore Drive
Valleyfield Drive at Malletts Bay Avenue
Village Drive and U.S. Route 2A (Main Street)
Vincenza Way at Windermere Way
Vt. National Guard Road at Camp Johnson exit
Wall Street at Severance Road
Walnut Grove at Jasper Mine Road
Waterlefe Way and Blackberry Circle
Waterlefe Way and Fox Run
Water Tower Circle at Mountain View Drive
Watkins Road at Jasper Mine Road
West View Road at Mountain View Drive
Westward Drive and Village Drive
Wheatley Court at River Road
Wildflower Lane at Raymond Road
Wildlife Loop at Lomartire Drive (East End)
Wildlife Loop at Lomartire Drive (West End)
Williams Road and Blakely Road
Williams Road at E. Lakeshore Drive
Windermere Way and Airport Road
Windermere Way at Biscayne Heights (northbound)
Windermere Way at Biscayne Heights (southbound)
Windswept Drive at Orchard Drive

Wintergreen Drive at Creek Farm Road (east)

Wintergreen Drive at Creek Farm Road (west)

Woodrose Lane at Hidden Oaks Drive

Woodrose Lane at Severance Road

Woodside Drive and Bean Road

Young Street and Malletts Bay Avenue

(b) *Full stop required.* Wherever a stop sign is erected at the location described above, it shall be unlawful for any motor vehicle, as defined by the laws of the State, to proceed into said intersection without first coming to a full stop.

(c) *Penalty.* The penalty for not observing a stop sign as provided in Title 23, V.S.A., Section 1008.

(Ord. of 8-23-77; Ord. of 3-14-78; Ord. of 4-17-79; Ord. of 7-8-80; Ord. of 6-16-81; Ord. of 9-1-81; Ord. of 10-27-81; Ord. of 10-11-83; Ord. of 4-12-88; Ord. of 10-8-91; Ord. of 6-22-93; Ord. of 1-23-96; Ord. of 7-23-96; Ord. of 2-25-97; Ord. of 10-14-97; Ord. of 1-12-99; Ord. of 9-14-99; Ord. of 11-23-99; Ord. of 4-3-01; Ord. of 3-12-02; Ord. of 9-13-05(2); Ord. of 8-22-06(1); Ord. No. 4-24-07(2); Ord. of 4-14-08(3); Amd. of 8-25-09; Amd. of 9-8-09; Amd. of 1-12-10; Amd. of 1-12-10; Ord. of 1-25-11; Ord. of 2-22-11; Ord. of 6-14-11; Ord. of 1-10-12; Ord. of 1-8-13; Ord. of 2-12-13; Ord. of 8-13-13; Ord. of 11-11-14; Ord. of 12-8-15; Ord. of 8-6-16; Ord. of 1-10-17; Ord. of 3-28-17; Ord. of 12-12-17; Ords. of 10-23-18(2), Ord. of 1-12-21; Ord. of 9-28-21; Ord. of 10-18-22; Ord. of 3-4-25)

Editor's note— See editor's note following § 1233.

Sec. 1235. Yield signs required.

(a) *Designations.* Yield signs shall be erected at the following locations:

Fieldgreen Drive and Orchard Drive.

Kathleen Lane at Giffin Court

Rathe Road eastbound at Mountain View Drive.

(Ord. of 10-8-91; Ord. of 1-23-96; Ord. of 1-10-12; Ord. of 8-9-16)

Editor's note— See editor's note following § 1233.

Sec. 1236. Fire hydrant and fire lane parking prohibited.

No vehicle shall be parked within six (6) feet of a fire hydrant or within a designated fire lane.

Penalty: Fifty dollars (\$50.00) for first violation, one hundred dollars (\$100.00) for second or subsequent within thirty (30) days.

(Ord. of 8-9-16)

Secs. 1237—1239. Reserved.

ARTICLE IV. PEDESTRIANS

Sec. 12-40. Obedience to directions and signals.

Sec. 12-41. Manner of crossing the street.

Sec. 12-42. Vehicles to yield to pedestrians crossing in crosswalk.

Sec. 12-43. Vehicles not to pass another stopped for pedestrians.

Sec. 12-44. Duty of drivers to exercise due care.

Secs. 1245—1249. Reserved.

Sec. 1240. Obedience to directions and signals.

All pedestrians shall be subject to and comply with any direction of any member of the police department and directions of all official traffic-control signs. Where such devices are not installed pedestrians shall be granted those rights and be subject to the regulations as set out in this article.

(Ord. of 8-9-16)

Sec. 1241. Manner of crossing the street.

(a) Wherever a crosswalk is provided, pedestrians are required to use the crosswalk when crossing a roadway.

(b) No pedestrian shall cross a roadway at any point other than by a route at right angles to the curb or by the shortest route to the opposite curb, except in a crosswalk.

(c) Pedestrians shall move, whenever practicable, upon the right half of the crosswalk.

(d) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield safely.

(Ord. of 8-9-16; Ord. of 11-13-18)

Sec. 1242. Vehicles to yield to pedestrians crossing in crosswalk.

When traffic-control signals are not in place or not in operation or do not provide an exclusive pedestrian walk phase, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(Ord. of 8-9-16)

Sec. 1243. Vehicles not to pass another stopped for pedestrians.

Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(Ord. of 8-9-16)

Sec. 1244. Duty of drivers to exercise due care.

Notwithstanding the provisions of this article, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any pedestrian, child, bicyclist, or animal upon a roadway.

(Ord. of 8-9-16)

Secs. 1245—1249. Reserved.

ARTICLE V. BICYCLISTS

Sec. 12-50. General bicycle regulations.

Sec. 12-51. Riding on sidewalks, bicycle and pedestrian pathways.

Sec. 12-52. Riding on bicycles.

Sec. 12-53. Clinging to motor vehicles.

Sec. 12-54. Bicycles to be in good mechanical condition and properly equipped.

Sec. 12-55. Dissemination of information.

Sec. 1250. General bicycle regulations.

- (a) *Bicycle defined.* A bicycle shall be defined for the purposes of this section as any ~~non-motorized~~ wheeled vehicle that is propelled manually by pedals, ~~and class 1 or class 2 electric bicycles, as those terms are defined in 23 V.S.A. § 4 s-~~
- (b) *Obedience to traffic regulations.* Every person riding a bicycle upon the streets, alleys and highways within the Town shall observe and comply with all signals, signs and ordinances regulating the operation of traffic not inconsistent with the provisions of this ordinance.
- (c) *Safe operation.* Notwithstanding the following specific violations, every person riding a bicycle upon a roadway, sidewalk or recreational path within the Town ~~shall operate in a safe and prudent mannershall travel only at such speeds and in such a manner as is safe under the circumstances, including current weather conditions and the condition of the path surface.-~~

(Ord. of 8-9-16; Ord. of 11-13-18)

Sec. 1251. Riding on sidewalks, bicycle and pedestrian pathways.

- (a) Persons riding a bicycle upon a sidewalk or bicycle and pedestrian pathway shall yield the rightofway to any pedestrian.
- (b) Persons riding a bicycle upon a sidewalk or bicycle and pedestrian pathway shall give audible signal before overtaking and passing a pedestrian or another bicycle.
- (c) Persons operating a bicycle on a sidewalk, in areas where such operation is not otherwise prohibited by this ordinance, shall exercise due care, which includes operating the bicycle at a speed reasonable for the existing conditions.
- (d) Persons operating a bicycle on a sidewalk, in areas where such operation is not otherwise prohibited by this ordinance, shall come to a complete stop prior to crossing all street crossings.

(Ord. of 8-9-16; Ord. of 11-13-18)

Sec. 1252. Riding on bicycles.

- (a) No person propelling a bicycle may ride other than upon or astride a permanent and regular seat attached thereto.
- (b) No person may use a bicycle to carry more persons at any one time than the number for which it is designed and equipped.
- (c) Persons riding bicycles upon a roadway may not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles or except as otherwise permitted by the Commissioner of Public Safety in connection with a public sporting event in which case the Commissioner shall be authorized to adopt such rules as the public good requires. Persons riding two (2) abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.
- (d) Riders shall maintain one (1) hand on the handlebars of a bicycle at all times while operating on a roadway, sidewalk or recreational path.

(Ord. of 8-9-16; Ord. of 11-13-18)

Sec. 1253. Clinging to motor vehicles.

No person, while riding or operating a bicycle on any roadway, sidewalk or recreational path in the Town, shall attach his/her bicycle or him/herself to any other moving vehicle; nor shall the operator of any other vehicle permit any person riding a bicycle to attach to his/her moving vehicle.

(Ord. of 8-9-16)

Sec. 1254. Bicycles to be in good mechanical condition and properly equipped.

- (a) No bicycle shall be operated unless it is in good mechanical condition.
- (b) No bicycle shall be operated unless it is equipped with an adequate braking device.
- (c) It shall be unlawful for any person to operate a bicycle on any roadway, sidewalk or recreational path within the Town during the period from onehalf (½) hour after sunset to onehalf (½) hour before sunrise unless said bicycle or bicyclist shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least five hundred (500) feet to the front, with a lamp on the rear of the bicycle or bicyclist which emits a flashing or steady red light visible at least three hundred (300) feet to the rear, and with a red reflector on the rear.

(Ord. of 8-9-16; Ord. of 11-13-18)

Sec. 1255. Dissemination of information.

Every person or business engaged in the sale, rental or dissemination of bicycles shall inform each purchaser/renter/borrower of local ordinances and state law governing the operation of bicycles.

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Chapter 12 TRAFFIC ^[1]

ARTICLE I. - IN GENERAL

ARTICLE II. - MOVING VEHICLES

ARTICLE III. - PARKING, STANDING, AND STOPPING

ARTICLE IV. - PEDESTRIANS

ARTICLE V. - BICYCLISTS

FOOTNOTE(S):

--- (1) ---

Cross reference— Buildings and building regulations, Ch. 4; fire protection and prevention, Ch. 7; on-site sewage disposal and potable water supply regulations, Ch. 8; sewers, Ch. 10; peddling on Town highways, § 119. ([Back](#))

ARTICLE I. IN GENERAL

Sec. 12-0. Purpose.

Sec. 12-1. Signs required.

Sec. 12-2. Exemptions.

Sec. 12-3. Violation; penalty.

Sec. 12-4. Clinging to vehicles.

Sec. 12-5. Duty to drive on right.

Sec. 12-6. Stops at intersections.

Sec. 12-7. Yield right-of-way.

Sec. 12-8. Following fire apparatus and driving over fire hose.

Sec. 12-9. Stop when traffic obstructed—Do not block intersection.

Sec. 12-10. Signal of intention to change lanes required.

Sec. 12-11. Obedience to lane markings required.

Sec. 12-12. Traffic control signals legend and regulations.

Sec. 12-13. Flashing signals.

Sec. 12-14. Signs, signals, markings and devices.

Sec. 12-15. Reserved.

Sec. 120. Purpose.

This ordinance is enacted to provide certain regulations for the use of motor vehicles on town highways which promote public safety and provide for the orderly and efficient flow of motor vehicles on the town highways. The Police Department shall have authority to regulate vehicular traffic on all public streets. The Chief of Police or his/her designee in regulating traffic may depart temporarily as far as may be necessary from the traffic regulations of this ordinance.

(Ord. of 8-9-16)

Sec. 121. Signs required.

Suitable signs shall be posted conspicuously by the Town within the highway limits, a reasonable distance from a point where such regulations become effective.

(Ord. of 7-23-62)

Sec. 122. Exemptions.

The provisions of this ordinance shall not apply to automotive emergency vehicles when responding to an emergency.

Sec. 123. Violation; penalty.

- (a) Any person who violates any regulations set forth in this ordinance, unless otherwise specified, shall be subject to the penalties as provided in Title 23, V.S.A., Chapter 13.
- (b) A Town of Colchester Police Court is hereby established with jurisdiction over parking ordinances of the Town pursuant to Title 23, V.S.A., Chapter 19. The Chief of Police shall be the Judge of the Police Court and shall adjudicate the receiving of waivers of service of process and trial, admission of violation, and fines from violations of the parking ordinance.
- (c) Provisions of this ordinance that constitute violations shall be enforced by the Town police department and any other law enforcement agency authorized by the Vermont legislature to enforce vehicular laws.
- (d) Any person who violates a provision of this ordinance may receive a Vermont Civil Violation Complaint or Vermont Municipal Ordinance ticket, as appropriate. Appeals, payment and adjudication of said tickets are handled by the Vermont Judicial Bureau. The schedule of fines for Municipal Ordinance violations shall be approved by the Selectboard.

(Ord. of 3-6-79; Ord. of 8-9-16; Ord. 11-13-18)

Sec. 124. Clinging to vehicles.

DRAFT

No person riding upon a sleigh, wagon, board, scooter, coaster, or other item or vehicle shall attach him/herself or such item or vehicle to any vehicle while upon a public highway as defined in 23 V.S.A. Chapter 4.

(Ord. of 8-9-16)

Sec. 125. Duty to drive on right.

Operators of vehicles proceeding in opposite directions shall exercise due care and shall keep to the right of the center of the highway so as to pass without interference with other highway users.

(Ord. No. 8-9-16)

Sec. 126. Stops at intersections.

(a) When stop signs are erected at or near the entrance to any intersection, every driver of a vehicle approaching a stop sign or signal shall stop at or before a clearly marked stop line; or if there is no stop line, before entering the crosswalk on the near side of the intersection. If no stop line is marked, then drivers shall stop at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, except when directed to proceed by a police officer or traffic control-signal.

(b) After the driver of a vehicle has stopped in obedience to a stop sign at an intersection where a stop sign is erected at one (1) or more entrances thereto, such driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard, but said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding.

(Ord. of 8-9-16)

Sec. 127. Yield rightofway.

The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions, or shall stop if necessary, and shall yield the right-of-way to any pedestrian legally crossing the roadway, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard.

(Ord. of 8-9-16)

Sec. 128. Following fire apparatus & driving over fire hose.

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

(b) No motor vehicle shall be operated over any unprotected hose of a fire department when laid down on any street, private driveway or roadway, to be used at any fire or alarm of fire, without the consent of the fire department official in command or a law enforcement officer.

(Ord. of 8-9-16; Ord. of 11-13-18)

Sec. 129. Stop when traffic obstructed—Do not block intersection.

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 allow the passage of other vehicles or pedestrians without obstruction from any direction, notwithstanding any traffic control signal indication to proceed.

(Ord. of 8-9-16)

Sec. 1210. Signal of intention to change lanes required.

The operator of any vehicle upon any public highway shall, before turning his/her vehicle from one traffic lane into another traffic lane, indicate by hand signal or directional light his/her intention to do so.

(Ord. of 8-9-16)

Sec. 1211. Obedience to lane markings required.

Where traffic lanes are so marked as to indicate their use for right turn only, left turn only, through traffic only, or a combination of the same, no person shall operate a motor vehicle except in the direction indicated by such markings.

(Ord. of 8-9-16)

Sec. 1212. Traffic control signals legend and regulations.

Whenever traffic is controlled by a traffic-control signal exhibiting different colored lights successively one (1) at a time, or with arrows, the following colors only shall be used and the terms and light shall indicate and apply to drivers of vehicles, except when otherwise directed by a police officer, and subject to the right-of-way of emergency vehicles, consistent with the Manual of Uniform Traffic Control Devices.

(a) *Green alone*: Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign or pavement marking prohibits either turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles lawfully within the intersection when the signal is exhibited.

(b) *Steady yellow alone*: Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter and the vehicular traffic, except such vehicles lawfully within the intersection, shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.

(c) *Steady red alone*: Vehicular traffic facing the signal shall stop at or before a clearly marked stop line; or if there is no stop line, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green is shown alone.

(d) *Steady red with green arrow*: Vehicular traffic facing the signal may cautiously enter the intersection only to make the movement indicated by the arrow and shall yield to other traffic lawfully using the intersection.

(e) *Turn on red after stop*: Unless a sign is in place prohibiting a right turn on red or a steady red arrow, vehicular traffic facing a steady red signal may cautiously enter the intersection to make the turn after stopping as required by subsection (c). Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within the adjacent crosswalk and to other traffic lawfully using the intersection.

(Ord. of 8-9-16; Ord. of 11-13-18)

Sec. 1213. Flashing signals.

Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

- (a) *Flashing red (stop signal)*: When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a stop line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after

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making a stop at a stop sign.

(b) *Flashing yellow (caution signal)*: When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed only with caution.

(Ord. of 8-9-16; Ord. of 11-13-18)

Sec. 1214. Signs, signals, markings and devices.

(a) It shall be unlawful for any person willfully to deface, injure, move or obstruct or interfere with any official traffic sign, signal, marking or device.

(b) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal; or which attempts to direct the movement of traffic; or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal; and no person shall place or maintain, nor shall there be permitted upon any highway, any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection, upon private property adjacent to highways, of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(c) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance, and the chief of police is empowered to remove the same or cause it to be removed without notice.

(Ord. of 8-9-16; Ord. of 11-13-18)

Sec. 1215. Reserved.

ARTICLE II. MOVING VEHICLES

Sec. 12-16. Speed limits.

Sec. 12-17. Traffic-control light locations.

Sec. 12-18. School speed zone.

Sec. 12-19. One-way traffic.

Sec. 12-20. Abandoned vehicles.

Sec. 12-21. Turning prohibitions.

Sec. 12-22. Stopping in roadway prohibited.

Sec. 12-23. Authority to prohibit use of streets by trucks.

Secs. 1224—1230. Reserved.

Sec. 1216. Speed limits.

The maximum speed limit on the streets and highways shall be as follows:

Class 2 Highways:

Bay Road: 35 mph

Barnes Avenue:

- From Route 15 to Winchester Place: 25 mph

Church Road: 35 mph

Colchester Pond Road:

- From Depot Road to Sand Road (0.15 miles): 35 mph

Depot Road: 35 mph

East Road

- From US Route 2A intersection to north (0.50 miles): 30 mph
- Continued to Town of Milton Line (2.46 miles): 40 mph

East Lakeshore Drive: 25 mph

Farnsworth Road: 40 mph

Jasper Mine Road:

- From the east intersection of U.S. Route 2 to Mayo Road (0.35 miles): 40 mph

Johnson Avenue: 25 mph

Lime Kiln Road: 25 mph

Mallets Bay Avenue:

- From the Winooski city limits to the Thibault Farm (so called) for a distance of approximately 1.4 miles: 30 mph
- From the Thibault Farm (so called) to the Blakely Road intersection (a distance of approximately 1.51 miles): 35 mph

Mayo Road: 40 mph

Porters Point Road:

- From the east intersection with Prim Road to Church Road (0.15 miles): 35 mph

Route 127 Including Heineberg Drive, Prim Road, West Lakeshore Drive (Prim Road to East Lakeshore Drive only), and Blakely Road

- From Burlington city line to the Prim Road and West Lakeshore Drive intersection (2.20 miles): 35 mph
- From Prim Road and West Lakeshore Drive intersection to the East Lakeshore and Blakely Road intersection (1.01 miles): 25 mph

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- From the intersection of East Lakeshore Drive and Blakely Road for approximately 2.73 miles to the intersection of Blakely Road and Roosevelt Hwy. (U.S. 2/7): 35 mph

Severance Road: 35 mph

Vt. National Guard Road: 25 mph

West Lakeshore Drive from Prim Road to Church Road: 35 mph

Winchester Place: 25 mph

Class 3 Highways:

Abigail Drive: 25 mph

Acorn Lane: 25 mph

Aikey Lane: 25 mph

Al-Shir Road: 25 mph

Andrea Lane: 25 mph

Anna's Court: 25 mph

Arbor Lane: 25 mph

Aurielle Drive: 25 mph

Austin House Road: 30 mph

Barbara Terrace: 25 mph

Barnes Avenue:

- From Winchester Place to Camp Johnson: 25 mph

Bay View Road: 25 mph

Bean Road: 35 mph

Belair Drive: 25 mph

Belwood Avenue: 25 mph

Birch Drive: 25 mph

Birchwood Drive: 25 mph

Biscayne Heights: 25 mph

Bissette Drive: 25 mph

Blackberry Circle: 25 mph

Bloomfield Drive: 25 mph

Bluebird Drive: 25 mph

Bonanza Park: 25 mph

Braeloch Road: 30 mph

Brentwood Drive: 25 mph

Brickyard Road: 25 mph

Brigham Hill Road 25 mph

Brooke Lane: 25 mph

Brosseau Lane: 25 mph

Buckingham Drive: 25 mph

Burnham Lane: 25 mph

Butternut Lane: 25 mph

Caleb Court: 25 mph

Camp Kiniya Road: 25 mph

Canyon Road: 25 mph

Canyon Estates Drive: 25 mph

Carriage Way: 25 mph

Casey Lane: 25 mph

Cedar Creek Road: 25 mph

Cedar Ridge Drive: 25 mph

Champlain Drive: 25 mph

Chestnut Lane: 25 mph

Chimney Hill Drive: 25 mph

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Churchill Lane: 25 mph

Clay Point Road: 30 mph

Cobbleview Drive: 25 mph

Colchester Point Road:

- From Porters Point Road intersection west for approximately 1.0 mile: 35 mph
- For remaining section to Mills Point Road: 30 mph

Colchester Pond Road:

- From Sand Road intersection to end of public portion (0.70 miles): 25 mph

Colonial Drive: 25 mph

Conquest Circle: 25 mph

Colden Road: 25 mph

Collins Farm Road: 25 mph

Coon Hill Road: 25 mph

Country Meadows: 25 mph

Creek Farm Road:

- From the intersection of U.S. Routes 2 and 7 for 1.31 miles north: 35 mph

Creek Glen: 25 mph

Crossfield Drive: 25 mph

Curve Hill Road:

- From Colchester Pond Road intersection south for a distance of 1,600' one thousand six hundred (1,600) feet: 25 mph
- For remaining distance to Town of Essex (approximately 1,500 feet): 30 mph

Dalton Drive: 25 mph

Deer Lane: 25 mph

Depot Road: 35 mph

Don-Mar Terrace: 25 mph

Dunlop Way: 25 mph

Eagle Park Drive: 25 mph

Edgewood Drive: 25 mph

Emmas Way: 25 mph

Ethan Allen Avenue: 25 mph

Everbreeze Drive: 25 mph

Fastnet Circle: 25 mph

Fern Court: 25 mph

Fieldgreen Drive: 25 mph

Ford Lane: 25 mph

Forman Drive: 25 mph

Fox Run: 25 mph

Galvin Hill Road: 25 mph

Giffin Court: 25 mph

Goodsell Point Road: 35 mph

Granite Creek Drive: 25 mph

Greenwood Drive: 25 mph

Gregg Lane: 25 mph

Grey Birch Drive: 25 mph

Hawkes Way: 25 mph

Hegeman Avenue: 25 mph

Hercules Drive: 30 mph

Heritage Lane: 25 mph

Hillcrest Lane: 25 mph

Hidden Oaks Drive: 25 mph

Hilltop Court: 25 mph

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Holbrook Court: 25 mph
Hollow Creek: 25 mph
Holy Cross Road: 35 mph
Horizon View Drive: 25 mph
Hummingbird Drive: 25 mph
Indian Circle: 25 mph
Ira Allen Court: 25 mph
Jason Drive: 25 mph
Jasper Mine Road:
• From Mayo Road intersection west to road end: 40 mph
Jeffrey Drive: 25 mph
Jen Barry Lane: 25 mph
Jocelyn Court: 25 mph
Joey Drive: 25 mph
Julie Drive: 25 mph
Juniper Drive: 25 mph
Justin Morgan Drive: 25 mph
Kathleen Lane: 25 mph
Kylies Way: 25 mph
Lakewood Court: 25 mph
Landing Avenue: 25 mph
Laura Lane: 25 mph
Lavigne Road: 35 mph
Lawrence J. Drive: 25 mph
Leclair Drive: 25 mph
Leoray Court: 25 mph
Liberty Lane: 25 mph
Lily Lane: 25 mph
Lindale Drive: 25 mph
Logan Drive: 25 mph
Lois Lane: 25 mph
Lomartire Drive: 25 mph
Longwood Circle: 25 mph
Lower Mountain View Drive: 25 mph
Macrae Road: 35 mph
Mainiere Lane: 25 mph
Mallard Drive: 25 mph
Maple Ridge Drive: 25 mph
Marble Island Road (public portion): 25 mph
Marcou Lane: 25 mph
Mariner Heights: 25 mph
Mazza Court: 25 mph
Meadow Drive: 25 mph
Mercier Drive: 25 mph
Middle Road: 30 mph
Midnight Pass: 25 mph
Mill Pond Road: 35 mph

Mills Point Road: 30 mph

Morellen Lane: 25 mph

Morehouse Drive: 25 mph

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Mountain View Drive: 30 mph

New England Avenue: 25 mph

Nice Way: 25 mph

North Harbor Road: 25 mph

Northland Court: 25 mph

Norway Drive: 25 mph

Nottingham Court: 25 mph

Oak Circle: 25 mph

Oak Ridge Drive: 25 mph

Old Saw Mill Road: 25 mph

Orchard Circle: 25 mph

Orchard Drive: 25 mph

Orion Drive: 25 mph

Overlake Drive: 25 mph

Parkwood Drive: 25 mph

Parsons Road: 25 mph

Pebble Beach Road: 25 mph

Pine Lane: 25 mph

Pine Island Road: 35 mph

Pine Meadow Drive: 25 mph

Ponderosa Drive: 25 mph

Poor Farm Road: 25 mph

Porters Point Road:

- From Church Road intersection to Holy Cross intersection: 35 mph
- From Holy Cross Road to end of Porters Point Road: 25 mph

Pretty Road: 25 mph

Prim Road: 35 mph

Princess Anne: 25 mph

Rathe Road:

- Public portion: 0.19 miles beginning at Roosevelt Highway (U.S. Route 2/7) to Mountain View Drive: 30 mph

Raymond Road: 25 mph

Red Oak Drive: 25 mph

Renkin Drive: 25 mph

Reynolds Drive: 25 mph

Richfield Lane: 25 mph

River Road: 25 mph

Robin Road: 25 mph

Rudgate Road: 25 mph

Ryan Place: 25 mph

Sand Road:

- From the Colchester Pond Road intersection (Town Hwy. 6) to the Essex town line: 35 mph

Shady Lane: 25 mph

Shetland Lane: 25 mph

Shore Acres Drive: 25 mph

South Bay Circle: 25 mph

South Oak Circle: 25 mph

South Park Drive: 30 mph

Spauldings Bay: 25 mph

Spear Lane: 25 mph

Stone Drive: 25 mph

Sunderland Woods Road: 25 mph

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Sunset Road: 25 mph
Tanglewood Drive: 25 mph
Thayer Bay Circle: 25 mph
Thayer Bay Road: 25 mph
Thibault Drive: 25 mph
Thomas Drive: 25 mph
Timberlake Drive: 25 mph
Tower Ridge: 25 mph
Troy Avenue: 25 mph
Turquoise Drive: 25 mph
Valleyfield Drive: 25 mph
Village Drive: 25 mph
Vincenza Way: 25 mph
Wall Street: 25 mph
Walnut Grove: 25 mph
Water Tower Circle: 25 mph
Waterlefe Way: 25 mph
Watkins Road: 35 mph
West View Road: 25 mph
Waybury Road: 25 mph
Westward Drive: 25 mph
Wheatley Court: 25 mph
Wildflower Lane: 25 mph
Wildlife Loop: 25 mph
Williams Road: 35 mph
Windemere Way: 25 mph
Wintergreen Drive: 25 mph
Woodrose Lane: 25 mph
Woodside Drive: 25 mph
Young Street: 25 mph

Other:

Laker Lane (High School Road): 25 mph

U.S. Route 2A (Main Street):

- Beginning at the Colchester/Essex Town Line 1.17 miles north to 0.3 miles south of Mill Pond Road: 40 mph
- From 0.3 miles south of East Road to the intersection of US Routes 2 and 7: 35 mph

U.S. Route 2/U.S. Route 7 (Roosevelt Highway):

- Beginning at the Winooski city line, .35 miles north to .26 miles south of Hercules Drive: 30 mph
- From .26 miles south of Hercules Drive to .02 miles north of Rathe Road: 40 mph
- From five hundred (500) feet south of Bay Road intersection to five hundred (500) feet north of Creek Road intersection: 35 mph
- For 0.2 miles on the south end and 0.1 miles on the north end: transitional: 40 mph

U.S. Route 15 (College Parkway):

- From the Town of Essex Line to the entrance of Camp Johnson: 45 mph
- From the Camp Johnson entrance to the Winooski city line: 35 mph

(Ord. of 11-11-14; Ord. of 8-9-16; Ord. of 10-25-16; Ord. of 1-10-17; Ord. of 3-28-17; Ord. of 12-12-17; Ords. of 10-23-18(2); Ord. of 11-13-18; Ord. of 1-12-21; Ord. of 4-12-22; Ord. of 3-4-25)

Sec. 1217. Trafficcontrol light locations.

Traffic-control light signals are hereby established at the following locations:

- (1) Heineburg Drive, Porters Point Road, Prim Road, Macrae Road.
- (2) Blakely Road and Lakeshore Drive.

- (3) Blakely Road at the school/pedestrian crossing.
- (4) U.S. Route 2 at I89 south on ramp.
- (5) U.S. Route 2 at I89 north on ramp.

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- (6) U.S. Route 2 at U.S. Route 7.
- (7) U.S. Route 7 at Severance Road.
- (8) U.S. Route 7 at Rathe Road.
- (9) U.S. Route 7 at Hercules Drive.
- (10) U.S. Route 7 at Mountain View Drive.
- (11) U.S. Route 7 at I89 north on ramp.
- (12) U.S. Route 7 at I89 south on ramp.
- (13) U.S. Route 7 at South Park Drive.
- (14) U.S. Route 15 at Camp Johnson.
- (15) U.S. Route 15 at Barnes Avenue.
- (16) U.S. Route 15 at Fanny Allen Hospital.
- (17) U.S. Route 15 at St. Michaels College Main Entrance.
- (18) U.S. Route 15 at Lime Kiln Road.
- (19) U.S. Route 15 at St. Michaels College South Entrance.
- (20) U.S. Route 2A (Main Street) at Mill Pond and East Roads.

(Ord. of 1-7-75; Ord. of 8-23-77; Ord. of 12-5-78; Ord. of 10-27-81; Ord. of 1-5-82; Ord. of 7-6-82; Ord. of 10-11-83; Ord. of 6-23-87; Ord. of 4-12-88; Ord. of 6-12-90; Ord. of 9-10-91; Ord. of 10-8-91; Ord. of 6-22-93; Ord. of 2-27-96; Ord. of 10-14-97; Ord. of 8-11-98; Ord. of 2-23-99; Ord. of 6-1-99; Ord. of 9-28-99; Ord. of 11-23-99; Ord. of 1-31-01; Ord. of 9-25-01; Ord. of 3-12-02; Ord. of 10-22-02; Ord. of 2-11-03; Amend. of 12-16-03; Ord. of 6-22-04; Ord. of 7-27-04; Ord. of 4-24-07(1); Ord. of 4-14-08(1); Amend. of 8-25-09; Amend. of 9-8-09; Amend. of 1-12-10; Amend. of 3-23-10; Ord. of 1-25-11; Ord. of 2-22-11; Ord. of 1-10-12; Ord. of 2-12-13; Ords. of 8-13-13; Ord. of 11-11-14; Ord. of 8-9-16; Ord. of 11-13-18)

Sec. 1218. School speed zone.

A speed limit of twenty-five (25) miles per hour shall apply on the following roads when school is in session and warning lights are flashing.

- (1) On Malletts Bay Avenue, from Blakely Road intersection south three hundred (300) feet.
- (2) On Blakely Road beginning three hundred (300) feet west of Laker Lane to two hundred (200) feet east of Quinn Lane.
- (3) On Porters Point Road, beginning three hundred sixteen (316) feet south and two hundred thirtysix (236) feet north of the school property.
- (4) On Main Street, beginning .09 miles south of Middle Road for .26 miles to .19 miles south of U.S. Route 7.

(Ord. of 4-22-97; Ord. of 6-8-04; Ord. of 6-22-04; Ord. of 8-9-16)

Sec. 1219. Oneway traffic.

One-way traffic shall be designated at the following locations:

- (1) Along the public access south of the Burnham Memorial Library, beginning at the east boundary of Townowned land, west to the access drive/U.S. Route 2A (Main Street) intersection where "Do Not Enter" signs shall be placed facing U.S. Route 2A.

(Ord. of 3-14-00; Ord. of 8-9-16)

Sec. 1220. Abandoned vehicles.

(a) *Definitions.* As used in this section, the following words shall have the meanings ascribed to them:

- (1) *Street* or *highway* shall mean the entire width between property lines of every way available for public use for vehicular or pedestrian travel, and designated for such public use by a municipal legislative body, or the appropriate agency of the State of Vermont, or laid out pursuant to Title 19, Vermont Statutes Annotated.
- (2) *Vehicle* shall mean a machine propelled by other than muscular power designed to travel along the ground by use of wheels, treads, runners or slides, and transport persons or property, pull machinery or be pulled by machinery and shall include, but not be limited to, automobiles, trucks, trailers, motorcycles, tractors and wagons.
- (b) *Leaving dismantled, nonoperating or unregistered vehicles on streets prohibited.* No person shall leave any partially dismantled, nonoperative, wrecked, junked or unregistered vehicle on any street or highway within the Town.

(c) *Authority to remove vehicles.*

- (1) The Chief of Police, or any Colchester Police Officer, is hereby authorized to remove or have removed any vehicles left at any place within the Town which reasonably appear to be in violation of this section.
- (2) Any vehicle removed by the Chief of Police or his/her agent for violating this section shall be impounded until lawfully claimed by the owner thereof or legally disposed of.
- (3) The costs of impounding and storing any vehicle in violation of this section shall be the responsibility of the owner of the vehicle.

(Ord. of 92501, § 1230; Ord. of 8916)

Sec. 1221. Turning prohibitions.

- (a) Left turns shall be prohibited for westbound traffic on Blakely Road at Severance Green (a private road).
- (b) Left turns shall be prohibited for southbound traffic on Heineberg Drive at the entrance of 49 Heineberg Drive.
- (c) No operator shall turn right on red after stop where signage indicates that it is not allowed.

(Ord. of 8-13-13; Ord. of 8-9-16; Ord. of 11-13-18)

Sec. 1222. Stopping in roadway prohibited.

No driver shall stop his/her vehicle in the traveled portion of a roadway in a manner that interferes with the flow of traffic for the purpose of solicitation, or any purpose other than temporarily to engage in loading or unloading mail, refuse/recycling, merchandise, or passengers.

(Ord. of 8-9-16)

Sec. 1223. Authority to prohibit use of streets by trucks.

(a) Trucks as further described in this section shall be prohibited from using the following streets:

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• Thomas Drive

(b) "Truck" defined. The term "truck" as used in this section, shall mean and include any motor vehicle or combination of vehicles, at least one of which shall be motorized, which vehicle or combination of vehicles has a total vehicle weight in excess of sixteen thousand (16,000) pounds. Total vehicle weight shall be computed as required by 23 V.S.A., Chapter 7, Section 367.

(c) This section shall not apply to trucks making deliveries to or from properties located on such streets, municipal maintenance vehicles, or emergency vehicles. This exemption shall also apply to motor vehicles originating from properties located on such streets.

(Ord. of 11-13-18)

Secs. 1224—1230. Reserved.

ARTICLE III. PARKING, STANDING, AND STOPPING

Sec. 12-31. No-parking zones.

Sec. 1232. Parking without authorization on public grounds—Snow removal.

Sec. 12-33. Parking ban for emergencies and special events.

Sec. 12-34. Stop signs required.

Sec. 12-35. Yield signs required.

Sec. 12-36. Fire hydrant and fire lane parking prohibited.

Secs. 1237—1239. Reserved.

Sec. 1231. Noparking zones.

(a) *Designation.* There shall be no parking on the following streets and publicly owned land:

There shall be no parking within twenty (20) feet of the intersection of two (2) or more public roads or within twenty (20) feet of the intersection of a public road and private road or drive when signs indicating these prohibitions are provided.

Anna's Court: No parking along the sidewalk (north) side (inner side of loop).

All school property: There shall be no parking in the fire lanes.

Bayside Park: In and along the south and northwest sides of West Lakeshore Drive, from the entrance of Bayside Park to Hazelett Strip Casting Corporation.

Bellwood Avenue: There shall be no parking on the north and south sides of Bellwood Avenue for a distance of five hundred (500) feet to the intersection of Church Road.

Blakely Road: There shall be no parking on the southerly side of Blakely Road within twenty (20) feet of either side of the crosswalk located between the entrances of Colchester Middle School and Colchester High School.

Brooke Lane: No parking along the sidewalk side (east side).

Brosseau Lane: No parking on the west (sidewalk) side of the street.

Butternut Lane: No parking on the non-sidewalk (westerly) side of the street.

Caleb Court: No parking on the south side of the street.

Churchill Lane: No parking on both sides of street.

Colchester Point Road: On either side for the distance that it abuts the Town-owned property of Airport Park.

Colchester Pond Road: There shall be no parking on either side of Colchester Pond Road for a distance of three hundred (300) feet on the north side and five hundred (500) feet on the south side of the entrance drive to the parking lot access to Colchester Pond.

Collins Farm Road: No parking on either side of the street.

Church Road: There shall be no parking on the west side of Church Road in front of Holy Cross Church beginning twenty (20) feet south of the south entrance to the property and north to the end of the no parking zone.

Dalton Drive: No parking on the south side of the street.

Eagle Park Drive: There shall be no parking on either side of Eagle Park Drive (Town Hwy 96) for a distance of eighty-five (85) feet from the Severance Road (Town Hwy 7) intersection.

Emmas Way: No parking on the west side of the street.

Ethan Allen Avenue: No parking on the south side of the street.

Ethan Allen Avenue: No parking in bus loading zones as identified by signs.

Fox Run: No parking on the north side of the street.

Granite Creek Road: There shall be no parking on the west side of the street.

Hegeman Avenue: No parking on the south side of the street.

Hegeman Avenue: No parking in bus loading zones as identified by signs.

Heineberg Drive: There shall be no parking on either side of Heineberg Drive from Porters Point Road (Town Hwy. 30) intersection to the Burlington city line.

Jen Barry Lane: No parking on eastern side of street.

Johnson Avenue: There shall be no parking in front of the Handy Apartments on the right side of Johnson Avenue.

Kathleen Lane: No parking on the west side of the street.

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Leoray Court: No parking along the south side of the street.

Lily Lane: No parking on the north side of the street.

Lomartire Drive: No parking along sidewalk (North/East) side of the street.

Marina District: No parking beginning at Mazza's General Store and continuing along both sides of W. Lakeshore Drive to Bayside Park.

Mills Point Road: There shall be no parking on either side of Mills Point Road from its intersection with the Causeway Bike Path south for a distance of three hundred (300) feet.

Morehouse Drive: No parking on the north side of the street.

Nourses Beach: There shall be no parking on either side of Goodsell Point Road (Town Hwy. 41) for two hundred fifty (250) feet. There shall be no parking on Town Hwy. 1, Bay Road, and Lakeshore Drive on either side of the highway for two hundred fifty (250) feet from the Goodsell Point Road intersection.

Old Sawmill Road: On-street parking shall be limited to residents and guests only.

U.S. Route 2A (Main Street)—Village: There shall be no parking along either side of U.S. Route 2A (Main Street) for a distance of four hundred (400) feet near Our Lady of Grace Church.

South Bay Circle: No parking on the first one hundred sixty-five (165) feet of South Bay Circle on the east/north (sidewalk) side of the street.

Spear Lane: No parking on the non-sidewalk (northerly) side of the street.

Stone Drive: There shall be no parking on the inside of the street from its intersections with Granite Creek Road.

Troy Avenue: No parking on either side of the street.

Vincenza Way: No parking on both sides of street.

Wall Street: No parking on the north side of the street from the southern intersection with Severance Road for a distance of 0.2 miles.

Walnut Grove: No parking on the west side of the street.

Waterlefe Way: No parking on the west/north (sidewalk) side of the street.

Westview Drive: There shall be no parking on either side of the street.

Wildlife Loop: No parking along the sidewalk (South/West) side of the street.

Williams Road: There shall be no parking on the south side of the street beginning at the Williams Road/E. Lakeshore Drive intersection for a distance of four hundred (400) feet.

Young Street: No parking along either side of Young Street from Malletts Bay Avenue to the intersection of Colonial Drive, a distance of 0.2 of a mile.

- (b) *Penalty.* Any motor vehicle parked in violation of subsection (a) shall be ticketed, which ticket shall constitute a penalty of twenty-five dollars (\$25.00) for the first violation. The penalty shall increase to fifty dollars (\$50.00) for the second or subsequent violation within thirty (30) days of a previous violation; said ticket is to be payable within three (3) days of the offense as provided for in Title 13, V.S.A., Chapter 19. The Ticketing Officer shall have the option of having the motor vehicle parked in violation of subsection (a) towed away at the expense of the owner, which expense shall not exceed three hundred dollars (\$300.00). The Officer may have the vehicle towed if, in the Officer's judgment, said vehicle constitutes a traffic hazard or if the vehicle appears to have been abandoned, or if, in the Officer's judgment, the vehicle in that location shall constitute a hazard to the health, safety and welfare of the citizens of the Town.

- (c) *[Loading and unloading zone.]* There shall be no parking on the following streets and publicly owned land except for the purpose of loading and unloading passengers from vehicles:

Ethan Allen Avenue: A loading and unloading zone is established on the north side of the street, beginning at the Ethan Allen Avenue/Doyle Street intersection west for one hundred eighty (180) feet. At no time shall vehicles be parked unattended within this zone.

(Ord. of 7-16-68; Ord. of 7-23-68; Ord. of 9-6-77; Ord. of 8-1-78; Ord. of 3-6-79; Ord. of 12-30-80; Ord. of 6-16-81; Ord. of 10-27-81; Ord. of 12-13-88; Ord. of 6-18-91; Ord. of 6-22-93; Ord. of 2-25-97; Ord. of 8-10-99; Ord. of 2-22-00; Ord. of 10-18-00; Ord. of 1-2-01; Ord. of 4-24-01; Ord. of 3-12-02; Ord. of 7-23-02; Ord. of 4-14-08; Ord. of 1-12-10; Ord. of 2-22-11; Ord. of 1-10-12; Ord. of 12-11-12; Ord. of 1-8-13; Ord. of 2-12-13; Ord. of 8-13-13; Ord. of 11-11-14; Ord. of 9-22-15; Ord. of 10-13-15; Ord. of 8-9-16; Ord. of 1-10-17; Ords. of 3-28-17(2); Ord. of 12-12-17; Ords. of 10-23-18(2); Ord. 11-13-18; Ord. of 12-10-19; Ord. of 1-12-21; Ord. of 3-4-25)

Sec. 1232. Parking without authorization on public grounds—Snow removal.

- (a) *Designation of areas.* No automobile shall be parked without authorization on publicly owned land within the Town and including, by way of illustration and not limitation, public and municipal parking lots, drives and ways, including the highways of the said Town, between the hours of 10:00 p.m. and 6:00 a.m. from the 15th day of November in each year until the following 15th day of March. The Chief of Police or the Director of Public Works may declare a parking ban for weather related emergencies at other times to facilitate efficient snow removal or roadway maintenance.

- (b) *Penalty.* Any motor vehicle parked in violation of subsection (a) shall be ticketed, which ticket shall constitute a penalty of twenty-five dollars (\$25.00) for the first violation. The penalty shall increase to fifty dollars (\$50.00) for the second or subsequent violation within thirty (30) days of previous violation; said ticket is payable within three (3) days of the offense as provided for in Title 23, V.S.A. Section 1746. Any police officer of the Town and the Town Manager are hereby authorized to cause vehicles parked in violation of this section to be removed and the owner of any vehicle so removed shall be required to pay a reasonable towing charge not to exceed three hundred dollars (\$300.00) for such removal as well as storage charges not to exceed twenty-five dollars (\$25.00) a day and there is hereby imposed a lien against such vehicle so removed for the payment of the said towing and storage charges.

(Ord. of 3-6-79; Ord. of 11-10-92; Ord. of 8-9-16)

Sec. 1233. Parking ban for emergencies and special events.

- (a) *General prohibition.* It shall be unlawful for any person to park a vehicle within any designated town rightofway anytime of the year during a declared parking ban.
- (b) *Authority to declare parking ban.* Those listed below may have the authority to declare a parking ban, given that there is a demonstrated need for street maintenance, a hazardous weather event, special events or when situations exist which may threaten public health, safety, or welfare.

- (1) The Director of Public Works or his/her designee has full authority in declaring a parking ban.
- (2) The Town Manager may declare a parking ban after consultation with the Director of Public Works.
- (3) The Chief of Police or his/her designee has full authority in declaring a parking ban.

- (c) With as much advanced warning as practical, the Town shall make reasonable efforts to notify the public of the parking ban. For nonemergency matters such as a special event or planned street maintenance, the Town shall post "no parking" signs twenty-four (24) hours in advance of the parking ban. The temporary no parking signs must state the time during which the parking prohibition is in effect.
- (d) Signage declaring a parking ban shall be of such size and material as approved by the Director of Public Works or his/her designee.

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(e) Vehicles in violation of the no parking ban may be ticketed or towed at the owner's expense.

(Ord. of 8-9-16; Ord. of 11-13-18)

Editor's note— An ordinance adopted Aug. 6, 2016, enacted provisions designated as § 1233 and renumbered §§ 1233, 1234 as §§ 1234, 1235.

Sec. 1234. Stop signs required.

(a) *Designation.* Stop signs shall be erected at the following locations:

Abigail Drive at Malletts Bay Aveune

Abigail Drive at Carriage Way (west)

Abigail Drive at Carriage Way (east)

Acorn Lane and Oak Circle

Aikey Lane at Watkins Road

Al-Shir Road and Bellwood Avenue

Anna's Court at Anna's Court (where the road reconnects to itself and forms a "T" intersection).

Anna's Court at Malletts Bay Avenue

Aurielle Drive and Porters Point Road

Austin House Road and East Road

Barbara Terrace and Holy Cross Road

Bay Road at Roosevelt Highway

Bay Road Extension at Roosevelt Highway

Bay View Road and Williams Road

Bean Road and MacRae Road

Bean Road and Prim Road

Belair Drive at Church Road

Belwood Avenue at Church Road

Birch Drive and Prim Road

Birchwood Drive and U.S. Route 2A (Main Street)

Birchwood Drive at Canyon Estates Drive and Canyon Road

Biscayne Heights and Colchester Point Road

Biscayne Heights at Windemere Way

Bissette Drive and Al-Shir Road

Bissette Drive at Porters Point

Blackberry Circle at Fox Run (east)

Blackberry Circle at Fox Run (west)

Blear Drive at Church Road

Bloomfield Drive at Porters Point Road

Bluebird Drive and Porters Point Road

Bonanza Pk. at Heineburg Drive (Route 127)

Braelock Road and Clay Point Road

Brentwood Drive at U.S. Route 7

Brooke Lane at Macrae Road

Brosseau Lane at Jasper Mine Road

Buckingham Drive at Colchester Point Road

Burnham Lane at Nice Way (north)

Burnham Lane at Nice Way (south)

Butternut Lane at Blakely Road

Caleb Court and Church Road

Camp Kiniya Road and Clay Point Road

Canyon Estates Drive at Canyon Road and Birchwood Drive

Canyon Road and U.S. Route 2A (Main Street)

Canyon Road at Canyon Estates and Birchwood Drive

Carriage Way at Colonial Drive

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Carriage Way at Abigail Drive
Casey Lane at Porters Point Road
Casey Lane at Pretty Road
Chestnut Lane and Justin Morgan Drive
Chimney Hill Drive at Mayo Road
Churchill Lane at East Lakeshore Drive
Church Road and Holy Cross Road
Church Road and Porters Point Road
Clay Point Road and U.S. Route 2
Clay Point Road at Jasper Mine Road
Cobbleview Drive and U.S. Route 2A
Colchester Point Road and Porters Point Road
Colden Road and Niquette Bay Road
Collins Farm Road at Roosevelt Highway
Conquest Circle and Timberlake Drive
Coon Hill Road and U.S. Route 7
Creek Farm Road and U.S. Route 7
Creek Glen Road at Deer Lane
Crossfield Drive at Porters Point Road (east)
Crossfield Drive at Porters Point Road (west)
Dalton Drive at Barnes Street
Deer Lane at Creek Farm Road
Depot Road and East Road
Depot Road and Sand Road Extension
Doyle Street at Ethan Allen Avenue
Doyle Street at Hegeman Avenue
Eagle Park Drive and Severance Road
Edgewood Drive at Blakely Road (east)
Edgewood Drive at Blakely Road (west)
Emmas Way and Porters Point Road
Ethan Allen Avenue at Barnes Street
Exit from the circle in front of Colchester High School and the high school service road
Exit from the Colchester Middle School and Blakely Road
Everbreeze Drive at Williams Road (north)
Everbreeze Drive at Williams Road (south)
Farnsworth Road and East Road
Fastnet Circle at North Harbor Road
Fern Court at Mercier Drive
Fern Court at Bean Road
Ford Lane at Bean Road
Forman Drive at Severance Road
Fox Run at Williams Road
Giffin Court at Severance Road
Granite Creek Road at Bay Road
Greenwood Drive and Porters Point Road
Gregg Lane at Al-Shir Road
Grey Birch Drive and River Road

Hawkes Way at Edgewood Drive

Hegeman Avenue at Barnes Avenue

Hegeman Avenue at Ethan Allen Avenue

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Hegeman Avenue at VT National Guard Road

Hercules Drive and U.S. Route 7

Hercules Drive Eastbound at Hercules Drive

Hercules Drive Westbound at Hercules Drive

Hercules Drive Northbound at Hercules Drive

Hercules Drive Southbound at Hercules Drive

Heritage Lane and U.S. Route 2A

Hidden Oaks Drive at Severance Road

Holbrook Court and Heineberg Drive

Hollow Creek Road at Justin Morgan Drive

Hollow Creek Road at LeClair Road

Holy Cross Road and Porters Point Road

Hummingbird Drive at Malletts Bay Avenue

Indian Circle at Creek Glen

Ira Allen Court at Bean Road

Jason Drive and Williams Road

Jasper Mine Road at U.S. Route 2

Jeffrey Drive at Williams Road

Jen Barry Lane at Holy Cross Road

Jocelyn Court at U.S. Route 2A

Joey Drive at Williams Road

Johnson Avenue at U.S. Route 15

Johnson Avenue at Vt. National Guard Road

Julie Drive at Williams Road

Justin Morgan Drive at Creek Farm Road

Kathleen Lane at Severance Road

King Street at Dalton Drive

King Street at Ethan Allen Avenue

Kylies Way at Wall Street

Laker Lane at Blakely Road

Lakewood Court at Holy Cross Road

Lamoille Bluff at North Harbor Road

Lavigne Road and Blakely Road

Lavigne Road and Mallets Bay Avenue

Lawrence J. Drive at Porters Point Road

LeClair Drive at Creek Farm Road

Leoray Court at Heineburg Drive

Liberty Lane at Severance Road

Liberty Lane at Hidden Oaks Drive

Lily Lane at Main Street

Logan Drive at U.S. Route 2A (Main Street)

Lois Lane at Porters Point Road

Lomartire Drive at Malletts Bay Ave

Lomartire Drive at Annas Court

Lone Pine Road at Bay Road

Mallard Drive and Porters Point Road

Malletts Bay Avenue and Blakely Road

Mallets Bay Club Road at Marble Island Road

Malletts Head Road at Marble Island Road

Mangum Avenue at Hegeman Avenue

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Maple Ridge Drive at Princess Anne Drive
Marble Island Road at W. Lakeshore Drive
Marcou Lane at Jasper Mine Road
Mariner Heights at Marble Island Road
Mayo Road at Jasper Mine Road
Mazza Ct. and Malletts Bay Avenue
Meadow Drive and Prim Road
Meadow Drive and Prim Road
Mercier Drive at Macrae Road
Middle Road and U.S. Route 2A
Midnight Pass at Williams Road
Mill Pond Road and Severance Road
Morehouse Drive at Malletts Bay Avenue
Morellen Lane at Williams Road
Munson Road at Bay Road
Nice Way at Blakely Road
Nice Way at Lavigne Road
Niquette Bay Road at U.S. Route 2
North Harbor Road at Watkins Road (both locations)
Norway Drive and Porters Pt. Road
Nottingham Court at Church Road
Oak Circle and Rathe Road
Oak Circle and Sunderland Woods Road
Old Saw Mill Road and Blakely Road
Orchard Circle at Orchard Drive
Orchard Drive and U.S. Route 7
Orion Drive at Hercules Drive
Overlake Drive at Holy Cross Road
Parkwood Drive at Hidden Oaks Drive
Parkwood Drive at Liberty Lane
Parsons Road at Macrae Road
Pebble Beach Road at Marble Island Road
Pet Way at the west bound approach of Pet Way at the Pet Way and South Park Drive intersection
Pine Island Road and Malletts Bay Avenue
Pine Lane and Porters Point Road
Pine Meadow Drive and Airport Road
Pine Meadow Drive and Porters Point Road
Poor Farm Road and Blakely Road
Poor Farm Road and U.S. Route 7
Porters Point Road and Colchester Point Road
Porters Point Road and Holy Cross Road
Pretty Road at Porters Point Road
Prim Road at W. Lakeshore Drive
Princess Anne Drive and Porters Point Road
Queen Street at Dalton Drive
Queen Street at Ethan Allen Avenue (east side of VT ETV)
Rathe Road and U.S. Route 7

Raymond Road and U.S. Route 2

Raymond Road at Jasper Mine Road

Red Oak Drive and Colchester Point Road

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Richfield Lane at Crossfield Drive (east)
Richfield Lane at Crossfield Drive (west)
River Road and Porters Pt. Road
Ryan Place at Crossfield Drive
Sand Road and Lost Nation Road
Shady Lane and Porters Point Road
Shetland Lane at Justin Morgan Drive
Shore Acres Drive at W. Lakeshore Drive
South Bay Circle at E. Lakeshore Drive
South Bay Circle at South Bay Circle (westbound approach)
South Oak Circle at Sunderland Woods Road
South Oak Circle at Rathe Road
South Park Drive at the east bound approach of South Park Drive and Pet Way Intersection
Spear Lane at Butternut Lane
Stone Drive at Granite Creek Road (north)
Sunderland Woods Road and U.S. Route 7
Tanglewood Drive and Colchester Point Road
Tanglewood Drive (north and south bound approaches), Waybury Road and Rudgate Road
Thayer Bay Road at Holy Cross Road
Thibault Drive at Porters Point Road
Thomas Drive and Blakely Road
Thomas Drive and Mallets Bay Avenue
Timberlake Drive at Church Road
Timberlake Drive at W. Lakeshore Drive
Troy Avenue at Barnes Street
Troy Avenue at Hegeman Avenue
Troy Avenue at Mangum Street (sign each side for Champlain in Sheltered Workshop)
Turquoise Drive at W. Lakeshore Drive
Valleyfield Drive at Malletts Bay Avenue
Village Drive and U.S. Route 2A (Main Street)
Vincenza Way at Windermere Way
Vt. National Guard Road at Camp Johnson exit
Wall Street at Severance Road
Walnut Grove at Jasper Mine Road
Waterlefe Way and Blackberry Circle
Waterlefe Way and Fox Run
Water Tower Circle at Mountain View Drive
Watkins Road at Jasper Mine Road
West View Road at Mountain View Drive
Westward Drive and Village Drive
Wheatley Court at River Road
Wildflower Lane at Raymond Road
Wildlife Loop at Lomartire Drive (East End)
Wildlife Loop at Lomartire Drive (West End)
Williams Road and Blakely Road
Williams Road at E. Lakeshore Drive
Windermere Way and Airport Road

Windermere Way at Biscayne Heights (northbound)

Windermere Way at Biscayne Heights (southbound)

Windswept Drive at Orchard Drive

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Wintergreen Drive at Creek Farm Road (east)

Wintergreen Drive at Creek Farm Road (west)

Woodrose Lane at Hidden Oaks Drive

Woodrose Lane at Severance Road

Woodside Drive and Bean Road

Young Street and Malletts Bay Avenue

(b) *Full stop required.* Wherever a stop sign is erected at the location described above, it shall be unlawful for any motor vehicle, as defined by the laws of the State, to proceed into said intersection without first coming to a full stop.

(c) *Penalty.* The penalty for not observing a stop sign as provided in Title 23, V.S.A., Section 1008.

(Ord. of 8-23-77; Ord. of 3-14-78; Ord. of 4-17-79; Ord. of 7-8-80; Ord. of 6-16-81; Ord. of 9-1-81; Ord. of 10-27-81; Ord. of 10-11-83; Ord. of 4-12-88; Ord. of 10-8-91; Ord. of 6-22-93; Ord. of 1-23-96; Ord. of 7-23-96; Ord. of 2-25-97; Ord. of 10-14-97; Ord. of 1-12-99; Ord. of 9-14-99; Ord. of 11-23-99; Ord. of 4-3-01; Ord. of 3-12-02; Ord. of 9-13-05(2); Ord. of 8-22-06(1); Ord. No. 4-24-07(2); Ord. of 4-14-08(3); Amd. of 8-25-09; Amd. of 9-8-09; Amd. of 1-12-10; Amd. of 1-12-10; Ord. of 1-25-11; Ord. of 2-22-11; Ord. of 6-14-11; Ord. of 1-10-12; Ord. of 1-8-13; Ord. of 2-12-13; Ord. of 8-13-13; Ord. of 11-11-14; Ord. of 12-8-15; Ord. of 8-6-16; Ord. of 1-10-17; Ord. of 3-28-17; Ord. of 12-12-17; Ords. of 10-23-18(2), Ord. of 1-12-21; Ord. of 9-28-21; Ord. of 10-18-22; Ord. of 3-4-25)

Editor's note— See editor's note following § 1233.

Sec. 1235. Yield signs required.

(a) *Designations.* Yield signs shall be erected at the following locations:

Fieldgreen Drive and Orchard Drive.

Kathleen Lane at Giffin Court

Rathe Road eastbound at Mountain View Drive.

(Ord. of 10-8-91; Ord. of 1-23-96; Ord. of 1-10-12; Ord. of 8-9-16)

Editor's note— See editor's note following § 1233.

Sec. 1236. Fire hydrant and fire lane parking prohibited.

No vehicle shall be parked within six (6) feet of a fire hydrant or within a designated fire lane.

Penalty: Fifty dollars (\$50.00) for first violation, one hundred dollars (\$100.00) for second or subsequent within thirty (30) days.

(Ord. of 8-9-16)

Secs. 1237—1239. Reserved.

ARTICLE IV. PEDESTRIANS

Sec. 12-40. Obedience to directions and signals.

Sec. 12-41. Manner of crossing the street.

Sec. 12-42. Vehicles to yield to pedestrians crossing in crosswalk.

Sec. 12-43. Vehicles not to pass another stopped for pedestrians.

Sec. 12-44. Duty of drivers to exercise due care.

Secs. 1245—1249. Reserved.

Sec. 1240. Obedience to directions and signals.

All pedestrians shall be subject to and comply with any direction of any member of the police department and directions of all official traffic-control signs. Where such devices are not installed pedestrians shall be granted those rights and be subject to the regulations as set out in this article.

(Ord. of 8-9-16)

Sec. 1241. Manner of crossing the street.

(a) Wherever a crosswalk is provided, pedestrians are required to use the crosswalk when crossing a roadway.

(b) No pedestrian shall cross a roadway at any point other than by a route at right angles to the curb or by the shortest route to the opposite curb, except in a crosswalk.

(c) Pedestrians shall move, whenever practicable, upon the right half of the crosswalk.

(d) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield safely.

(Ord. of 8-9-16; Ord. of 11-13-18)

Sec. 1242. Vehicles to yield to pedestrians crossing in crosswalk.

When traffic-control signals are not in place or not in operation or do not provide an exclusive pedestrian walk phase, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the

vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
(Ord. of 8-9-16)

Sec. 1243. Vehicles not to pass another stopped for pedestrians.

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Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(Ord. of 8-9-16)

Sec. 1244. Duty of drivers to exercise due care.

Notwithstanding the provisions of this article, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any pedestrian, child, bicyclist, or animal upon a roadway.

(Ord. of 8-9-16)

Secs. 1245—1249. Reserved.

ARTICLE V. BICYCLISTS

Sec. 12-50. General bicycle regulations.

Sec. 12-51. Riding on sidewalks, bicycle and pedestrian pathways.

Sec. 12-52. Riding on bicycles.

Sec. 12-53. Clinging to motor vehicles.

Sec. 12-54. Bicycles to be in good mechanical condition and properly equipped.

Sec. 12-55. Dissemination of information.

Sec. 1250. General bicycle regulations.

- (a) *Bicycle defined.* A bicycle shall be defined for the purposes of this section as any wheeled vehicle that is propelled manually by pedals, and class 1 or class 2 electric bicycles, as those terms are defined in 23 V.S.A. § 4
- (b) *Obedience to traffic regulations.* Every person riding a bicycle upon the streets, alleys and highways within the Town shall observe and comply with all signals, signs and ordinances regulating the operation of traffic not inconsistent with the provisions of this ordinance.
- (c) *Safe operation.* Notwithstanding the following specific violations, every person riding a bicycle upon a roadway, sidewalk or recreational path within the Town shall travel only at such speeds and in such a manner as is safe under the circumstances, including current weather conditions and the condition of the path surface.

(Ord. of 8-9-16; Ord. of 11-13-18)

Sec. 1251. Riding on sidewalks, bicycle and pedestrian pathways.

- (a) Persons riding a bicycle upon a sidewalk or bicycle and pedestrian pathway shall yield the rightofway to any pedestrian.
- (b) Persons riding a bicycle upon a sidewalk or bicycle and pedestrian pathway shall give audible signal before overtaking and passing a pedestrian or another bicycle.
- (c) Persons operating a bicycle on a sidewalk, in areas where such operation is not otherwise prohibited by this ordinance, shall exercise due care, which includes operating the bicycle at a speed reasonable for the existing conditions.
- (d) Persons operating a bicycle on a sidewalk, in areas where such operation is not otherwise prohibited by this ordinance, shall come to a complete stop prior to crossing all street crossings.

(Ord. of 8-9-16; Ord. of 11-13-18)

Sec. 1252. Riding on bicycles.

- (a) No person propelling a bicycle may ride other than upon or astride a permanent and regular seat attached thereto.
- (b) No person may use a bicycle to carry more persons at any one time than the number for which it is designed and equipped.
- (c) Persons riding bicycles upon a roadway may not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles or except as otherwise permitted by the Commissioner of Public Safety in connection with a public sporting event in which case the Commissioner shall be authorized to adopt such rules as the public good requires. Persons riding two (2) abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.
- (d) Riders shall maintain one (1) hand on the handlebars of a bicycle at all times while operating on a roadway, sidewalk or recreational path.

(Ord. of 8-9-16; Ord. of 11-13-18)

Sec. 1253. Clinging to motor vehicles.

No person, while riding or operating a bicycle on any roadway, sidewalk or recreational path in the Town, shall attach his/her bicycle or him/herself to any other moving vehicle; nor shall the operator of any other vehicle permit any person riding a bicycle to attach to his/her moving vehicle.

(Ord. of 8-9-16)

Sec. 1254. Bicycles to be in good mechanical condition and properly equipped.

- (a) No bicycle shall be operated unless it is in good mechanical condition.
- (b) No bicycle shall be operated unless it is equipped with an adequate braking device.
- (c) It shall be unlawful for any person to operate a bicycle on any roadway, sidewalk or recreational path within the Town during the period from onehalf (½) hour after sunset to onehalf (½) hour before sunrise unless said bicycle or bicyclist shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least five hundred (500) feet to the front, with a lamp on the rear of the bicycle or bicyclist which emits a flashing or steady red light visible at least three hundred (300) feet to the rear, and with a red reflector on the rear.

(Ord. of 8-9-16; Ord. of 11-13-18)

Sec. 1255. Dissemination of information.

Every person or business engaged in the sale, rental or dissemination of bicycles shall inform each purchaser/renter/borrower of local ordinances and state law governing the operation of bicycles.

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Chapter 13 STREETS AND SIDEWALKS ^[1]

ARTICLE I. - IN GENERAL

ARTICLE II. – DEFINITIONS

ARTICLE III. – ALLOWED USAGE OF THE PUBLIC RIGHT-OF-WAY

ARTICLE IV. - EXCAVATIONS AND OBSTRUCTIONS

ARTICLE V. – ENFORCEMENT AND APPEALS

FOOTNOTE(S):

--- (1) ---

Cross reference— Street naming and street addressing, Ch. 17. ([Back](#))

--- (2) ---

Editor's Note: An amendment dated January 28, 2020 significantly updated this Ordinance. Articles II, III, and V were added, as well as Sections 13-1, 13-11, 13-12, 13-16, 13-21, 13-24, 13-34, 13-42, and 13-44. The remaining and additional sections were re-numbered accordingly, and the ordinance was made gender neutral.

ARTICLE I. IN GENERAL

Sec. 13-1. Purpose.

Sec. 13-2. Applicability.

Sec. 13-3. Responsibility for administration.

Sec. 13-4. Severability.

Sec. 13-5. Relation to other ordinances of the Town of Colchester.

Sec. 13-6. Documents incorporated by reference as may be amended from time to time.

Sec. 13-7. Books containing surveys, maps or profiles adopted as public records.

Sec. 13-8. Authority to close streets.

Sec. 13-9. Cost of street improvements.

Sec. 13-10. Sidewalks, curbs and gutters to conform to specifications.

Sec. 13-1. Purpose.

This Ordinance is adopted pursuant to the Colchester Town Charter at sections 103(b), 104(1) and 104(2) and 24 V.S.A. Chapters 59 and 61 under the authority set forth in Title 24 V.S.A. § 2291. These Street and Sidewalk Regulations define the rules and regulations for the control and operation of the Town of Colchester's right-of-way; allow the Town of Colchester to exercise general regulation over the operation and maintenance of public right-of-way facilities in the Town, including the adoption of a system of fees for permits; to define what constitutes a public nuisance relating to physical and visual obstructions in the right-of-way, safe pedestrian usage of the right-of-way, and impediments to performing regular maintenance; for the abatement or removal of such public nuisance as public health, safety, or welfare may require; establishes methods for controlling the placement of ice and snow in the right of way by contractors, homeowners, or other property managers; and establishes methods for issuing and enforcing permits related to maintenance or activities in the right-of-way.

(Ord. of 1-28-20)

Sec. 13-2. Applicability.

This Ordinance shall apply to all streets within the Town of Colchester, and shall apply specifically as indicated in articles within this Ordinance.

(Ord. of 1-28-20)

Sec. 13-3. Responsibility for administration.

The Director of Public Works shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to, or duties imposed upon, the Director of Public Works may be delegated by the Director to persons or entities acting in the beneficial interest of or in the employ of the Town of Colchester.

(Ord. of 1-28-20)

Sec. 13-4. Severability.

The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, it shall not affect the validity or application of other provisions of this Ordinance.

(Ord. of 1-28-20)

Sec. 13-5. Relation to other ordinances of the Town of Colchester.

If the provisions of these regulations conflict with the provisions of any other valid and enforceable Colchester Ordinance(s), the stricter shall prevail.

(Ord. of 1-28-20)

Sec. 13-6. Documents incorporated by reference as may be amended from time to time.

(a) Town of Colchester Code of Ordinances, Chapter 1

(b) Town of Colchester Code of Ordinances, Chapter 4(c) Town of Colchester Code of Ordinances, Chapter 61/2

Chapter 13 STREETS AND SIDEWALKS ^[1]

ARTICLE I. - IN GENERAL

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Sec. 13-10. Sidewalks, curbs and gutters to conform to specifications.

Sec. 13-1. Purpose.

This Ordinance is adopted pursuant to the Colchester Town Charter at sections 103(b), 104(1) and 104(2) and 24 V.S.A. Chapters 59 and 61 under the authority set forth in Title 24 V.S.A. § 2291. These Street and Sidewalk Regulations define the rules and regulations for the control and operation of the Town of Colchester's right-of-way; allow the Town of Colchester to exercise general regulation over the operation and maintenance of public right-of-way facilities in the Town, including the adoption of a system of fees for permits; to define what constitutes a public nuisance relating to physical and visual obstructions in the right-of-way, safe pedestrian usage of the right-of-way, and impediments to performing regular maintenance; for the abatement or removal of such public nuisance as public health, safety, or welfare may require; establishes methods for controlling the placement of ice and snow in the right of way by contractors, homeowners, or other property managers; and establishes methods for issuing and enforcing permits related to maintenance or activities in the right-of-way.

(Ord. of 1-28-20)

Sec. 13-2. Applicability.

This Ordinance shall apply to all streets within the Town of Colchester, and shall apply specifically as indicated in articles within this Ordinance.

(Ord. of 1-28-20)

Sec. 13-3. Responsibility for administration.

The Director of Public Works shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to, or duties imposed upon, the Director of Public Works may be delegated by the Director to persons or entities acting in the beneficial interest of or in the employ of the Town of Colchester.

(Ord. of 1-28-20)

Sec. 13-4. Severability.

The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, it shall not affect the validity or application of other provisions of this Ordinance.

(Ord. of 1-28-20)

Sec. 13-5. Relation to other ordinances of the Town of Colchester.

If the provisions of these regulations conflict with the provisions of any other valid and enforceable Colchester Ordinance(s), the stricter shall prevail.

(Ord. of 1-28-20)

Sec. 13-6. Documents incorporated by reference as may be amended from time to time.

(a) Town of Colchester Code of Ordinances, Chapter 1

(b) Town of Colchester Code of Ordinances, Chapter 4(c) Town of Colchester Code of Ordinances, Chapter 612

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- (d) Town of Colchester Code of Ordinances, Chapter 7
- (e) Town of Colchester Code of Ordinances, Chapter 14
- (f) Public Works Specifications and Standards
- (f) Town of Colchester Town Charter
- (g) Vermont Highway Department Specifications
- (h) Manual of Uniform Traffic Control Devices
- (i) Occupational Safety and Health Administration Technical Manual
- (j) U.S. Postal Service Standard Mailboxes, Curbside.

(Ord. of 1-28-20)

Sec. 13-7. Books containing surveys, maps or profiles adopted as public records.

The books wherein are recorded the surveys of the streets and the books containing the maps or profiles of street grades are hereby adopted and accepted as the public books of record for that purpose.

(Ord. of 11-24-92)

Sec. 13-8. Authority to close streets.

In addition to the provisions set forth in Chapter 4, Section 4-47 and Chapter 7, Section 5 of the Colchester Town Code, the Chief of Police, the Building Inspector and/or Public Works Director shall have the authority to close streets or portions of streets to vehicular and/or pedestrian traffic when in their judgment the public safety is threatened by leaving the street opened.

The Chief of Police shall have the authority to close streets or portions of streets to vehicular traffic during and preparatory to any parade.

(Ord. of 11-24-92; Ord. of 1-28-20)

Sec. 13-9. Cost of street improvements.

Whenever any street, lane or alley, or portion thereof, shall hereafter be graded, paved or macadamized and curbed and guttered on the petition of the owners of a majority of the frontage of the same, or without such petition, and the cost or expenses thereof shall be assessed upon the frontage under the provisions of the Town Charter, no subsequent assessment shall be made by the Selectboard under the provisions of the Town Charter of any subsequent improvement of the same character on such street or any portion thereof.

(Ord. of 11-24-92)

Sec. 13-10. Sidewalks, curbs and gutters to conform to specifications.

All new sidewalks, curbs and gutters shall conform to current specifications of the Public Works Department as adopted by the Selectboard under the authority of Section 103(b), 104(1), and 104(2) of the Town Charter and VSA chapters 59 and 61 under the authority set forth in 24 V.S.A. § 2291 and described in detail in the Department of Public Works Specifications and Standards..

(Ord. of 11-24-92; Ord. of 1-28-20)

ARTICLE II. DEFINITIONS

Sec. 13-11. Purpose

Sec. 13-12. Definitions

Sec. 13-11. Purpose.

The terms defined hereafter are established to be used in the context of Chapter 13 of the Town of Colchester Ordinances to allow for clear and consistent application of these established municipal regulations.

(Ord. of 1-28-20)

Sec. 13-12. Definitions.

For the purposes of this Ordinance, the following shall mean:

Applicant shall mean a property owner, contractor, or duly designated representative who files an application for a land disturbance activity within the public right-of-way.

Construction shall mean land-disturbing activity within the public right-of-way that requires a permit under this Ordinance.

Contiguous shall mean sharing a common property border.

Department of Public Works shall mean the employees or designees of the Director of Public Works.

Designated Enforcement Officer shall mean either the Town of Colchester's Public Works Director or Police Chief, or other Town officers as may be designated by the Colchester Selectboard

Designee shall mean a person authorized to act in the place of another person.

Director shall mean the Director of Public Works for the Town of Colchester.

Emergency shall mean a serious, unexpected, or dangerous situation requiring immediate action within the Town of Colchester's right-of-way.

Encroachment shall mean to advance beyond the usual or proper boundaries in a way that restricts the Public Works Department's ability to perform regular maintenance or affects safe travel in the right-of-way.

Fee shall mean a compensation paid for the issuance of a permit under this Ordinance.

Manager shall mean the Town Manager for the Town of Colchester.

Obstruction shall mean any vegetation, constructed barrier, or other object that limits normal maintenance operations, prevents safe passage, or affects reasonable sightlines in the right-of-way.

Person shall mean any individual, association, organization, partnership, firm, corporation, or other entity recognized by law and acting as the owner, the owner's

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designee, or the operator of a premise.

Property Owner shall mean any person, firm, partnership, association, joint venture, corporation or other entity or combination of entities who alone, jointly, or severally with others hold(s) legal or equitable title to any real-estate. The term "property owner" shall also include heirs, successors, and assigns.

Public Nuisance shall mean an activity or thing that affects the health or safety of a community

Recreational Equipment shall mean any object used to engage in recreational activities such as basketball hoops, hockey nets, or other similar pieces of recreation equipment.

Right-of-way shall mean the entire width between property lines of every way used to facilitate safe vehicular traffic and pedestrian travel, which has become public by authority of the law.

Site shall mean the site of an excavation, restoration, or maintenance within the public right-of-way.

Street shall mean the entire width between property lines of every way used for vehicular traffic and pedestrian travel, which has become public by authority of the law.

(Ord. of 1-28-20)

ARTICLE III. USAGE OF THE PUBLIC RIGHT-OF-WAY

Sec. 13-13. Purpose.

Sec. 13-14. Enclosing highway; erecting fence or encroachment; nuisance.

Sec. 13-15. Barbed wire fence or railing prohibited.

Sec. 13-16. Vegetation in the right-of-way.

Sec. 13-17. Unnecessary interference with use of sidewalk.

Sec. 13-18. Vehicles on sidewalks.

Sec. 13-19. Disturbing monuments or markers prohibited.

Sec. 13-20. Injuring public infrastructure.

Sec. 13-21. Recreation equipment in the right-of-way.

Sec. 13-22. Mailboxes.

Sec. 13-23. Dumping ice and snow in public areas.

Sec. 13-13. Purpose.

This article is established to ensure free and safe access to all streets in the Town of Colchester. This goal is achieved by prohibiting obstructions and hazards to vehicular and pedestrian traffic, damage to public infrastructure, and impediments which prevents the town from performing maintenance within the public right-of-way.

(Ord. of 1-28-20)

Sec. 13-14. Enclosing highway; erecting fence or encroachment; nuisance.

No person shall enclose a part of the highway or street, or erect a fence, building, or other encroachment, or make obstructions, or create a nuisance on a highway or street, or continue such enclosure, fence, building encroachment, or nuisance on a highway or street.

(Ord. of 11-24-92; Ord. of 1-28-20)

Sec. 13-15. Fences or railings prohibited.

No person shall erect or maintain a fence or railing upon the line of a sidewalk or street, or in such proximity thereto as to be within reach of and dangerous to a passerby upon such street, or sidewalk, or in a such proximity to the right-of-way as to interfere with regular maintenance.

(Ord. of 11-24-92; Ord. of 1-28-20)

Sec. 13-16. Vegetation in the right-of-way.

- (a) No person shall allow vegetation to grow into the street from an abutting property that in part or wholly obstructs a sidewalk or road, or impacts sightlines in the public right-of- way. A minimum of seven (7) feet of vertical clearance shall be maintained over a public sidewalk.
- (b) The Town of Colchester Public Works Department reserves the right to perform clearing of trees, shrubs, or any other vegetation in order to maintain its public right-of-way to the standard established in Sec. 13-16(a).

(Ord. of 1-28-20)

Sec. 13-17. Unnecessary interference with use of sidewalk.

No person shall unnecessarily occupy, obstruct, or encumber, or cause to be unnecessarily occupied, obstructed, or encumbered, a sidewalk so as to interfere with the convenient use of the same by the public.

(Ord. of 11-24-92; Ord. of 1-28-20)

Sec. 13-18. Vehicles on sidewalks.

No motorized vehicle, including motor-driven cycles, class 3 electric bicycles, and motor-assisted bicycles, with the exception of motorized wheelchairs and class 1 and 2 electric bicycles as those terms are defined in 23 V.S.A. § 4, shall be driven, backed, led or allowed to stand on any sidewalk, except that wares or merchandise in process of loading or unloading may be transferred from trucks or other vehicles over the sidewalk by use of skids or other means; provided that a passageway is kept open for the free

passage of pedestrians. Nothing contained in this Section shall prevent the riding or driving of vehicles from private property directly across the sidewalk of any street to the roadway or from the roadway back to such private property.

(Ord. of 11-24-92; Ord. of 1-28-20)

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Sec. 13-19. Disturbing monuments or markers prohibited.

No stone, post, or other monument set by the Town to mark the location of any street line or grade shall be moved or in any other way disturbed, except by and under the direction of the Town.

(Ord. of 11-24-92)

Sec. 13-20. Injuring public infrastructure.

No person shall injure, deface, or destroy any fixture of the public right-of-way.

(Ord. of 11-24-92; Ord. of 1-28-20)

Sec. 13.21. Recreation equipment in the public right-of-way.

No permanent or temporary recreation equipment shall be installed or located in streets or sidewalks of the public right-of-way in Class 1, 2, or 3 roads. The Town of Colchester Police Department reserves the right to remove any temporary or permanent structure that is in violation of this ordinance At the property owners expense. The Town of Colchester shall not be liable for damages to any temporary or permanent recreational structure in the public right-of-way.

(Ord. of 1-28-20)

Sec. 13-22. Mailboxes.

No person shall construct or place a mail receptacle in the public right-of-way that does not meet all requirements including the proper dimensions, heights, and distance from the road, as described in U.S. Postal Service Standard Mailboxes, Curbside as adopted by the United States Postal Service and as may be amended.

(Ord. of 11-24-92; Ord. of 1-28-20)

Sec. 13-23. Dumping ice and snow in public areas.

(a) *Placing prohibited without permission.* No person, by their own act, or through their designee or employees, shall throw, put, place, push, or otherwise deposit snow, or ice, in the following public areas without the written permission of the Director of Public Works or their designated representatives:

- (1) On the paved or travelled portion of any public street;
- (2) On any Town sidewalk.

(b) *Restrictions may accompany permission.* In granting written permission under the previous section, the Director or their representatives may impose such restrictions as are necessary to protect the safety and welfare of the public, and such permission may be revoked at any time.

(c) *Violations; penalty.* Any person who shall violate this Section or the restrictions imposed by the written permission of the Director, or their designee shall, upon conviction, be fined pursuant to Chapter 1, Section 1-9. Each offense and each twenty-four (24) hours continuance of such violation shall be deemed a separate offense.

(Ord. of 11-24-92; Ord. of 9-10-96; Ord. of 1-28-20)

ARTICLE IV. EXCAVATIONS AND OBSTRUCTIONS

DIVISION 1. - PERMITS

DIVISION 2. – SAFETY, RECONSTRUCTION & LIABILITY

DIVISION 1. PERMITS

Sec. 13-24. Purpose

Sec. 13-25. Permit required.

Sec. 13-26. Contents of permit for excavation; fee.

Sec. 13-27. Excavations across public highways prohibited.

Sec. 13-28. Waiver of jack and bore requirement.

Sec. 13-29. Obstructing street or sidewalk prohibited.

Sec. 13-30. Time limit for permit to obstruct street or sidewalk; fee.

Sec. 13-31. Permits for curb cuts required.

Sec. 13-32. Cuts to conform to requirements.

Sec. 13-33. Replacement of curbing.

Sec. 13-24. Purpose.

To set forth an orderly process for the approval or disapproval of construction, excavation, or maintenance in the public right-of-way. The scope of a single issued permit is set, as are the requirements and fees associated with its approval. By establishing a process for the issuance of excavation, obstruction or curb cut permits, the Town of Colchester shall protect the public right-of- way and the safety of the general public.

(Ord. of 1-28-20)

Sec. 13-25. Permit required.

(a) No person, firm or corporation shall disturb the ground or pavement in any street, sidewalk, curb or tree belt within the Town without first obtaining a written permit therefor from the Director of Public Works or their designee, in accordance with Town ordinances and regulations and pursuant to Title 19 V.S.A. Chapter 11, Sections 1101 through 1111.

(b) The applicant for a permit, their designee, and the contractor doing the work shall before the issuance of the permit submit the following to the Director of Public Works,

or their designee.

(1) A certificate of insurance affording the following coverage:

General liability:

Bodily injury, per person:.....\$100,000.00

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Bodily injury, per occurrence.....300,000.00

Property damage, per occurrence..... 100,000.00

This insurance shall include coverage for collapse and underground (CU) hazard, explosions (X) coverage, at the discretion of the Director of Public Works or their designee, and contractual liability.

Automobile liability:

Bodily injury, per person.....\$100,000.00

Bodily injury, per occurrence.....300,000.00

Property damage, per occurrence..... 100,000.00

This insurance shall include coverage for owned, nonowned and hired vehicles. The Director of Public Works or their designee, at their discretion, will accept satisfactory evidence of self insurance in lieu of the above coverage. The above-referenced insurance shall not be canceled without thirty (30) days' written notice to the Director of Public Works, or their designee.

- (2) An affirmation that he is not delinquent in payments due the Town on prior similar work;
 - (3) Evidence that he is competent and equipped to do the proposed work;
 - (4) A proper permit or license to do the work, if such license or permit is required under the laws of the State or ordinances of the Town;
 - (5) A satisfactory plan for the subject property and adjacent properties showing existing surface and subsurface conditions including the placement of existing utilities, trees and vital structures such as fire hydrants, fire stations, fire escapes, water gates, underground vaults, valve housing structures, and any other vital equipment as designated by the Director of Public Works or their designee;
 - (6) A plan for the protection of shade and ornamental trees and the restoration of turf.
- (c) The Director of Public Works or their designee reserves the right to withhold issuance of permits when:
- (1) Paving materials are unavailable; or
 - (2) A satisfactory traffic, pedestrian, or utility diversion plan cannot be implemented; or
 - (3) Unsatisfactory compliance of subsection 13-25(b)(1) through (b)(6).
- (d) Emergencies. Nothing in this Article shall be construed to prevent the making of excavations as may be necessary for the preservation of life or property provided that the person, firm or corporation, making such excavation shall apply to the Director of Public Works or their designee for a permit on the first working day after such excavation is commenced. Even in emergency situations, notice shall be given immediately by phone to the Public Works Department, Police Department, and Fire Department, and all provisions of this Article shall apply to such emergency.
- (e) In the event excavations occur within the so-called drip line of a public street tree, any permit issued by the Director of Public Works, or their designee must be countersigned by the Tree Warden or their designated representative..
- (f) Where an excavation is for the limited purpose of planting a tree, or erecting a sign, within the public right-of-way including the so-called greenbelt, the Director of Public Works or their designee may waive any of the requirements contained in subsections 13-12(b) and 13-13(c), (d), (e), (f) and (g).

(Ord. of 11-24-92; Ord. of 1-28-20)

Sec. 13-26. Contents of permit for excavation; fee.

- (a) Application for a street excavation permit shall be made on forms furnished by the Town.
- (b) Permits are classified as major or minor depending on the nature of the work.
 - (1) *Major*: Work within the public right-of-way which will disturb the roadbed, pavement or sidewalk.
 - (2) *Minor*: Other work within the right-of-way which will not disturb the roadbed, pavement or sidewalk.
- (c) The fee for an excavation permit, payable in advance, is five hundred dollars (\$500.00) and one hundred dollars (\$100.00) for a minor permit.
- (d) The fee for excavation permits shall be doubled if work is commenced prior to obtaining a permit. Paying double fees does not waive other penalties. This subsection shall not apply to emergency excavations as defined in subsection 13-25 (d).
- (e) Generally, a permit shall cover only contiguous construction and work performed as one (1) continuous operation, except as otherwise determined by the Director of Public Works, or their designee. Notwithstanding the preceding sentence, where a continuous and single operation involves separate excavation by a single excavator, no more than two (2) such excavations shall be covered by a single permit, provided such single permit shall be allowed only where the distance between the excavations shall not be greater than twenty (20) feet at their opposite extremities. Additionally, where an operation includes jacking or boring requiring excavation on each side of a public way, only one (1) permit shall be required for such excavations.
- (f) A permit shall expire for work not completed within fifteen (15) days after issuance of a permit, and a new permit shall be required before completing the work.
- (g) A permit shall contain a commencement date and estimated date of completion. Completion date as used in this Section means the date upon which the permanent pavement surfacing or other restoration of the public right-of-way is finished and accepted by the Director of Public Works or their designee.
- (h) (1) Whenever the Town has developed an annual work program for the reconstruction of Town streets, the Director of Public Works shall send written notice thereof to all departments, utilities, or others which have pipes, wires, cables, conduits, or other such facilities beneath the surface of the streets to be reconstructed.
 - (2) For the purposes of this Section, "street construction" shall mean:
 - a. The recycling and relaying of existing material;
 - b. The complete removal of old surface material and the laying of new material; or,
 - c. Resurfacing of existing surface material with new material in excess of one (1) inch thickness.
 - (3) Upon receipt of the notice of the annual street reconstruction program such person, department, or utility shall have not more than sixty (60) days to complete any subsurface work contemplated, or, if an extension of time is needed, shall obtain a subsurface work schedule approved by the Director of Public Works. If an applicant objects to the subsurface work schedule required by the Director, the review and approval may be sought from the Selectboard.
 - (4) If subsurface work is done in accordance with subsections (h)(1) through (h)(3) above, then the applicant shall pay a fee of one hundred dollars (\$100.00) for a major excavation in lieu of the fee due in paragraph (c) above for that portion of the excavation area which will be reconstructed.

(Ord. of 11-24-92; Ord. of 1-28-20)

Sec. 13-27. Excavations across public highways prohibited.

- (a) Excavations within or across public highways for purposes of installing or replacing utilities are generally prohibited.
- (b) In all possible instances, such work shall be achieved through jacking and boring beneath the roadway, without disturbance to the paved portion of the roadway. Requirements for jacking and boring will be determined by the Director of Public Works.
- (c) Jacking and boring procedures shall be subject to all requirements and conditions as established under this Article.

(Ord. of 11-24-92)

Sec. 13-28. Waiver of jack and bore requirement.

- (a) The Director of Public Works may waive the requirements to jack and bore for utility work as described in this Section.

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- (b) A waiver may be granted when in the opinion of the Director, that circumstances such as, but not limited to, existing utility location, ledge, soil conditions, ground water, road condition, traffic volumes and the scheduling for capital improvements make jacking and boring an unreasonable alternative.
- (c) Requests for such waivers shall be submitted in writing to the Director at least fifteen (15) days before the work is planned. Requests shall include all reasoning to justify and warrant the granting of such a waiver.

(Ord. of 11-24-92)

Sec. 13-29. Obstructing street or sidewalk prohibited.

- (a) With the exception of the provisions set forth in Section 4-47 of the Colchester Town Code, it shall be unlawful for any person, firm or corporation to temporarily obstruct a street or sidewalk without first obtaining a written permit therefor from the Director of Public Works, or their designee.
- (b) "Obstruction" as used in this Section includes, but is not limited to, temporary obstacles and/or barriers which hinder the free and safe passage of pedestrians and vehicles, or which may receive injury or damage, if run over or into by pedestrian or vehicle traffic. "Obstruction" as used in this Section, shall not include obstructions associated with excavations, nor shall it include obstacles or barriers placed during the normal and routine maintenance operations conducted by the Town departments or any public or private utility.
- (c) As a condition of the issuance of a permit, the Director of Public Works, or their designee may, in their discretion and depending on the nature and complexity of the obstruction, require safeguards in addition to those required in Section 13-22 for the protection of vehicular and pedestrian traffic.

(Ord. of 11-24-92; Ord. of 1-28-20)

Sec. 13-30. Time limit for permit to obstruct street or sidewalk; fee.

- (a) No permit as required by Section 13-29 shall be for longer than thirty (30) days, except as authorized by the Selectboard. A permit may be extended from week to week by the Director of Public Works, or their designee, as appropriate, subject to the order of the Selectboard.
- (b) The permit fee shall be as listed in the Fee Ordinance, Chapter 6½.
- (c) Applicant for a permit or its designee shall before the issuance of the permit:
 - (1) Furnish a certificate of insurance for personal and property damage liability in the amounts of one hundred thousand dollars (\$100,000.00)/three hundred thousand dollars (\$300,000.00)/one hundred thousand dollars (\$100,000.00), and agree to indemnify and hold the Town harmless and/or free of liability arising out of said obstruction;
 - (2) Show, if required under the laws of the state or ordinances of the Town, that he has proper permits or licenses to maintain the obstruction.
- (d) The permittee shall restore or pay for any property damage occurring as a result of the placement of an obstruction.

(Ord. of 11-24-92; Ord. of 10-10-95; Ord. of 1-28-20)

Sec. 13-31. Permits for curb cuts required.

- (a) No curb cut shall be changed, installed or removed and no driveway on or across the public right-of-way shall be installed without first obtaining a written permit therefor from the Director of Public Works, or their designee.
- (b) Application for curb cuts and driveway permits shall be made on forms furnished by the Town.
- (c) The permit fee shall be as listed in the Fee Ordinance, Chapter 6½.

(Ord. of 11-24-92; Ord. of 10-10-95; Ord. of 1-28-20)

Sec. 13-32. Cuts to conform with requirements.

- (a) All work under a curb cut and/or driveway permit shall conform to the specifications established by the Selectmen.
- (b) All work under subsection (a) hereof shall be subject to inspection by the Director of Public Works, or their designee during construction and upon completion thereof.

(Ord. of 11-24-92; Ord. of 1-28-20)

Sec. 13-33. Replacement of curbing.

- (a) Where private property use has been modified so that an existing curb cut is no longer needed or where Town Ordinances do not permit curb cuts at existing locations the Director of Public Works or their designee, may require the abutting property owner to replace the curb at their expense within ninety (90) days from the date of notice.
- (b) If, after notice, the abutting property owner fails to comply with the Director of Public Works, or their designee's order for curb replacement within ninety (90) days, the Town may do the work, or have the work done and bill the current property owner for the cost.

(Ord. of 11-24-92; Ord. of 1-28-20)

DIVISION 2. SAFETY, RECONSTRUCTION, & LIABILITY

- Sec. 13-34. Purpose.
- Sec. 13-35. Protective measures.
- Sec. 13-36. Method of excavation.
- Sec. 13-37. Refilling excavation.
- Sec. 13-38. Resurfacing; defects.
- Sec. 13-39. Restoration of right-of-way.
- Sec. 13-40. Cost reimbursement.
- Sec. 13-41. Disclaimer.

Sec. 13-34. Purpose.

The Ordinances described hereafter shall serve to establish appropriate methods of construction, reconstruction, enforcing safety measures, and defining liability. Division 2 intends to provide contractors and utility owners with a process that will protect the public right-of-way and the safety of the general public.

(Ord. of 1-28-20)

Sec. 13-35. Protective measures.

- (a) Every person, firm or corporation making an excavation or obstruction within the public way under a permit granted under this Article must at all times maintain a suitable number of lighted barricades so as to provide adequate warning to approaching motorists or pedestrians of the excavation or obstruction.

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- (b) The permittee(s) shall take appropriate measures to assure while an excavation or obstruction remains and during the performance of excavation work and until said work is accepted by the Director of Public Works or their designee, that traffic conditions shall be maintained as near normal as possible at all times so as to minimize inconvenience to the occupants of the adjoining property and the general public.
- (c) The Director of Public Works or their designee, may require that the permittee(s) prepare a traffic-control plan in detail appropriate to the complexity of the work. Said traffic-control plan shall contain the following information:
- (1) Approval of the Chief of Police or designee;
 - (2) Approval of the Chief of the Fire Department or their designee;
 - (3) Approval of the Town Engineer;
 - (4) Adequate warning, delineation and channelization by means of proper pavement markings, signing and use of other devices which are effective under varying conditions of light and weather to assure the motorist of positive guidance in advance of and through the work area;
 - (5) Flagging procedures, if necessary, to control vehicular and pedestrian traffic;
 - (6) Identification, and if necessary, the removal of inappropriate markings to eliminate any misleading cues to motorists under all conditions of light and weather;
 - (7) Identification of what provisions, if any, will be made for the safe operation of work vehicles, particularly on high speed, high volume streets;
 - (8) Estimated commencement date of excavation and/or obstruction and estimated date of completion of excavation and/or removal of obstruction.
- (d) Notwithstanding any requirements provided for under this Section, every permittee shall comply with the standards set forth in the Manual of Uniform Traffic-Control Devices as adopted by the State.
- (Ord. of 11-24-92, Ord. of 1-28-20)

Sec. 13-36. Method of excavation.

- (a) All excavations shall be performed in compliance with the standards adopted by the Vermont Occupational Safety and Health Administration, as such standards may be adopted, revised and amended hereafter. In addition, bracing and sheeting shall be utilized where necessary to preserve and protect adjacent structures and areas. All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such a manner as not to endanger those working in the trench, pedestrians or users of the streets, and so that as little inconvenience as possible is caused to those using streets and adjoining property. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, the Director of Public Works or their designee, shall have the authority to require that the permittee haul the excavated material to a storage site and then rehaul it to the trench site at the time of backfilling. It shall be the permittee's responsibility to secure the necessary permission and to make all necessary arrangements for all required storage and disposal sites.
- (b) The permittee(s) shall not interfere with any existing public and/or private utilities without the written consent of the Director of Public Works or their designee, and owner of the utility. In the event the utility is Town owned and operated the permittees shall secure the written consent of the Superintendent of the affected utility department. If it becomes necessary to relocate an existing utility this shall be done by the owner of the utility, and the permittee prior to the commencement of relocation, shall pay to the utility the estimated cost thereof.
- (c) The permittee shall inform itself as to the existence and location of all underground utilities, trees and tree roots, and protect the same against damage. In the event any pipes, conduits, poles, wires or apparatus should be damaged, and for this purpose pipe coating or other encasement or devices are to be considered as part of a substructure, the permittee(s) shall promptly notify the owner thereof. All damaged facilities shall be repaired by the owner or department operating them, and the permittee shall pay for the expense of such repairs. It is the intent of this Section that permittee(s) shall assume all liability for damage to facilities and any resulting damage or injury to anyone because of such facility damage. Such assumption of liability is a contractual obligation of the permittee, and the permittee shall save harmless the Town from any actions arising as a result of such damage.
- (d) In the event excavation takes place within the so-called drip line of any public or private tree, the permittee shall protect said tree(s) in accordance with the directions of the Town Tree Warden or their designated representative. The moving of any tree specifically to permit the construction of any driveway, curb-cut or utility installation shall not take place without the permission of the Town Tree Warden. The permanent removal of any tree shall not take place without the permission of the Town Tree Warden in accordance with its regulations and the laws of the State concerning public trees. In any event any public tree is damaged, moved or removed, the repair, moving or removal and replacement shall be done in accordance with the provisions of the Town Tree Warden and the cost thereof shall be borne by the permittee.

(Ord. of 11-24-92, Ord. of 1-28-20)

Sec. 13-37. Refilling excavation.

- (a) Where a permit has been issued, the permittee(s) shall notify the Director of Public Works, or their designee of the time and date when it will commence the backfilling of the excavations pursuant to the permit. Where no permit has been issued pursuant to subsection 13-24(d) because of an emergency situation, the excavator shall nonetheless likewise notify the Director of Public Works or their designee of the time and date of backfilling. Unless otherwise waived, the Director of Public Works or their designee will be present to monitor the backfilling for the purposes of ascertaining whether the backfill material is proper and adequately compacted. In the event the Inspecting Official determines that the permittee is not using acceptable backfill materials or acceptable backfilling procedures, they may order the suspension of all work at the site. The Director of Public Works or their designee may require the permittee(s) to furnish a soil test by a recognized soil testing laboratory or registered professional engineer specializing in soil mechanics in order to determine whether the backfill for the excavation was adequately compacted. All expenses of such tests shall be borne by the permittee.
- (b) In order for resurfacing to commence, such test must demonstrate that the backfill material meets the requirements for composition and compaction as prescribed by the Selectboard.
- (c) After any excavation in the roadway, the trenches or openings shall be properly backfilled with suitable material. The backfill shall be thoroughly compacted in maximum lifts of six (6) inches. If the work is done in cold weather, no frozen material shall be used for backfill.
- (d) Whenever the base of a roadway is disturbed, it shall be replaced in as good condition as before it was disturbed. New materials meeting the appropriate Vermont Highway Department specifications for base courses shall be used for replacement of the disturbed base. The depth of the new base shall be equal to or exceed the depth of the existing road base, but be no less than twelve (12) inches deep.
- (e) The permittee(s) shall establish grass by sodding or seeding at the discretion of the Director of Public Works, or their designee. Where existing topsoil is deemed of insufficient quality the Director of Public Works or their designee may require that new topsoil be used to replace the top six (6) inches.

(Ord. of 11-24-92, Ord. of 1-28-20)

Sec. 13-38. Resurfacing; defects.

- (a) Paved surfaces of roadways which have been disturbed shall be replaced with bituminous concrete pavement (hot mix). The thickness of the pavement shall meet Colchester Public Works Specifications and Standards and shall be at least three (3) inches thick. The new pavement shall be thoroughly compacted with a satisfactory tandem steel-wheeled roller. Pavement will not be placed until the road base has been approved by the Director of Public Works or their designee.
- (b) Unless otherwise stipulated in the permit, all pavement resurfacing after excavation shall be done by the permittee.
- (c) The permittee shall remedy any defects due to faulty materials or workmanship and pay for any damage(s) resulting therefrom which shall appear within a period of one (1) year from the date of completion as defined in subsection (d), and in accordance with the terms of the permit.
- (d) For the purposes of this Section, date of completion is the date upon which permanent pavement resurfacing is finished and accepted by the Director of Public Works or their designee.

(Ord. of 11-24-92, Ord. of 1-28-20)

Sec. 13-39. Restoration of right-of-way.

- (a) Restoration of the public right-of-way following any activity provided for under this Article shall be completed by the permittee within a time period established by the Director of Public Works or their designee and according to specifications adopted by the Selectboard.
- (b) On the completion of the work herein contemplated all rubbish and debris shall be removed and the roadway and roadsides shall be left neat and presentable and satisfactory to the Town Street Superintendent.

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(c) Work not completed to the satisfaction of the Director of Public Works, or their designee within the time period established will be completed by the Highway Department or the Highway Department's Contractor at the expense of the permittee.

(Ord. of 11-24-92, Ord of 1-28-20)

Sec. 13-40. Cost reimbursement.

The Director of Public Works or their designee shall send the permittee an itemized statement of all charges for all labor and materials furnished by the Highway Department or their contractor. Charges not paid in full within thirty (30) days of the date of such statement shall be collected from the bond or escrow where appropriate or turned over to the Town Attorney's Office for collection.

(Ord. of 11-24-92, Ord. of 1-28-20)

Sec. 13-41. Disclaimer.

The granting of a permit or the monitoring of operations conducted under any permit shall not make the Town of Colchester or any of its representatives responsible for construction means, methods, techniques, sequences, procedures or permittee's failure to perform the work in accordance with the standards and specifications set forth in the Manual of Uniform Traffic Control Devices, nor shall any approval granted by any Town Official under Section 13-25 make any such official responsible for any personal injury or property damage occurring as a result of the permittee's operations.

(Ord. of 11-24-92, Ord. of 1-28-20)

ARTICLE V. ENFORCEMENT AND APPEALS

Sec. 13-42. Purpose.

Sec. 13-43. Enforcement remedies.

Sec. 13-44. Appeals.

Sec. 13-42. Purpose.

This Article is adopted pursuant to the Colchester Town Charter at sections 103(b), 104(1) and 104(2) and 24 V.S.A. Chapters 59 and 61 under the authority set forth in Title 24 V.S.A. § 2291. Ordinances established in this Article are intended to provide the Town with measures to enforce appropriate action and penalize inappropriate action as well as to provide individuals with all appropriate legal recourse to appeal decisions of the Town.

Sec. 13-43. Enforcement remedies.

The Town, by and through its authorized designee, shall have the authority to enforce the provisions of this Ordinance, and any orders, violation notices, or enforcement orders issued hereunder, and may pursue all civil remedies in connection with any violation hereunder.

(a) Remedies not exclusive. The remedies set forth herein are not exclusive of any other remedies available under any applicable Federal, State, or local law. Election of one (1) remedy shall not preclude pursuing other remedies and nothing herein shall prohibit the Town from seeking multiple remedies.

(b) Judicial Bureau Municipal Civil Complaint Ticket. Pursuant to Title 24 V.S.A., Chapters 59 and 61 and Title 4 V.S.A., Chapter 29, a Designated Enforcement Officer may commence prosecution in the Judicial Bureau for any violation of this Ordinance by serving two (2) copies of a municipal civil complaint ticket either in person or by first class mail on the alleged offender, and thereafter promptly filing the original with the Judicial Bureau. The issuing officer shall follow the procedure set forth by the Judicial Bureau for municipal complaint tickets. The first offense ticketed for a violation shall be punishable by a fine of two hundred dollars (\$200.00), the waiver fee shall be one hundred dollars (\$100.00); a second offense ticketed for the same violation shall be punishable by a fine of four hundred dollars (\$400.00), the waiver fee shall be two hundred dollars (\$200.00); a third offense ticketed for the same violation shall be punishable by a fine of eight hundred dollars (\$800.00), the waiver fee shall be four hundred dollars (\$400.00). Upon the fourth offense, or in any circumstance where the Town seeks remedies in excess of the Judicial Bureau's jurisdiction, the Town may request that the case be transferred to the Civil Division of the Vermont Superior Court, or any other court of competent jurisdiction. Each day in which any such violation shall continue shall be deemed a separate offense.

(c) Other enforcement remedies generally; fines, injunctive relief.

(1) *Fines.* In addition to the fines authorized by Section 13-43(b) of this Ordinance, any person, partnership, corporation, or other entity adjudged to have violated any of the provisions of this Ordinance shall be required to bear the expense of such restoration.

(2) *Injunctive relief.* In addition to the foregoing penalties, an action, injunction, or other enforcement proceeding may be instituted by the Town to prevent, restrain, connect, or abate any violation or activity causing a violation under this Ordinance. The relief sought may include the right to restrain any activity that would create further violations, or to compel a person or persons to perform abatement or remediation of the violation; and to seek damages for all costs, including reasonable attorney's fees, incurred by the Town in pursuing and obtaining such relief.

(d) *Stop work order; revocation of permit.* Any permit issued under this Article may be suspended by the Town Manager or the Issuing Authority for violation of the permit or failure to observe Town Ordinances. Any permit issued pursuant to this Article may be revoked after a hearing before the Issuing Authority. Where necessary for the protection of public safety, the Police Department, by any of its officers, may order the suspension of work at an excavation, or the removal of an obstruction, and may order the work site secured. Such order or orders shall be effective only until the Director of Public Works, or their designee has been notified of the activity and has had reasonable opportunity to visit the site to take action for the protection of the public, but in no event shall any order by the Police Department be effective for a period greater than twenty-four (24) hours.

The following process shall be followed for appeals to Town decisions pertaining to this Ordinance:

(a) Any aggrieved person shall have the right to appeal to the Selectboard any decision of the Public Works Director, or their designee under this Ordinance as amended from time to time, by filing a petition with the Town Clerk and providing a copy to the Town Manager.

(b) Such petition shall be filed within five (5) days after receipt of notice of such action or decision. Within forty-five (45) days following receipt of the petition, the Selectboard shall meet and hear the petitioner and the Director and determine whether it should affirm or reverse the Director's decision or action or modify the same: any modification shall conform to the expressed or implied provisions of this Ordinance. The Selectboard's determination shall be made in writing and shall be sent by the Town Clerk to the Public Works Director and to the petitioner.

(c) Any aggrieved person may appeal the decision of the Selectboard to the Vermont Superior Court Civil Division, Chittenden Unit, pursuant to V.R.C.P. 75.

(d) The filing of an appeal shall not relieve a person of the obligations of this Ordinance.

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- (d) Town of Colchester Code of Ordinances, Chapter 7
- (e) Town of Colchester Code of Ordinances, Chapter 14
- (f) Public Works Specifications and Standards
- (f) Town of Colchester Town Charter
- (g) Vermont Highway Department Specifications
- (h) Manual of Uniform Traffic Control Devices
- (i) Occupational Safety and Health Administration Technical Manual
- (j) U.S. Postal Service Standard Mailboxes, Curbside.

(Ord. of 1-28-20)

Sec. 13-7. Books containing surveys, maps or profiles adopted as public records.

The books wherein are recorded the surveys of the streets and the books containing the maps or profiles of street grades are hereby adopted and accepted as the public books of record for that purpose.

(Ord. of 11-24-92)

Sec. 13-8. Authority to close streets.

In addition to the provisions set forth in Chapter 4, Section 4-47 and Chapter 7, Section 5 of the Colchester Town Code, the Chief of Police, the Building Inspector and/or Public Works Director shall have the authority to close streets or portions of streets to vehicular and/or pedestrian traffic when in their judgment the public safety is threatened by leaving the street opened.

The Chief of Police shall have the authority to close streets or portions of streets to vehicular traffic during and preparatory to any parade.

(Ord. of 11-24-92; Ord. of 1-28-20)

Sec. 13-9. Cost of street improvements.

Whenever any street, lane or alley, or portion thereof, shall hereafter be graded, paved or macadamized and curbed and guttered on the petition of the owners of a majority of the frontage of the same, or without such petition, and the cost or expenses thereof shall be assessed upon the frontage under the provisions of the Town Charter, no subsequent assessment shall be made by the Selectboard under the provisions of the Town Charter of any subsequent improvement of the same character on such street or any portion thereof.

(Ord. of 11-24-92)

Sec. 13-10. Sidewalks, curbs and gutters to conform to specifications.

All new sidewalks, curbs and gutters shall conform to current specifications of the Public Works Department as adopted by the Selectboard under the authority of Section 103(b), 104(1), and 104(2) of the Town Charter and VSA chapters 59 and 61 under the authority set forth in 24 V.S.A. § 2291 and described in detail in the Department of Public Works Specifications and Standards..

(Ord. of 11-24-92; Ord. of 1-28-20)

ARTICLE II. DEFINITIONS

Sec. 13-11. Purpose

Sec. 13-12. Definitions

Sec. 13-11. Purpose.

The terms defined hereafter are established to be used in the context of Chapter 13 of the Town of Colchester Ordinances to allow for clear and consistent application of these established municipal regulations.

(Ord. of 1-28-20)

Sec. 13-12. Definitions.

For the purposes of this Ordinance, the following shall mean:

Applicant shall mean a property owner, contractor, or duly designated representative who files an application for a land disturbance activity within the public right-of-way.

Construction shall mean land-disturbing activity within the public right-of-way that requires a permit under this Ordinance.

Contiguous shall mean sharing a common property border.

Department of Public Works shall mean the employees or designees of the Director of Public Works.

Designated Enforcement Officer shall mean either the Town of Colchester's Public Works Director or Police Chief, or other Town officers as may be designated by the Colchester Selectboard

Designee shall mean a person authorized to act in the place of another person.

Director shall mean the Director of Public Works for the Town of Colchester.

Emergency shall mean a serious, unexpected, or dangerous situation requiring immediate action within the Town of Colchester's right-of-way.

Encroachment shall mean to advance beyond the usual or proper boundaries in a way that restricts the Public Works Department's ability to perform regular maintenance or affects safe travel in the right-of-way.

Fee shall mean a compensation paid for the issuance of a permit under this Ordinance.

Manager shall mean the Town Manager for the Town of Colchester.

Obstruction shall mean any vegetation, constructed barrier, or other object that limits normal maintenance operations, prevents safe passage, or affects reasonable sightlines in the right-of-way.

Person shall mean any individual, association, organization, partnership, firm, corporation, or other entity recognized by law and acting as the owner, the owner's

designee, or the operator of a premise.

Property Owner shall mean any person, firm, partnership, association, joint venture, corporation or other entity or combination of entities who alone, jointly, or severally with others hold(s) legal or equitable title to any real-estate. The term "property owner" shall also include heirs, successors, and assigns.

Public Nuisance shall mean an activity or thing that affects the health or safety of a community

Recreational Equipment shall mean any object used to engage in recreational activities such as basketball hoops, hockey nets, or other similar pieces of recreation equipment.

Right-of-way shall mean the entire width between property lines of every way used to facilitate safe vehicular traffic and pedestrian travel, which has become public by authority of the law.

Site shall mean the site of an excavation, restoration, or maintenance within the public right-of-way.

Street shall mean the entire width between property lines of every way used for vehicular traffic and pedestrian travel, which has become public by authority of the law.

(Ord. of 1-28-20)

ARTICLE III. USAGE OF THE PUBLIC RIGHT-OF-WAY

Sec. 13-13. Purpose.

Sec. 13-14. Enclosing highway; erecting fence or encroachment; nuisance.

Sec. 13-15. Barbed wire fence or railing prohibited.

Sec. 13-16. Vegetation in the right-of-way.

Sec. 13-17. Unnecessary interference with use of sidewalk.

Sec. 13-18. Vehicles on sidewalks.

Sec. 13-19. Disturbing monuments or markers prohibited.

Sec. 13-20. Injuring public infrastructure.

Sec. 13-21. Recreation equipment in the right-of-way.

Sec. 13-22. Mailboxes.

Sec. 13-23. Dumping ice and snow in public areas.

Sec. 13-13. Purpose.

This article is established to ensure free and safe access to all streets in the Town of Colchester. This goal is achieved by prohibiting obstructions and hazards to vehicular and pedestrian traffic, damage to public infrastructure, and impediments which prevents the town from performing maintenance within the public right-of-way.

(Ord. of 1-28-20)

Sec. 13-14. Enclosing highway; erecting fence or encroachment; nuisance.

No person shall enclose a part of the highway or street, or erect a fence, building, or other encroachment, or make obstructions, or create a nuisance on a highway or street, or continue such enclosure, fence, building encroachment, or nuisance on a highway or street.

(Ord. of 11-24-92; Ord. of 1-28-20)

Sec. 13-15. Fences or railings prohibited.

No person shall erect or maintain a fence or railing upon the line of a sidewalk or street, or in such proximity thereto as to be within reach of and dangerous to a passerby upon such street, or sidewalk, or in a such proximity to the right-of-way as to interfere with regular maintenance.

(Ord. of 11-24-92; Ord. of 1-28-20)

Sec. 13-16. Vegetation in the right-of-way.

- (a) No person shall allow vegetation to grow into the street from an abutting property that in part or wholly obstructs a sidewalk or road, or impacts sightlines in the public right-of-way. A minimum of seven (7) feet of vertical clearance shall be maintained over a public sidewalk.
- (b) The Town of Colchester Public Works Department reserves the right to perform clearing of trees, shrubs, or any other vegetation in order to maintain its public right-of-way to the standard established in Sec. 13-16(a).

(Ord. of 1-28-20)

Sec. 13-17. Unnecessary interference with use of sidewalk.

No person shall unnecessarily occupy, obstruct, or encumber, or cause to be unnecessarily occupied, obstructed, or encumbered, a sidewalk so as to interfere with the convenient use of the same by the public.

(Ord. of 11-24-92; Ord. of 1-28-20)

Sec. 13-18. Vehicles on sidewalks.

No motorized vehicle, [including motor-driven cycles, class 3 electric bicycles, and motor-assisted bicycles](#), with the exception of motorized wheelchairs [and class 1 and 2 electric bicycles as those terms are defined in 23 V.S.A. § 4](#), shall be driven, backed, led or allowed to stand on any sidewalk, except that wares or merchandise in process of loading or unloading may be transferred from trucks or other vehicles over the sidewalk by use of skids or other means; provided that a passageway is kept open for the free passage of pedestrians. Nothing contained in this Section shall prevent the riding or driving of vehicles from private property directly across the sidewalk of any street to the roadway or from the roadway back to such private property.

(Ord. of 11-24-92; Ord. of 1-28-20)

Sec. 13-19. Disturbing monuments or markers prohibited.

No stone, post, or other monument set by the Town to mark the location of any street line or grade shall be moved or in any other way disturbed, except by and under the direction of the Town.

(Ord. of 11-24-92)

Sec. 13-20. Injuring public infrastructure.

No person shall injure, deface, or destroy any fixture of the public right-of-way.

(Ord. of 11-24-92; Ord. of 1-28-20)

Sec. 13.21. Recreation equipment in the public right-of-way.

No permanent or temporary recreation equipment shall be installed or located in streets or sidewalks of the public right-of-way in Class 1, 2, or 3 roads. The Town of Colchester Police Department reserves the right to remove any temporary or permanent structure that is in violation of this ordinance At the property owners expense. The Town of Colchester shall not be liable for damages to any temporary or permanent recreational structure in the public right-of-way.

(Ord. of 1-28-20)

Sec. 13-22. Mailboxes.

No person shall construct or place a mail receptacle in the public right-of-way that does not meet all requirements including the proper dimensions, heights, and distance from the road, as described in U.S. Postal Service Standard Mailboxes, Curbside as adopted by the United States Postal Service and as may be amended.

(Ord. of 11-24-92; Ord. of 1-28-20)

Sec. 13-23. Dumping ice and snow in public areas.

(a) *Placing prohibited without permission.* No person, by their own act, or through their designee or employees, shall throw, put, place, push, or otherwise deposit snow, or ice, in the following public areas without the written permission of the Director of Public Works or their designated representatives:

- (1) On the paved or travelled portion of any public street;
- (2) On any Town sidewalk.

(b) *Restrictions may accompany permission.* In granting written permission under the previous section, the Director or their representatives may impose such restrictions as are necessary to protect the safety and welfare of the public, and such permission may be revoked at any time.

(c) *Violations; penalty.* Any person who shall violate this Section or the restrictions imposed by the written permission of the Director, or their designee shall, upon conviction, be fined pursuant to Chapter 1, Section 1-9. Each offense and each twenty-four (24) hours continuance of such violation shall be deemed a separate offense.

(Ord. of 11-24-92; Ord. of 9-10-96; Ord. of 1-28-20)

ARTICLE IV. EXCAVATIONS AND OBSTRUCTIONS

DIVISION 1. - PERMITS

DIVISION 2. – SAFETY, RECONSTRUCTION & LIABILITY

DIVISION 1. PERMITS

Sec. 13-24. Purpose

Sec. 13-25. Permit required.

Sec. 13-26. Contents of permit for excavation; fee.

Sec. 13-27. Excavations across public highways prohibited.

Sec. 13-28. Waiver of jack and bore requirement.

Sec. 13-29. Obstructing street or sidewalk prohibited.

Sec. 13-30. Time limit for permit to obstruct street or sidewalk; fee.

Sec. 13-31. Permits for curb cuts required.

Sec. 13-32. Cuts to conform to requirements.

Sec. 13-33. Replacement of curbing.

Sec. 13-24. Purpose.

To set forth an orderly process for the approval or disapproval of construction, excavation, or maintenance in the public right-of-way. The scope of a single issued permit is set, as are the requirements and fees associated with its approval. By establishing a process for the issuance of excavation, obstruction or curb cut permits, the Town of Colchester shall protect the public right-of- way and the safety of the general public.

(Ord. of 1-28-20)

Sec. 13-25. Permit required.

(a) No person, firm or corporation shall disturb the ground or pavement in any street, sidewalk, curb or tree belt within the Town without first obtaining a written permit therefor from the Director of Public Works or their designee, in accordance with Town ordinances and regulations and pursuant to Title 19 V.S.A. Chapter 11, Sections 1101 through 1111.

(b) The applicant for a permit, their designee, and the contractor doing the work shall before the issuance of the permit submit the following to the Director of Public Works, or their designee.

- (1) A certificate of insurance affording the following coverage:

General liability:

Bodily injury, per person:.....\$100,000.00

Bodily injury, per occurrence.....300,000.00

Property damage, per occurrence..... 100,000.00

This insurance shall include coverage for collapse and underground (CU) hazard, explosions (X) coverage, at the discretion of the Director of Public Works or their designee, and contractual liability.

Automobile liability:

Bodily injury, per person.....\$100,000.00

Bodily injury, per occurrence.....300,000.00

Property damage, per occurrence..... 100,000.00

This insurance shall include coverage for owned, nonowned and hired vehicles. The Director of Public Works or their designee, at their discretion, will accept satisfactory evidence of self insurance in lieu of the above coverage. The above-referenced insurance shall not be canceled without thirty (30) days' written notice to the Director of Public Works, or their designee.

- (2) An affirmation that he is not delinquent in payments due the Town on prior similar work;
 - (3) Evidence that he is competent and equipped to do the proposed work;
 - (4) A proper permit or license to do the work, if such license or permit is required under the laws of the State or ordinances of the Town;
 - (5) A satisfactory plan for the subject property and adjacent properties showing existing surface and subsurface conditions including the placement of existing utilities, trees and vital structures such as fire hydrants, fire stations, fire escapes, water gates, underground vaults, valve housing structures, and any other vital equipment as designated by the Director of Public Works or their designee;
 - (6) A plan for the protection of shade and ornamental trees and the restoration of turf.
- (c) The Director of Public Works or their designee reserves the right to withhold issuance of permits when:
- (1) Paving materials are unavailable; or
 - (2) A satisfactory traffic, pedestrian, or utility diversion plan cannot be implemented; or
 - (3) Unsatisfactory compliance of subsection 13-25(b)(1) through (b)(6).
- (d) Emergencies. Nothing in this Article shall be construed to prevent the making of excavations as may be necessary for the preservation of life or property provided that the person, firm or corporation, making such excavation shall apply to the Director of Public Works or their designee for a permit on the first working day after such excavation is commenced. Even in emergency situations, notice shall be given immediately by phone to the Public Works Department, Police Department, and Fire Department, and all provisions of this Article shall apply to such emergency.
- (e) In the event excavations occur within the so-called drip line of a public street tree, any permit issued by the Director of Public Works, or their designee must be countersigned by the Tree Warden or their designated representative..
- (f) Where an excavation is for the limited purpose of planting a tree, or erecting a sign, within the public right-of-way including the so-called greenbelt, the Director of Public Works or their designee may waive any of the requirements contained in subsections 13-12(b) and 13-13(c), (d), (e), (f) and (g).

(Ord. of 11-24-92; Ord. of 1-28-20)

Sec. 13-26. Contents of permit for excavation; fee.

- (a) Application for a street excavation permit shall be made on forms furnished by the Town.
- (b) Permits are classified as major or minor depending on the nature of the work.
 - (1) *Major*: Work within the public right-of-way which will disturb the roadbed, pavement or sidewalk.
 - (2) *Minor*: Other work within the right-of-way which will not disturb the roadbed, pavement or sidewalk.
- (c) The fee for an excavation permit, payable in advance, is five hundred dollars (\$500.00) and one hundred dollars (\$100.00) for a minor permit.
- (d) The fee for excavation permits shall be doubled if work is commenced prior to obtaining a permit. Paying double fees does not waive other penalties. This subsection shall not apply to emergency excavations as defined in subsection 13-25 (d).
- (e) Generally, a permit shall cover only contiguous construction and work performed as one (1) continuous operation, except as otherwise determined by the Director of Public Works, or their designee. Notwithstanding the preceding sentence, where a continuous and single operation involves separate excavation by a single excavator, no more than two (2) such excavations shall be covered by a single permit, provided such single permit shall be allowed only where the distance between the excavations shall not be greater than twenty (20) feet at their opposite extremities. Additionally, where an operation includes jacking or boring requiring excavation on each side of a public way, only one (1) permit shall be required for such excavations.
- (f) A permit shall expire for work not completed within fifteen (15) days after issuance of a permit, and a new permit shall be required before completing the work.
- (g) A permit shall contain a commencement date and estimated date of completion. Completion date as used in this Section means the date upon which the permanent pavement surfacing or other restoration of the public right-of-way is finished and accepted by the Director of Public Works or their designee.
- (h) (1) Whenever the Town has developed an annual work program for the reconstruction of Town streets, the Director of Public Works shall send written notice thereof to all departments, utilities, or others which have pipes, wires, cables, conduits, or other such facilities beneath the surface of the streets to be reconstructed.
 - (2) For the purposes of this Section, "street construction" shall mean:
 - a. The recycling and relaying of existing material;
 - b. The complete removal of old surface material and the laying of new material; or,
 - c. Resurfacing of existing surface material with new material in excess of one (1) inch thickness.
 - (3) Upon receipt of the notice of the annual street reconstruction program such person, department, or utility shall have not more than sixty (60) days to complete any subsurface work contemplated, or, if an extension of time is needed, shall obtain a subsurface work schedule approved by the Director of Public Works. If an applicant objects to the subsurface work schedule required by the Director, the review and approval may be sought from the Selectboard.
 - (4) If subsurface work is done in accordance with subsections (h)(1) through (h)(3) above, then the applicant shall pay a fee of one hundred dollars (\$100.00) for a major excavation in lieu of the fee due in paragraph (c) above for that portion of the excavation area which will be reconstructed.

(Ord. of 11-24-92; Ord. of 1-28-20)

Sec. 13-27. Excavations across public highways prohibited.

- (a) Excavations within or across public highways for purposes of installing or replacing utilities are generally prohibited.
- (b) In all possible instances, such work shall be achieved through jacking and boring beneath the roadway, without disturbance to the paved portion of the roadway. Requirements for jacking and boring will be determined by the Director of Public Works.
- (c) Jacking and boring procedures shall be subject to all requirements and conditions as established under this Article.

(Ord. of 11-24-92)

Sec. 13-28. Waiver of jack and bore requirement.

- (a) The Director of Public Works may waive the requirements to jack and bore for utility work as described in this Section.

(b) A waiver may be granted in the opinion of the Director, that circumstances such as, but not limited to, existing utility location, ledge, soil conditions, ground water, road condition, traffic volumes and the scheduling for capital improvements make jacking and boring an unreasonable alternative.

(c) Requests for such waivers shall be submitted in writing to the Director at least fifteen (15) days before the work is planned. Requests shall include all reasoning to justify and warrant the granting of such a waiver.

(Ord. of 11-24-92)

Sec. 13-29. Obstructing street or sidewalk prohibited.

(a) With the exception of the provisions set forth in Section 4-47 of the Colchester Town Code, it shall be unlawful for any person, firm or corporation to temporarily obstruct a street or sidewalk without first obtaining a written permit therefor from the Director of Public Works, or their designee.

(b) "Obstruction" as used in this Section includes, but is not limited to, temporary obstacles and/or barriers which hinder the free and safe passage of pedestrians and vehicles, or which may receive injury or damage, if run over or into by pedestrian or vehicle traffic. "Obstruction" as used in this Section, shall not include obstructions associated with excavations, nor shall it include obstacles or barriers placed during the normal and routine maintenance operations conducted by the Town departments or any public or private utility.

(c) As a condition of the issuance of a permit, the Director of Public Works, or their designee may, in their discretion and depending on the nature and complexity of the obstruction, require safeguards in addition to those required in Section 13-22 for the protection of vehicular and pedestrian traffic.

(Ord. of 11-24-92; Ord. of 1-28-20)

Sec. 13-30. Time limit for permit to obstruct street or sidewalk; fee.

(a) No permit as required by Section 13-29 shall be for longer than thirty (30) days, except as authorized by the Selectboard. A permit may be extended from week to week by the Director of Public Works, or their designee, as appropriate, subject to the order of the Selectboard.

(b) The permit fee shall be as listed in the Fee Ordinance, Chapter 6½.

(c) Applicant for a permit or its designee shall before the issuance of the permit:

(1) Furnish a certificate of insurance for personal and property damage liability in the amounts of one hundred thousand dollars (\$100,000.00)/three hundred thousand dollars (\$300,000.00)/one hundred thousand dollars (\$100,000.00),

and agree to indemnify and hold the Town harmless and/or free of liability arising out of said obstruction;

(2) Show, if required under the laws of the state or ordinances of the Town, that he has proper permits or licenses to maintain the obstruction.

(d) The permittee shall restore or pay for any property damage occurring as a result of the placement of an obstruction.

(Ord. of 11-24-92; Ord. of 10-10-95; Ord. of 1-28-20)

Sec. 13-31. Permits for curb cuts required.

(a) No curb cut shall be changed, installed or removed and no driveway on or across the public right-of-way shall be installed without first obtaining a written permit therefor from the Director of Public Works, or their designee.

(b) Application for curb cuts and driveway permits shall be made on forms furnished by the Town.

(c) The permit fee shall be as listed in the Fee Ordinance, Chapter 6½.

(Ord. of 11-24-92; Ord. of 10-10-95; Ord. of 1-28-20)

Sec. 13-32. Cuts to conform with requirements.

(a) All work under a curb cut and/or driveway permit shall conform to the specifications established by the Selectmen.

(b) All work under subsection (a) hereof shall be subject to inspection by the Director of Public Works, or their designee during construction and upon completion thereof.

(Ord. of 11-24-92; Ord. of 1-28-20)

Sec. 13-33. Replacement of curbing.

(a) Where private property use has been modified so that an existing curb cut is no longer needed or where Town Ordinances do not permit curb cuts at existing locations the Director of Public Works or their designee, may require the abutting property owner to replace the curb at their expense within ninety (90) days from the date of notice.

(b) If, after notice, the abutting property owner fails to comply with the Director of Public Works, or their designee's order for curb replacement within ninety (90) days, the Town may do the work, or have the work done and bill the current property owner for the cost.

(Ord. of 11-24-92; Ord. of 1-28-20)

DIVISION 2. SAFETY, RECONSTRUCTION, & LIABILITY

Sec. 13-34. Purpose.

Sec. 13-35. Protective measures.

Sec. 13-36. Method of excavation.

Sec. 13-37. Refilling excavation.

Sec. 13-38. Resurfacing; defects.

Sec. 13-39. Restoration of right-of-way.

Sec. 13-40. Cost reimbursement.

Sec. 13-41. Disclaimer.

Sec. 13-34. Purpose.

The Ordinances described hereafter shall serve to establish appropriate methods of construction, reconstruction, enforcing safety measures, and defining liability. Division 2 intends to provide contractors and utility owners with a process that will protect the public right-of-way and the safety of the general public.

(Ord. of 1-28-20)

Sec. 13-35. Protective measures.

(a) Every person, firm or corporation making an excavation or obstruction within the public way under a permit granted under this Article must at all times maintain a suitable number of lighted barricades so as to provide adequate warning to approaching motorists or pedestrians of the excavation or obstruction.

(b) The permittee(s) shall take appropriate measures to assure while an excavation or obstruction remains and during the performance of excavation work and until said work is accepted by the Director of Public Works or their designee, that traffic conditions shall be maintained as near normal as possible at all times so as to minimize inconvenience to the occupants of the adjoining property and the general public.

(c) The Director of Public Works or their designee, may require that the permittee(s) prepare a traffic-control plan in detail appropriate to the complexity of the work. Said traffic-control plan shall contain the following information:

- (1) Approval of the Chief of Police or designee;
- (2) Approval of the Chief of the Fire Department or their designee;
- (3) Approval of the Town Engineer;
- (4) Adequate warning, delineation and channelization by means of proper pavement markings, signing and use of other devices which are effective under varying conditions of light and weather to assure the motorist of positive guidance in advance of and through the work area;
- (5) Flagging procedures, if necessary, to control vehicular and pedestrian traffic;
- (6) Identification, and if necessary, the removal of inappropriate markings to eliminate any misleading cues to motorists under all conditions of light and weather;
- (7) Identification of what provisions, if any, will be made for the safe operation of work vehicles, particularly on high speed, high volume streets;
- (8) Estimated commencement date of excavation and/or obstruction and estimated date of completion of excavation and/or removal of obstruction.

(d) Notwithstanding any requirements provided for under this Section, every permittee shall comply with the standards set forth in the Manual of Uniform Traffic-Control Devices as adopted by the State.

(Ord. of 11-24-92, Ord. of 1-28-20)

Sec. 13-36. Method of excavation.

(a) All excavations shall be performed in compliance with the standards adopted by the Vermont Occupational Safety and Health Administration, as such standards may be adopted, revised and amended hereafter. In addition, bracing and sheeting shall be utilized where necessary to preserve and protect adjacent structures and areas. All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such a manner as not to endanger those working in the trench, pedestrians or users of the streets, and so that as little inconvenience as possible is caused to those using streets and adjoining property. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, the Director of Public Works or their designee, shall have the authority to require that the permittee haul the excavated material to a storage site and then rehaul it to the trench site at the time of backfilling. It shall be the permittee's responsibility to secure the necessary permission and to make all necessary arrangements for all required storage and disposal sites.

(b) The permittee(s) shall not interfere with any existing public and/or private utilities without the written consent of the Director of Public Works or their designee, and owner of the utility. In the event the utility is Town owned and operated the permittees shall secure the written consent of the Superintendent of the affected utility department. If it becomes necessary to relocate an existing utility this shall be done by the owner of the utility, and the permittee prior to the commencement of relocation, shall pay to the utility the estimated cost thereof.

(c) The permittee shall inform itself as to the existence and location of all underground utilities, trees and tree roots, and protect the same against damage. In the event any pipes, conduits, poles, wires or apparatus should be damaged, and for this purpose pipe coating or other encasement or devices are to be considered as part of a substructure, the permittee(s) shall promptly notify the owner thereof. All damaged facilities shall be repaired by the owner or department operating them, and the permittee shall pay for the expense of such repairs. It is the intent of this Section that permittee(s) shall assume all liability for damage to facilities and any resulting damage or injury to anyone because of such facility damage. Such assumption of liability is a contractual obligation of the permittee, and the permittee shall save harmless the Town from any actions arising as a result of such damage.

(d) In the event excavation takes place within the so-called drip line of any public or private tree, the permittee shall protect said tree(s) in accordance with the directions of the Town Tree Warden or their designated representative. The moving of any tree specifically to permit the construction of any driveway, curb-cut or utility installation shall not take place without the permission of the Town Tree Warden. The permanent removal of any tree shall not take place without the permission of the Town Tree Warden in accordance with its regulations and the laws of the State concerning public trees. In any event any public tree is damaged, moved or removed, the repair, moving or removal and replacement shall be done in accordance with the provisions of the Town Tree Warden and the cost thereof shall be borne by the permittee.

(Ord. of 11-24-92, Ord. of 1-28-20)

Sec. 13-37. Refilling excavation.

(a) Where a permit has been issued, the permittee(s) shall notify the Director of Public Works, or their designee of the time and date when it will commence the backfilling of the excavations pursuant to the permit. Where no permit has been issued pursuant to subsection 13-24(d) because of an emergency situation, the excavator shall nonetheless likewise notify the Director of Public Works or their designee of the time and date of backfilling. Unless otherwise waived, the Director of Public Works or their designee will be present to monitor the backfilling for the purposes of ascertaining whether the backfill material is proper and adequately compacted. In the event the Inspecting Official determines that the permittee is not using acceptable backfill materials or acceptable backfilling procedures, they may order the suspension of all work at the site. The Director of Public Works or their designee may require the permittee(s) to furnish a soil test by a recognized soil testing laboratory or registered professional engineer specializing in soil mechanics in order to determine whether the backfill for the excavation was adequately compacted. All expenses of such tests shall be borne by the permittee.

(b) In order for resurfacing to commence, such test must demonstrate that the backfill material meets the requirements for composition and compaction as prescribed by the Selectboard.

(c) After any excavation in the roadway, the trenches or openings shall be properly backfilled with suitable material. The backfill shall be thoroughly compacted in maximum lifts of six (6) inches. If the work is done in cold weather, no frozen material shall be used for backfill.

(d) Whenever the base of a roadway is disturbed, it shall be replaced in as good condition as before it was disturbed. New materials meeting the appropriate Vermont Highway Department specifications for base courses shall be used for replacement of the disturbed base. The depth of the new base shall be equal to or exceed the depth of the existing road base, but be no less than twelve (12) inches deep.

(e) The permittee(s) shall establish grass by sodding or seeding at the discretion of the Director of Public Works, or their designee. Where existing topsoil is deemed of insufficient quality the Director of Public Works or their designee may require that new topsoil be used to replace the top six (6) inches.

(Ord. of 11-24-92, Ord. of 1-28-20)

Sec. 13-38. Resurfacing; defects.

(a) Paved surfaces of roadways which have been disturbed shall be replaced with bituminous concrete pavement (hot mix). The thickness of the pavement shall meet Colchester Public Works Specifications and Standards and shall be at least three (3) inches thick. The new pavement shall be thoroughly compacted with a satisfactory tandem steel-wheeled roller. Pavement will not be placed until the road base has been approved by the Director of Public Works or their designee.

(b) Unless otherwise stipulated in the permit, all pavement resurfacing after excavation shall be done by the permittee.

(c) The permittee shall remedy any defects due to faulty materials or workmanship and pay for any damage(s) resulting therefrom which shall appear within a period of one (1) year from the date of completion as defined in subsection (d), and in accordance with the terms of the permit.

(d) For the purposes of this Section, date of completion is the date upon which permanent pavement resurfacing is finished and accepted by the Director of Public Works or their designee.

(Ord. of 11-24-92, Ord. of 1-28-20)

Sec. 13-39. Restoration of right-of-way.

(a) Restoration of the public right-of-way following any activity provided for under this Article shall be completed by the permittee within a time period established by the Director of Public Works or their designee and according to specifications adopted by the Selectboard.

(b) On the completion of the work herein contemplated all rubbish and debris shall be removed and the roadway and roadsides shall be left neat and presentable and satisfactory to the Town Street Superintendent.

(c) Work not completed to the satisfaction of the Director of Public Works, or their designee within the time period established will be completed by the Highway Department or the Highway Department's Contractor at the expense of the permittee.

(Ord. of 11-24-92, Ord of 1-28-20)

Sec. 13-40. Cost reimbursement.

The Director of Public Works or their designee shall send the permittee an itemized statement of all charges for all labor and materials furnished by the Highway Department or their contractor. Charges not paid in full within thirty (30) days of the date of such statement shall be collected from the bond or escrow where appropriate or turned over to the Town Attorney's Office for collection.

(Ord. of 11-24-92, Ord. of 1-28-20)

Sec. 13-41. Disclaimer.

The granting of a permit or the monitoring of operations conducted under any permit shall not make the Town of Colchester or any of its representatives responsible for construction means, methods, techniques, sequences, procedures or permittee's failure to perform in accordance with the standards and specifications set forth in the Manual of Uniform Traffic Control Devices, nor shall any approval granted by any Town Official under Section 13-25 make any such official responsible for any personal injury or property damage occurring as a result of the permittee's operations.

(Ord. of 11-24-92, Ord. of 1-28-20)

ARTICLE V. ENFORCEMENT AND APPEALS

Sec. 13-42. Purpose.

Sec. 13-43. Enforcement remedies.

Sec. 13-44. Appeals.

Sec. 13-42. Purpose.

This Article is adopted pursuant to the Colchester Town Charter at sections 103(b), 104(1) and 104(2) and 24 V.S.A. Chapters 59 and 61 under the authority set forth in Title 24 V.S.A. § 2291. Ordinances established in this Article are intended to provide the Town with measures to enforce appropriate action and penalize inappropriate action as well as to provide individuals with all appropriate legal recourse to appeal decisions of the Town.

Sec. 13.43. Enforcement remedies.

The Town, by and through its authorized designee, shall have the authority to enforce the provisions of this Ordinance, and any orders, violation notices, or enforcement orders issued hereunder, and may pursue all civil remedies in connection with any violation hereunder.

(a) Remedies not exclusive. The remedies set forth herein are not exclusive of any other remedies available under any applicable Federal, State, or local law. Election of one (1) remedy shall not preclude pursuing other remedies and nothing herein shall prohibit the Town from seeking multiple remedies.

(b) Judicial Bureau Municipal Civil Complaint Ticket. Pursuant to Title 24 V.S.A., Chapters 59 and 61 and Title 4 V.S.A., Chapter 29, a Designated Enforcement Officer may commence prosecution in the Judicial Bureau for any violation of this Ordinance by serving two (2) copies of a municipal civil complaint ticket either in person or by first class mail on the alleged offender, and thereafter promptly filing the original with the Judicial Bureau. The issuing officer shall follow the procedure set forth by the Judicial Bureau for municipal complaint tickets. The first offense ticketed for a violation shall be punishable by a fine of two hundred dollars (\$200.00), the waiver fee shall be one hundred dollars (\$100.00); a second offense ticketed for the same violation shall be punishable by a fine of four hundred dollars (\$400.00), the waiver fee shall be two hundred dollars (\$200.00); a third offense ticketed for the same violation shall be punishable by a fine of eight hundred dollars (\$800.00), the waiver fee shall be four hundred dollars (\$400.00). Upon the fourth offense, or in any circumstance where the Town seeks remedies in excess of the Judicial Bureau's jurisdiction, the Town may request that the case be transferred to the Civil Division of the Vermont Superior Court, or any other court of competent jurisdiction. Each day in which any such violation shall continue shall be deemed a separate offense.

(c) Other enforcement remedies generally; fines, injunctive relief.

(1) *Fines.* In addition to the fines authorized by Section 13-43(b) of this Ordinance, any person, partnership, corporation, or other entity adjudged to have violated any of the provisions of this Ordinance shall be required to bear the expense of such restoration.

(2) *Injunctive relief.* In addition to the foregoing penalties, an action, injunction, or other enforcement proceeding may be instituted by the Town to prevent, restrain, connect, or abate any violation or activity causing a violation under this Ordinance. The relief sought may include the right to restrain any activity that would create further violations, or to compel a person or persons to perform abatement or remediation of the violation; and to seek damages for all costs, including reasonable attorney's fees, incurred by the Town in pursuing and obtaining such relief.

(d) *Stop work order; revocation of permit.* Any permit issued under this Article may be suspended by the Town Manager or the Issuing Authority for violation of the permit or failure to observe Town Ordinances. Any permit issued pursuant to this Article may be revoked after a hearing before the Issuing Authority. Where necessary for the protection of public safety, the Police Department, by any of its officers, may order the suspension of work at an excavation, or the removal of an obstruction, and may order the work site secured. Such order or orders shall be effective only until the Director of Public Works, or their designee has been notified of the activity and has had reasonable opportunity to visit the site to take action for the protection of the public, but in no event shall any order by the Police Department be effective for a period greater than twenty-four (24) hours.

The following process shall be followed for appeals to Town decisions pertaining to this Ordinance:

(a) Any aggrieved person shall have the right to appeal to the Selectboard any decision of the Public Works Director, or their designee under this Ordinance as amended from time to time, by filing a petition with the Town Clerk and providing a copy to the Town Manager.

(b) Such petition shall be filed within five (5) days after receipt of notice of such action or decision. Within forty-five (45) days following receipt of the petition, the Selectboard shall meet and hear the petitioner and the Director and determine whether it should affirm or reverse the Director's decision or action or modify the same: any modification shall conform to the expressed or implied provisions of this Ordinance. The Selectboard's determination shall be made in writing and shall be sent by the Town Clerk to the Public Works Director and to the petitioner.

(c) Any aggrieved person may appeal the decision of the Selectboard to the Vermont Superior Court Civil Division, Chittenden Unit, pursuant to V.R.C.P. 75.

(d) The filing of an appeal shall not relieve a person of the obligations of this Ordinance.

(Ord. of 1-28-20)

