

T
P
L

TOWN OF FAIRFAX
Parking Ordinance

This ordinance is adopted by the Selectboard of the Town of Fairfax under authority of Title 23, V.S.A., Section 1008.

Section 1 – It shall be unlawful to park at any time on the south side of T.H. #35 (Hunt Street) from the intersection of T.H. #35, #36 (Hunt Street) and #48 (Cain Street) in a westerly direction to and including the driveway of the waste treatment facility on T.H. #35 (Hunt Street).

Section 2 – It shall be unlawful to park, while school is in session, on the western side of T.H. #35 (Hunt Street) from the intersection of T.H. #49 (School Street) in a southerly direction to the intersection with T.H. #48 (Cain Street).

Section 3 – Any vehicle parked in violation of the provisions of this article may be summarily removed at the owner's expense by order of any law enforcement officer (constable, sheriff and State police), road foreman, or selectman.

Section 4 – Penalties and Enforcement

This ordinance is a civil ordinance and enforcement shall follow the procedures described in 24 V.S.A. SS 1974 (a) including, but not limited to:

- 1) A civil penalty of not more than \$500.00 may be imposed for a single violation of this ordinance. Each day the violation continues shall constitute a separate violation.
- 2) If the owner of a vehicle summarily removed under Section 2 hereof does not claim such vehicle and pay all towing and storage expenses within thirty (30) days of the date of such removal, the title to such vehicle shall escheat to the town and the vehicle may be sold or otherwise disposed of in accordance with title 27, VSA Section 11.
- 3) A Waiver Fee for a Municipal Complaint issued by a Town of Fairfax, Issuing Officer, to recover civil penalties using the **Schedule A**

Schedule A Waiver Fee Penalties : See Fairfax Fee Schedule

- 4) In accordance with the procedure of the Traffic and Municipal Ordinance Bureau, a waiver fee of up to 75% of the civil penalty established using Subsection (2) of this article to which a violator of this ordinance is subject shall be assessed for those violators who admit or do not contest the ordinance violation and pay the waiver fee which amount and the date of the acceptance of the waiver fee shall be affixed to the complaint or notice.
- 5) Violations of this ordinance where the penalty is \$500.00 or less shall be brought before the Traffic and Municipal Ordinance Bureau. If the penalty for all continuing violations is greater than \$500.00, or injunctive relief, other than as provided in subsection (c), is sought, the action shall be brought in Vermont Superior Court.
- 6) The Municipal Ordinance Bureau Hearing Officer, on application of the Town of Fairfax, may order that the ordinance violation cease.

Section 5 – Nothing in this article shall be constructed to make unlawful vehicular stops in obedience to the direction of a law enforcement officer or for causes beyond the control of the operator.

Section 6 – Penalties for violating this ordinance will be as provided by State Statute.

This ordinance shall amend all previous ordinances in existence pertaining to parking in the Town of Fairfax.

Robert A. Horr
Robert A. Horr, Chair

Randy DeVine
Randy DeVine

Peter King
Peter King

Fairfax Selectboard

Received, Adopted and Filed November 22, 2010. A true record

Attest: Catherine Jones, Assoc. Town Clerk

Posted at: Fairfax Town Office, Fairfax Post Office and Bellows Free Academy

Attest: Stacy M. Wells, Sec. Board Adm. Asst.

Title 24, Chapter 59, Section 1973 provides for the filing of a petition for public vote on these proposed revisions. Call the Town Clerk in Fairfax at 802-849-6111 with any questions. These revisions will become effective January 22, 2011.