

WOODSTOCK VILLAGE ORDINANCES

Cite as W.V.O. §_____

Adopted: September 25, 1989

Effective: November 25, 1989

Revision 3

[Incorporates amendments through May 10, 2009]

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TITLE 1
ADOPTION, CITATION AND MAINTENANCE OF
WOODSTOCK VILLAGE ORDINANCES

Chapter 1. Enactment, Repealing and Saving Provisions; Title

§1101. Enactment; title; how to cite

This Title 1 and the following Titles 2 through 10, inclusive, are hereby enacted as ordinances governing the Village of Woodstock, Vermont, a municipal corporation organized and existing under and by virtue of the laws of the State of Vermont, and, together with such revisions as are made thereto (including new titles) pursuant to section 1201 of this title, shall be known as the "Woodstock Village Ordinances". Citations to the Woodstock Village Ordinances may be as follows: W.V.O. §_____. As used in this chapter, the term "this Revision" shall refer to this Title 1 and the following Titles 2 through 10, inclusive, as originally enacted.

§1102. Catchlines; cross references

Title, chapter and subchapter headings, section captions, indices and cross references are included for convenience of users, but they are not to be construed as part of the text to which they relate.

§1103. Continuity of prior ordinances

Insofar as the provisions of this Revision are in effect the same as ordinances existing and in force immediately prior to the effective date of this Revision they shall be construed as a continuation of such ordinances.

§1104. Repeals; saving provisions

This Revision shall not affect an act done, a right or obligation accruing, accrued, acquired or established, a penalty incurred, a suit, prosecution or proceeding pending, or the tenure or office of a person holding office, at the time when it takes effect. Subject to that limitation, and except as may be provided otherwise in any other title of this Revision, all ordinances of the Village listed in Appendix A to this title are hereby repealed. All ordinances of the Village not hereby or heretofore repealed shall remain in full force and effect. No ordinance which has been repealed heretofore shall be revived by the repeal provisions contained in this section.

§1105. Adoption; effective date

This Revision shall be adopted and take effect in accordance with the procedures and provisions set forth in 24 V.S.A. Chapter 59.

§1106. Separability

Each separate provision of this Revision shall be deemed independent of all other provisions therein, and, if any provision of this Revision be declared invalid, all other provisions thereof shall remain valid and enforceable.

Chapter 2. Revisions to Woodstock Village Ordinances

§1201. Additions, amendments, and repeals; enacting clause

(a) The Board of Trustees of the Village may revise the Woodstock Village Ordinances from time to time by:

(1) adopting a new ordinance in accordance with applicable law to be incorporated in and become part of the Woodstock Village Ordinances;

(2) amending any specified provision(s) of the Woodstock Village Ordinances at any time existing, in whole or in part, by adopting an ordinance in accordance with applicable law which adds any language and/or provision(s) thereto, deletes any language and/or provision(s) therefrom, and/or substitutes any language and/or provision(s) therefor; and

(3) repealing any specified provision(s) of the Woodstock Village Ordinances at any time existing, in whole or in part, by adopting an ordinance in accordance with applicable law; or

(4) any number and combination of enactments described in subsections (1), (2), and (3) above.

(b) The enacting style for any such revisions to the Woodstock Village Ordinances, which need be but once recited in any such ordinance subsequently adopted from the effective date of this Revision, shall be substantially as follows: "Be it ordained by the Board of Trustees that the Woodstock Village Ordinances are hereby revised as follows:".

§1202. Numbering; adaption to revised ordinances; catchlines

Each ordinance adopted pursuant to section 1201 of this chapter shall be numbered consecutively by the Village Clerk. The Village Clerk is hereby authorized to insert such title, chapter, subchapter and section numbers, headings, captions, and catchlines, and subsection numbers and letters, when lacking, as may be necessary to conform such ordinance or any provision(s) thereof to the style generally used throughout the Woodstock Village Ordinances, provided such insertions shall not affect the substance of the ordinance or of any provision(s) thereof. The Village Clerk may add such cross references and indices as may be deemed appropriate to assist users. When compiling such revision, it shall not be necessary to repeat the enacting clause or to include any precatory language describing the nature of the revision such as "to amend W.V.O. §_____ by adding" and similar precatory language.

§1203. Repeal of inconsistent provisions; savings provisions

When any revision of the Woodstock Village Ordinances becomes effective, all existing ordinances or portions thereof inconsistent therewith shall thereby be repealed, provided, however, unless the contrary is expressly stated therein, the adoption of any such revision shall not affect any act done, any right or obligation accrued, any penalty incurred, any suit, prosecution or proceeding pending, or the tenure or office of any person holding office, at the time when the revision takes effect; nor shall the repeal of any provision(s) thereby have the effect of reviving any ordinance or provision(s) theretofore repealed or superseded.

§1204. Separability

Each provision of any ordinance revising the Woodstock Village Ordinances shall be deemed independent of all other provisions of the ordinance of which it is a part and if any provision of any ordinance revising the Woodstock Village Ordinances be declared invalid, all other provisions of such ordinance shall remain valid and enforceable.

§1205. Revision to be kept current and available to public

An official copy of the Woodstock Village Ordinances shall be kept by the Village Clerk in the office of the Village Manager and such official copy shall be subject to public inspection during regular office hours under supervision of the Village Clerk, the Village Manager, or the designee of either. The Village Clerk shall maintain the official copy on a current basis. The Village Manager shall cause sufficient copies of the Woodstock Village Ordinances to be printed, from time to time, to satisfy the public demand therefor. The printed copies shall include revisions on a reasonably current basis.

Chapter 3. General Provisions

§1301. Definitions of words and phrases

For the purposes of the Woodstock Village Ordinances, the following words and phrases shall have the meanings set forth herein unless otherwise provided, or, unless the context clearly indicates otherwise:

(1) "Person" means an individual, a corporation, a partnership, an association, and any other incorporated or unincorporated entity.

(2) "State" when describing any law, rule, or regulation means the State of Vermont.

(3) "Trustees" or "Board" means the Board of Trustees of the Village of Woodstock, Vermont acting in an official capacity.

(4) "Village" means the Village of Woodstock, Vermont.

(5) "Village Manager" means the municipal manager for the Village, or, in his or her absence, the person to whom the duties of the Village Manager have been temporarily delegated.

(6) "V.S.A." means the codification of statutory laws of the State of Vermont known as Vermont Statutes Annotated, and any citation to V.S.A. set forth in the Woodstock Village Ordinances shall mean and include the provisions thereof, any amendments thereto, and any provision of the V.S.A. substituted therefor.

(7) "Street" and "Highway" and "Sidewalk" and "Curb" shall each have the same meaning as set forth for such term in W.V.O. §8101, as amended from time to time.

Cross References:

1. See W.V.O. §1101 for definition of Woodstock Village Ordinances.

2. See W.V.O. §8101 for definitions of Street, Highway, Sidewalk, and Curb.

History:

2002 Amendment. Subsection (7) was added by section 5 of Woodstock Village Ordinance Revision #15, adopted by the Board on June 27, 2002, effective August 23, 2002.

§1302. Applicability of ordinances

(a) The prohibitions, restrictions, regulations and requirements of the Woodstock Village Ordinances shall be in force and apply to each and all persons concerned therein, whether as principals, officers, agents, servants, or otherwise, and all persons shall be liable to the penalties, fines, and/or other remedies prescribed.

(b) Unless otherwise specifically limited to a particular zone, area, district, or subdivision of the Village, each ordinance and all provisions shall apply equally to the whole territory comprising the Village of Woodstock, Vermont.

Cross References:

See Village Charter, specifically Act No. 200 (An Act In Amendment Of And In Addition To An Act Approved November 11, 1836, Entitled An Act Incorporating The Village of Woodstock And Amendments Thereof Heretofore Enacted) Approved, November 13, 1894, for description of the Village boundaries.

§1303. Time

Any provisions of the Woodstock Village Ordinances relating to the time within which any act shall or shall not be performed shall be governed by applicable law.

Cross References:

See 1 V.S.A. Chapter 9 and 1 V.S.A. §138.

§1304. Appendices to be part of ordinance; this title; in general

(a) Appendix A to this title shall be construed to be an integral part of the provisions of this title whether or not the same is specifically incorporated by reference.

(b) Any appendices mentioned or referred to in any provision of the Woodstock Village Ordinances shall be construed to be an integral part of the title in which the provision making such mention or reference is set forth.

Chapter 4. Penalties and Enforcement

History:

1996 Amendments. Chapter including §§ 1401 through 1406, inclusive, was added by section 32 (first) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

§ 1401. Purpose of chapter

The purpose of this chapter is to simplify, consolidate, and make uniform the penalty and enforcement provisions of the Woodstock Village Ordinances and to take advantage of the relevant authority and procedures set forth in Act No. 237 of the 1993 Adjourned Session of the Vermont General Assembly entitled "An Act Relating to Civil Enforcement of Municipal Ordinances." The provisions of this chapter shall be construed liberally to advance such purpose. To the extent any provision relating to penalty and enforcement contained in any other provisions of the Woodstock Village Ordinances conflict with any provision of this chapter, the provisions of this chapter shall control.

Cross References:

1. 24 V.S.A. §§ 1971, 1974, 1974a, and 1977-1982, inclusive.

§ 1402. Limitations on scope of chapter

(a) This chapter shall not apply to the Parking Ordinances of the Village.

(b) Nothing in this chapter shall affect any requirement contained in the Woodstock Village Ordinances for the payment of a fee or other charge in connection with the issuance, violation, or retention of a license or permit or in connection with a false burglar alarm or for the reimbursement of costs incurred by the Village in taking remedial action authorized by any provision whether by action of contract on the ordinance or otherwise.

(c) This chapter shall not be construed to apply to the ordinances, regulations, and bylaws of the

Village adopted pursuant to 24 V.S.A. Chapter 117 ("the Village of Woodstock Zoning Regulations").

Cross References:

1. See W.V.O. §8301 et. seq. and relevant appendices (being Title 8, Chapter 3, of the W.V.O.) for Parking Ordinances.

§ 1403. Ordinances are civil

All Woodstock Village Ordinances are hereby designated to be civil.

§ 1404. Civil penalty; waiver penalties

(a) Except as otherwise provided in this section, any person who shall violate any provision of the Woodstock Village Ordinances shall be fined a civil penalty of not more than \$175.00 for each offense. Each day the violation continues shall constitute a separate offense.

(b) Whenever any applicable law or rule provides for the imposition of a waiver penalty in lieu of the civil penalty provided in subsection (a) of this section, the waiver penalty for an alleged violation shall be the amount as set forth in Appendix B to this title, and such waiver penalty if duly paid shall be in lieu of the civil penalty.

§ 1405. Public nuisance; application to cease; injunctions

(a) Unless expressly provided otherwise, the violation of any provision of the Woodstock Village Ordinances is hereby declared to constitute a public nuisance.

(b) In addition to the civil penalty or waiver penalty provided in this chapter and any other remedy provided by law for the abatement of a public nuisance, a representative of the Village authorized to enforce the Woodstock Village Ordinances or the Board may apply for and obtain a cease order authorized by 24 V.S.A. §1974a(c) or any other injunctive relief against the person in violation of any provision of the Woodstock Village Ordinances or against any person in violation of any term or condition contained in a permit or license issued pursuant to the Woodstock Village Ordinances, to the extent and in such manner as is provided for by law or applicable court rules from time to time.

(c) The violation of any of the following provisions of the Woodstock Village Ordinances shall not constitute a public nuisance:

- (1) Title 2, Chapter 1;
- (2) Title 3, Chapter 2;
- (3) Title 8, Chapter 1; and
- (4) Title 8, Chapter 2.

§ 1406. Enforcement; designation of representatives

(a) Enforcement of the Woodstock Village Ordinances shall be by any certified law enforcement officer of the Village or the Village Manager. Any one or more of these persons shall be authorized to issue municipal complaints on behalf of the Village for alleged violations of the Woodstock Village Ordinances.

(b) Any person authorized to enforce the Woodstock Village Ordinances under subsection (a) of this section and the attorney for the Village from time to time appointed or engaged by the Board for such purpose shall be authorized to represent the Village in any civil proceedings to prosecute alleged violations of the Woodstock Village Ordinances to the extent authorized under 24 V.S.A. Chapter 59 or applicable court rules. Such persons are authorized and encouraged to apply for a

cease and desist order in an appropriate case involving a violation which is a public nuisance.

(c) The Village Manager is hereby designated as the custodian of the ticket (municipal complaint) books and records of the Village.

(d) The Village Manager or his or her designee is authorized to pursue all civil remedies for collection of judgments and orders of the traffic and municipal ordinance bureau and other courts.

(e) The Village Manager shall duly file such forms and other notices as may be required from time to time by law or court rules relating to the designations of representatives made in this section. To fulfill this duty, the Village Manager is authorized and directed to certify the names of individuals serving in a capacity specified in this section from time to time on a current basis.

APPENDIX A (To Title 1 W.V.O.) Ordinances Repealed

1. Section 1, Village Ordinances, Woodstock, Vermont, adopted November 17, 1975, and entitled "Validity".
2. Section 2, Village Ordinances, Woodstock, Vermont, adopted November 17, 1975, and entitled "Definitions" as amended by the first provision of ordinance adopted April 23, 1984 (relating to definition of "owner").
3. Section 3, Village Ordinances, Woodstock, Vermont, adopted November 17, 1975, and entitled "Traffic Ordinances" including ordinances numbered 1 through 19, inclusive, and ordinances 21 through 23, inclusive, as amended by ordinance adopted July 21, 1980 (relating to Ordinances #16 and #18), ordinance adopted September 12, 1983 (relating to Ordinance #10), the fourth and fifth provisions of ordinance adopted April 23, 1984 (relating to Ordinances #13 and #14), and ordinance adopted November 24, 1986 (relating to Ordinance #9).
4. Part II of ordinance adopted April 27, 1987, which added Ordinance 20A relating to Bus Loading Zones to Section 3, Village Ordinances, Woodstock, Vermont, adopted November 17, 1975, entitled "Traffic Ordinances."
5. Second and third provisions of ordinance adopted April 23, 1984, which added Ordinances 23A and 23B relating to the parking of motor vehicles to the Village of Woodstock, Vermont Ordinances.
6. All provisions of ordinance adopted March 13, 1985, which added Ordinance #22A entitled "Storage of Vehicle for Nonpayment."
7. Section 4, Village Ordinances, Woodstock, Vermont, adopted November 17, 1975, and entitled "Miscellaneous Ordinances" including Ordinances numbered 24 through 46, inclusive.
8. Ordinance adopted October 20, 1980 (numbered Ordinance #48) relating to the Village Green.
9. Ordinance adopted November 14, 1983, entitled "An Ordinance Relating to Yard Sales."
10. Ordinance adopted November 18, 1985, which amended the Village of Woodstock, Vermont Ordinances by adding Ordinance #49 entitled "Newsracks."
11. Ordinance adopted March 10, 1986 (numbered Ordinance #50) entitled "Burglar Alarms" including Sections I through IX, inclusive, but not including Ordinance of same date which repealed then existing

Ordinance #47 relating to burglar alarms.

12. Ordinance adopted November 10, 1986, entitled "An Ordinance for the Control of Dogs."

13. Part II of ordinance adopted December 28, 1987, which amended Section 4 (Miscellaneous Ordinances) of the Village of Woodstock, Vermont Ordinances adopted November 17, 1975, by adding Ordinance 52 entitled "Yard Sales and Auctions."

14. Section 5, Village Ordinances, Woodstock, Vermont, adopted November 17, 1975, and entitled "Enforcement" as amended by ordinance adopted April 13, 1982, as further amended by ordinance adopted November 10, 1986.

15. Section 6, Village Ordinances, Woodstock, Vermont, adopted November 17, 1975, and entitled "Ordinance in Force," Part (1).

APPENDIX B (To Title 1 W.V.O.)
Waiver Penalties

| <u>For A Violation of:</u> | <u>General Description:</u> | <u>Waiver Penalty:</u> |
|----------------------------|--|------------------------|
| Title 2, Chapter 1 | Control of Animals | |
| | First offense | 25.00 |
| | Second offense | 50.00 |
| | Third and subsequent offenses | 75.00 |
| § 3101(a) | Damaged Structures | 100.00 |
| § 3102(a) | Use Streets/Sidewalks To Repair/Maintain Buildings | 100.00 |
| § 3207(a) | Burglar Alarm Rule Violation | 25.00 |
| § 3207(b) | Burglar Alarm - Failure to Pay Fees | 100.00 |
| § 4101(a) | Hawker or Peddler License | 100.00 |
| § 4109 | Violation of Hawker or Peddler License | 50.00 |
| Title 5, Chapter 1 | Health and Safety General Provisions | 100.00 |
| Title 5, Chapter 2 | Notice of Pesticide Applications | 25.00 |
| Title 5, Chapter 3 | Noise Control Ordinance First offense | 50.00 |
| Title 5, Chapter 3 | Noise Control Ordinance Second offense | 100.00 |
| Title 6, Chapter 1 | Newsracks | 100.00 |
| § 7101(a) | Private Driveway Permit | 100.00 |

| | | |
|-----------------------|---|--------|
| § 7106 | Violation of Private Driveway Permit | 50.00 |
| § 7201 | Structures Encroaching Permanent | 100.00 |
| § 7202 | Structures Encroaching Temporary | 50.00 |
| § 7203 | Diversion of Water | 100.00 |
| § 7206(c),(d),(e),(f) | Avoid leaking water and sewer pipes | 100.00 |
| § 7206(g),(i) | Failure to reimburse | 100.00 |
| § 7207(a),(b) | Avoid water runoff onto streets and sidewalks | 100.00 |
| § 7207(c),(e) | Failure to reimburse | 100.00 |
| § 7301 | Excavations of Streets Etc. | 100.00 |
| § 7306 | Emergency Excavation Violation | 100.00 |
| § 7307 | Violation of Excavation Permit | 50.00 |
| § 7401 | Dumping Snow or Ice | 25.00 |
| § 7402(a) | Removal of Snow or Ice From Sidewalks | 25.00 |
| § 7402(b) | Failure to reimburse | 25.00 |
| § 7403(a) | Removal of Snow or Ice From Other Areas | 25.00 |
| § 7403(b) | Failure to reimburse | 25.00 |
| § 7404 | Horses on Sidewalks | 25.00 |
| § 7405 | Maintain Culverts | 100.00 |
| § 7405a | Display Merchandise on Sidewalk | 50.00 |
| § 7406 | Hanging Items From Awnings | 100.00 |
| § 7407 | Maintain plants, window boxes, & planters above Village sidewalks | 50.00 |
| § 7407a(a) | No permit for object on Village sidewalk | 100.00 |
| § 7407a(f) | Violation of sidewalk object permit | 100.00 |
| § 7408 | Sound Amplifying Devices | 50.00 |

| | | |
|--|--|--------|
| Title 8, Chapter 1 and Chapter 2 (Subchapters 1 through 5) | Traffic Violations | 70.00 |
| Title 8, Chapter 2 (Subchapter 6) | Miscellaneous Traffic Regulations | 25.00 |
| Title 8, Chapter 2 (Subchapter 7) | Weight, Size, Load | 150.00 |
| § 8324(c) | Parking a bus longer than 20 minutes in a bus loading zone | 70.00 |
| § 8324(d) | Bus engine running while bus is stationary in bus loading zone | 70.00 |
| § 9201 | Village Green Permit | 100.00 |
| § 9207 | Violation of Village Green Permit | 50.00 |
| § 9301 | Village Green Use | 25.00 |
| Title 9, Chapter 4 | Public Property and Places | 50.00 |
| § 10103 | Yard Sales and Auction Permit | 100.00 |
| § 10110 | Violation of Yard Sale or Auction Permit | 50.00 |

History:

1996 Amendment. Appendix B was added by section 32 (second) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

1998 Amendment. Appendix B was amended by section 2 of Woodstock Village Ordinance Revision #8, adopted by the Board on April 27, 1998, effective June 26, 1998, to include a waiver penalty for violation of Title 8, Chapter 2, Subchapter 7 relating to weight, size, and loads.

2000 Amendment. Appendix B was amended by section 2 of Woodstock Village Ordinance Revision #11, adopted by the Board on November 22, 1999, effective January 21, 2000, to add a waiver penalty for section 2101(h).

2001 Amendment. Appendix B was amended by section 2 of Woodstock Village Ordinance Revision #14, adopted by the Board on August 27, 2001, effective October 26, 2001, to add a waiver penalty for Title 5, Chapter 2.

2002 Amendments. Appendix B was amended by sections 3 and 4 of Woodstock Village Ordinance Revision #15, adopted by the Board on June 27, 2002, effective August 23, 2002, by amending the general description for §7407 (section 3) and by adding waiver penalties for §7407a (section 4).

2002 Second Amendment. Appendix B was amended by section 2 of Woodstock Village Ordinance Revision #16, adopted by the Board on July 22, 2002, effective September 20, 2002 by adding waiver penalties for §8324(c) and (d).

2005 Amendment. Appendix B was amended by section 3 of Woodstock Village Ordinance Revision #24, adopted by the Board on May 24, 2005, effective July 23, 2005 by adding waiver penalties for various violations in §§7206 and 7207.

2005 Second Amendment. Appendix B was amended by the final provisions of Woodstock Village Ordinance Revision #25, adopted by the Board on September 26, 2005, effective November 25, 2005 by adding waiver penalties for violations of Title 5, Chapter 3. Revision note: the sections as enacted were redesignated to be consistent with W.V.O. style.

2007 Amendment. Appendix B was amended by section 2 of Woodstock Village Ordinance Revision #27, adopted by the Board on March 26, 2007, effective May 25, 2007 by revising the waiver penalties for Title 2, Chapter 1.

TTITLE 2 ANIMALS

Chapter 1. Control of Animals

§2101. General prohibitions

(a) No person shall keep a dog within the Village unless the dog is duly licensed in accordance with Vermont law, if applicable, as the same may be in effect from time to time, or, if Vermont law is not applicable under the circumstances, then in accordance with the law of any state or governmental entity, if any, having jurisdiction over the matter.

(b) No person shall permit a dog owned or kept by him or her to roam at large within the Village. Any dog who enters the property of a person other than its owner or keeper or anyone who has granted express permission therefor, or who roams the streets or any public way or place while not properly controlled by a leash, or who causes property damage or creates a nuisance shall be deemed to be roaming at large and its owner and/or keeper shall be held to have permitted such dog to roam at large.

(c) No person shall permit a dog owned or kept by him or her to be on any public way or place except when the dog is properly controlled by a leash or when the dog is enclosed in a vehicle or cage or is in some other manner under such restraint as will ensure that the dog will not, by itself, become free to roam at large. For purposes of this subsection a dog shall not be properly controlled by leash if the dog is tied to an object without direct supervision of the owner or keeper or if the dog is tied to a leash which is not of such quality and length as to reasonably ensure the restraint and control of the dog.

(d) Nothing in this section shall be construed to require the leashing of a dog while on the private property of its owner or keeper or while on the private property of any person with the express permission of such person.

(e) No person shall knowingly cause or permit a dog owned or kept by another to be unleashed or otherwise set free from restraint without the express permission of such owner or keeper.

(f) No owner or person having custody of a dog shall permit said dog to defecate on any public school ground, public sidewalk, public crosswalk or walkway, public roadway, the Village Green or any other public park, the Historic area as defined in W.V.O. § 6102(1), or on any privately owned property of another person without such person's consent unless said defecation is removed immediately and properly disposed of in a container for such trash or in some other legal manner other than on the premises aforementioned. This provision shall apply whether or not the owner or person having custody of the dog has knowledge that the dog is defecating on the premises aforementioned.

(g) Public dog licensing records shall constitute prima facie evidence of the ownership of a dog. A person shall be deemed to keep a dog or to be the dog's keeper if, at the time, the dog is in the custody of such person or if such person has assumed the responsibility for the control of such dog in the absence of the owner.

(h) A dog that has been found to hurt or pursue domestic or wild animals shall constitute a public nuisance.

History:

1996 Amendments. Former subsection (g) relating to penalty was repealed, former subsection (f) was redesignated as new subsection (g), a new subsection (f) relating to dog defecation was added, and a clerical error was corrected in

subsection (c) by section 1(QQ), section 28, and section 27, respectively, of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

2000 Amendment. Section (h) was added by section 1 of Woodstock Village Ordinance Revision #11, adopted by the Board on November 22, 1999, effective January 21, 2000.

§2102. Impoundment

(a) Any dog roaming at large on any public way or place or on private property of other than its owner or keeper or a person who has granted express permission therefor may be impounded by an officer of the Village Police Department or any person designated by the Village for the control of dogs.

(b) Any dog so impounded shall be transported to a boarding kennel wherein it shall be kept until released by authority of the impounding officer or his or her agent. The owner of any dog so impounded shall be notified of the impoundment provided the dog is wearing a reasonable means of identification or a license or is otherwise known to the impounding officer. The owner of any dog so impounded may obtain a release of such dog after proof that such dog is owned by him or her and is properly licensed and after payment of reasonable kennel fees which shall not exceed that normally charged other persons for the boarding of dogs. In the event the owner of an impounded dog cannot be determined, a notice shall be posted in the Woodstock Town Clerk's office giving a description of the dog and the date and place of impoundment.

(c) Any dog who is not redeemed with ten (10) days of impoundment may be disposed of at the discretion of the pound keeper. Prior to any destruction of the dog the owner shall be given at least ten (10) days notice if the owner is known; if the owner is not known then the notice set out in subsection (b) of this section shall have been posted for at least thirty (30) days.

(d) Any owner of an impounded dog, if known, who elects not to redeem his or her dog or who shall otherwise fail to redeem his or her dog shall nevertheless be liable for the kennel fees provided for in subsection (b) of this section and for the reasonable costs of any disposition of the dog made by the pound keeper under the authority of subsection (c) of this section.

(e) The remedies provided in this section shall be in addition to and not in lieu of any penalties established under the Woodstock Village Ordinances for violations of the provisions of this chapter.

History:

1996 Amendments. Subsection (b) was amended by deleting the second to the last sentence relating to fine and subsection (e) was amended by changing reference penalties by section 29 and section 30, respectively, of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

§2103. Persons interfering with impoundment

No person shall interfere with the impounding or impoundment of a dog under provisions of this chapter nor shall any person release or attempt to release an impounded dog contrary to this chapter.

History:

1996 Amendments. Section amended generally by section 31 of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

§2104. Animals disturbing the peace

(a) No person shall keep or harbor an animal of any kind which by frequent or habitual barking, howling, yelping, crowing, or in any other like manner disturbs the peace or quiet of persons in the Village.

(b) [Repealed]

History:

1996 Amendment. Subsection (b) was repealed by section 1(RR) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

1999 Amendment. Subsection (a) was amended by expanding the provision to animals of any kind and adding “crowing” by section 1 of Woodstock Village Ordinance Revision #10, adopted by the Board on April 26, 1999, effective June 26, 1999. This revision also changed the name of the chapter to Control of Animals and the name of the section caption to Animals disturbing the peace.

§2105. Not exclusive remedy

The provisions of this chapter shall be in addition to and not in lieu of any provisions of Vermont law or any other governing ordinance or law relating to the control of dogs. As a specific example, any vicious dog shall be handled in the manner set forth in 20 V.S.A. §3546 or any similar or substitute provisions of Vermont law.

§2106. Enforcement; penalties

(a) This is a civil ordinance and shall be enforced by Woodstock Village Police Department in the Vermont Judicial Bureau in accordance with 24 V.S.A. §§ 1974a and 1977 et.seq.

(b) Fines for violations of this chapter shall be: First offense \$50.00 penalty; Second offence \$75.00 penalty; Third and subsequent offenses \$100.00 penalty.

History:

2007 Amendment. Provision is added by section 1 of Woodstock Village Ordinance Revision #27, adopted by the Board on March 26, 2007, effective May 25, 2007. Revision Note: Provision was enacted as §2103 however that section is already assigned to another provision and so the enactment was redesignated §2106 and editorially revised to conform to style of W.V.O. including the placement of the waiver penalties in Appendix B to Title 1.

TITLE 3
BUILDINGS

Chapter 1. General Provisions

§3101. Removal or repair of damaged structures; penalty; public nuisance; injunction

(a) No owner or occupant of land in the Village shall fail within 180 days either to remove or repair, or cause to be removed or repaired, any damage to structures or any portion of structures thereon caused by fire or other disaster when such damage is visible from any off-premises location, provided, however, said time limit may be increased to no more than one year for good cause with the approval of the Trustees.

(b) [Repealed]

(c) The existence for more than a year of damaged structures or portion(s) thereof on land in the Village caused by fire or other disaster and visible from any off-premises location is hereby declared to be a public nuisance.

(d) [Repealed]

History:

1996 Amendment. Subsections (b) and (d) were repealed by sections 1(A) and (B), respectively, of Woodstock

§3102. Use of streets or sidewalks to repair and maintain buildings; special permits; emergency repairs; penalty

(a) No person shall erect scaffolding, platforms, or similar structures upon or over any Village street or sidewalk without first having obtained a written permit from the Village Manager or the Board of Trustees as hereinafter provided.

(b) Special permits shall be issued to authorize the use of Village streets and/or sidewalks in such manner as would otherwise constitute a violation of a provision of the Woodstock Village Ordinances when such use is reasonably necessary in connection with the repair and maintenance of buildings. The Village Manager shall have the authority, but is not required, to issue special permits for use of Village streets and/or sidewalks for such purposes where the permit authorizes such activity for one week or less. In all other cases (including the absence of the Village Manager) any special permit issued hereunder shall be by the Board of Trustees.

(c) Upon receiving a written request therefor, the Village Manager, when authorized and within seven calendar days, or the Board of Trustees at its next regular meeting, shall issue a written permit specifying the activities otherwise prohibited upon or over Village streets and/or sidewalks which shall be authorized in connection with repairing or maintaining a building. The permit may contain such terms and conditions relating to time, place, and manner and notice and/or warning to the public as are, under the circumstances, appropriate to protect the public safety and welfare, and if necessary, to coordinate such use with other permitted activities in the Village and give adequate notice to the Village Police Department.

(d) Notwithstanding any ordinance to the contrary, it shall be lawful for a person to make such temporary use of Village streets and/or sidewalks as is necessary to prevent immediate damage to buildings in a bona fide emergency without first obtaining a special permit under this section, provided, however, such person shall at all times obey the lawful directions of the Village Manager or a Village police officer relating to the public safety and welfare and shall otherwise exercise all due caution to promote public safety.

(e) Each person to whom a permit is issued pursuant to subsection (c) of this section ("the permittee") shall be jointly and severally responsible for the violation(s) of any term(s) and/or condition(s) of the permit regardless of the identity of the actual violator and whether or not the actual violator is the agent or invitee of the permittee and whether or not the permittee knows of the violation. Each term and/or condition of the permit violated constitutes a separate violation. If the foregoing language of this subsection is clearly set forth in the permit as issued, each violation of a term and/or condition thereof shall constitute a separate violation of this Ordinance and the permittee shall be subject to the penalties provided in the Woodstock Village Ordinances therefor, provided, however, only one penalty shall be assessed for each violation. The fact that the alleged violation or any prior violation resulted in the termination of the permit and any rights thereunder shall not constitute a defense to an action brought under this subsection.

§3103. Awnings permitted

Notwithstanding any ordinance to the contrary, it shall not be unlawful for the owner or legal occupant of a building to place and maintain awnings and structures supporting awnings which extend over any Village sidewalk provided the same do not obstruct the reasonable use of the sidewalk by pedestrians.

Chapter 2. Burglar Alarms

§3201. Short title

This chapter may be known as the "Burglar Alarms Ordinance."

§3202. Purpose

The purpose of this Ordinance is to protect the public health, safety, and welfare by encouraging those who have installed private burglar alarm systems connected to the Woodstock Communications Center or monitored by a private firm which contacts the Village police to install and maintain their systems properly and in good working order so as to minimize the diversion of limited police resources occasioned by false alarms.

§3203. Definition of false alarm; presumption

(a) For purposes of this chapter, the term "false alarm" means any activation of a privately owned burglar alarm system communicated to the Village Police Department for response and responded to by an officer of the Village Police Department, when such activation is attributable to error or malfunction other than error or malfunction caused by interruption in power service or violent and unusual acts of nature.

(b) When no evidence of unauthorized entry or attempted unauthorized entry is found by the responding police officer, it shall be presumed that activation of the alarm was attributable to error or malfunction unless the contrary is made to appear.

§3204. Responsibilities of alarm owners

The following rules shall apply to owners and users of private burglar alarm systems connected to the Woodstock Communications Center or monitored by a private firm which contacts the Village police:

(1) An alarm owner or user shall give notice to the Woodstock Communications Center and the Woodstock Village Police Department of the installation and location of the burglar alarm system and also of any time when the system is removed or is down for repairs.

(2) An alarm owner or user shall furnish the Woodstock Communications Center with a list of at least two adult individuals who may be contacted in the absence of the alarm owner or user to correct any malfunctions which may occur or to silence the alarm.

(3) An alarm owner or user shall be responsible for maintaining his or her alarm system in good and operable condition at all times so as to preclude the possibility of a false alarm.

(4) If a false alarm is reported to an alarm owner or user, the alarm owner or user shall proceed with due diligence to locate and correct the problem causing the false alarm, including contacting the person monitoring the alarm and/or any person who may be responsible for repairing the system.

History:

1996 Amendment. Clerical changes to designations of last two subsections were made by section 40 of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

§3205. Notice of false alarms

The chief of police or his or her designee shall notify the alarm owner or user of any false alarm, which notice may be in the form of an assessment notice relating to a fee due the Village with

respect to such false alarm.

§3206. False alarm fees

For a Village police response to any false alarm, the Village shall charge and collect from the owner or tenant on or from whose premises the false alarm occurred, the following fees:

(1) For a response to the premises at which no other false alarm has occurred within the preceding six (6) month period, no fee shall be charged, but the person having or maintaining such burglar alarm system shall, within three (3) business days after notice to do so, make a written report to the Chief of Police on forms prescribed by him or her setting forth the cause of the false alarm, the corrective action taken, whether such alarm has been inspected by an authorized service person, and such other information as the Chief of Police may reasonably require to determine the cause of such false alarm and corrective action necessary.

(2) For a second response to the premises within six (6) months after the initial response, a fee of fifty dollars (\$50.00) shall be assessed and said alarm owner or user shall again be required to furnish proof to the Chief of Police that inspection of and corrections have been made to their alarm system to prevent future problems.

(3) Fees for responding to false alarms for the third and subsequent responses during a six month period shall be seventy-five dollars (\$75.00) for each response. Additionally, after such third and subsequent responses, the alarm owner or user may be requested to appear before the Board of Trustees to discuss the continuing alarm problems.

History:

1996 Amendment. Subsection (3) was amended by deleting the word “Fines” and inserting the word “Fees” pursuant to section 3 of the Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

§3207. Violations; penalties

(a) No person who owns or uses a burglar alarm system connected to the Woodstock Communications Center or monitored by a private firm which contacts the Village police shall violate any rule set forth in §3204 of this chapter or fail or refuse to meet with the Board upon request as provided in §3206 of this chapter.

(b) No person who owns or uses a burglar alarm system connected to the Woodstock Communications Center or monitored by a private firm which contacts the Village police shall fail to pay a false alarm fee properly assessed pursuant to §3206 of this chapter within ten days of notice of such assessment.

History:

1996 Amendment. Section was generally amended by section 4 of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996. Revision note: catchline was amended to delete reference to penalty, which is now covered by Chapter 3 of Title 1, W.V.O., and to add reference to prohibitions.

TITLE 4
BUSINESS LICENSES AND REGISTRATION

Chapter 1. Peddlers

§4101. License required; exceptions

(a) Except as hereinafter provided, it shall be unlawful for any person, individually or through employees or agents, to engage in the business of hawker or peddler of any merchandise, article or thing on property in the Village not owned or leased by them or for which permission of the owner or lessee has not previously been obtained without having first secured a license therefor as hereinafter provided.

(b) Nothing in this section or chapter shall be construed to require a license for any person hawking or peddling items for which no fee or other consideration is received or requested, or, for which any fee or other consideration received or requested is exclusively used or to be used to benefit a bona fide non-profit organization, or, in connection with an event carried on by students to raise money for school sponsored projects, nor shall this section or chapter be construed to apply to occasional sales such as lemonade stands and the like.

(c) Notwithstanding any other provision in this chapter, no person shall be required to obtain a license hereunder solely for purposes of selling fruits, vegetables or other farm produce.

§4102. Applications for license

Applications for a license required under section 4101 of this chapter shall be made to the Board in such form as shall be prescribed by the Board from time to time, shall contain at a minimum the information required by section 4103 of this chapter, and shall be signed by the applicant or by an agent of the applicant. A processing fee of \$25.00 shall accompany all applications, however this fee may be waived by the Board (or by the Village Manager if the application is not before the Board) in the event an application for essentially the same project is being resubmitted for any reason within 90 days of the submission of a prior application by or on behalf of the same applicant which was denied. An application shall be deemed completed when delivered, together with the processing fee, to the office of the Village Manager, with all information requested on the form completely answered. All applications for a license amendment or renewal shall be treated as an application for an original license.

§4103. Minimum contents of application

Applications for a permit required under section 4101 of this chapter shall include, at a minimum, the following information:

- (a) Name and permanent address of the hawker or peddler;
- (b) Whether or not the applicant is acting as agent of some person and, if so, the name and permanent address of the principal;
- (c) Description of the kind and amount of merchandise to be hawked or peddled;
- (d) Description and number of any vehicles, carts, or other conveyances, if any, intended to be operated or used in the business;
- (e) Description of all Village locations and/or routes intended to be used by the hawker or peddler in the business, with particular details with respect to any Village streets, sidewalks, parks or other public places to be used;
- (f) Whether an annual license or a limited license is being applied for, and if a limited license is

being applied for, a specification of the date(s) and times to be covered by the license; and

(g) A certification as to whether or not the applicant or any of the applicant's agents or employees has had any previous license hereunder revoked within the last three years or has, as an agent or employee of another licensee hereunder, knowingly participated in any acts for which such other person's license hereunder was revoked within such time, together with a description of such events, if any.

§4104. Approval or denial of applications; issuance of permit; appeals

(a) Upon receipt of a completed application and processing fee (if applicable), the Village Manager or designee shall note the date of receipt of the application and place the consideration of such application on the agenda of the next regular meeting of the Board, provided, however, if the application is for a limited license involving activities not involving more than 7 days in any calendar year, the Village Manager is not required initially to place the consideration of such application before the Board but may, at his or her election, proceed to consider and act upon the application himself or herself as hereinafter provided.

(b) Upon consideration of such application and the standards set forth in section 4105 of this chapter where applicable, the Board or the Village Manager, as the case may be, shall grant or deny such application, with or without any applicable conditions related to such standards, and if granted shall issue a license therefor which shall specifically state any conditions. If an application is denied the decision shall be in writing and a copy thereof shall be mailed to the applicant at the applicant's address as appears on the application, or, in the alternative such decision may be hand delivered to the applicant within such time. If an application is granted, the license shall be in writing and the license shall be mailed to the applicant at the applicant's address as appears on the application, or, in the alternative such license may be hand delivered to the applicant within such time. Any decision which is appealable under subsection (c) of this section shall be so mailed or hand delivered within seven days of the issuance thereof.

(c) An applicant may appeal any decision issued by the Village Manager directly to the Board within thirty days from the date of issuance, in which event the Board shall decide the application de novo at its next regular meeting at which a quorum is present in the same manner as if the application was originally presented to the Board for its consideration.

(d) A license granted hereunder or any decision to deny such license shall become effective immediately upon issuance. A licensee hereunder may operate under and in accordance with such licensee's license notwithstanding any appeal taken pursuant to subsection (c) of this section but such license appealed from shall automatically terminate and be void upon the issuance of the Board's decision upon such appeal and notice thereof to the licensee, notwithstanding any provisions contained in such license to the contrary.

§4105. Standards

(a) No license shall be issued to any person who has had a previous license hereunder revoked within the last three years or who, as an agent or employee of another licensee hereunder, knowingly participated in any acts for which such other person's license hereunder was revoked within such time.

(b) No license shall be issued to any person who intends to use any agent or employee in the business who has had a previous license hereunder revoked within the last three years or who, as an agent or employee of another licensee hereunder, knowingly participated in any acts for which such other person's license hereunder was revoked within such time.

(c) Hawking and peddling shall not be permitted before 10:00 a.m. or after sunset unless done in connection with a special occasion for which adequate police protection has been arranged.

(d) Hawking and peddling involving entry onto private lands shall not be allowed on Sundays.

(e) The scope, time, location, and permanence of the proposed business activities, including but not limited to whether the license is to be annual or limited, the type and number of vehicles, carts, or other conveyances, if any, intended to be operated or used in the business, the kind and amount of merchandise to be peddled, and whether the merchandise is to be peddled on any Village streets, sidewalks, parks, or other public places shall be considered in light of possible safety hazards and disruption of pedestrian and vehicular traffic and also in light of any added time and expense relating to police protection which may be reasonably anticipated to arise by reason of such activities. If denial of an application is not appropriate in light of such factors in a particular case, then such conditions ought to be imposed as might reasonably serve to minimize such hazards and disruption. A license may be conditioned upon paying a fee to the Village, in addition to the processing fee, which reasonably relates to such factors, but in no event shall such fee exceed \$500.00 per calendar year for any license.

(f) No license shall be issued if the business involves any activity known, at the time, to be illegal and all such licenses shall be conditioned upon performance of only such activities as are legal.

(g) No license shall be issued to allow such business activity on any Village streets, sidewalks, parks, or in any other public places unless the license is specifically conditioned upon limiting such activities to a specified location. Reasonable conditions shall also be imposed to regulate the size and placement of any signs to be used in connection with the business at any such location.

(h) Annual licenses shall be effective from the date of issuance to the end of the calendar year. Limited licenses shall be effective for the dates and times therein specified which shall all be within one calendar year.

(i) All licenses shall be conditioned upon compliance with section 4106 of this chapter.

(j) All licenses shall describe the nature and scope of the activity permitted and shall be conditioned that there be no material change or increase in the nature and scope of the permitted activity from that as described on the license without first procuring a new license therefor.

§4106. Duty to correct information on application

If at any time during the term of a license, the information which was submitted on the application therefor becomes inaccurate or incomplete, the licensee shall notify the Village Manager in writing, within 10 days of the date such information became inaccurate or incomplete, and such notice shall contain all information necessary to correct the information contained on the application or previous notices of changed information.

§4107. Applications to be available to public

All applications and notices of changed information made or given pursuant to this chapter shall be made available for public inspection at the Village Manager's office during usual business hours.

§4108. Revocation of license

The Board of Trustees, upon due notice, hearing, and opportunity for the licensee to be heard, may revoke any license issued hereunder upon a finding that the licensee, either directly or through an agent or employee, has engaged in any act of fraud, cheating, or misrepresentation, while operating in the Village pursuant to such license or has violated any condition of his or her license.

§4109. Violations of license terms or conditions

No person on whose behalf a license is issued under this chapter shall violate any term or condition contained in such permit or knowingly permit others to violate any such term or condition. The fact that the alleged violation or any prior violation resulted in the termination of the permit and any rights thereunder shall not constitute a defense to an action brought under this section.

History:

1996 Amendment. Section was generally amended by section 5 of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996. Revision note: catchline was amended to delete reference to penalty, which is now covered by Chapter 3 of Title 1, W.V.O., and to describe nature of new provision.

TITLE 5 HEALTH AND SAFETY

Chapter 1. General Provisions

§5101. Storage and Disposal of refuse; penalty

(a) No person shall store, dump, or dispose of garbage, refuse or waste materials outdoors within the Village except in a properly maintained and enclosed garbage receptacle or composte pile.

(b) No person shall dump or dispose of household, office, or commercial garbage, refuse, or waste materials in Village trash cans located at public places for occasional use by the public.

(c) [Repealed]

History:

1996 Amendment. Subsection (c) was repealed by section 1(C) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

§5102. Water pollution

(a) No person shall discard, throw, or put any garbage or other item which would tend to pollute into any river, stream, or brook in the Village, or on the banks thereof.

(b) [Repealed]

History:

1996 Amendment. Subsection (b) was repealed by section 1(D) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

§5103. Discharging firearms

(a) No person shall discharge any firearm within the Village except pursuant to and in accordance with a permit as provided in subsection [(d)] of this section.

(b) No person shall discharge any air rifle or BB-gun within the Village except on property owned or leased by such person or on property with the permission of the owner or lessee thereof and with due regard for the safety of others.

(c) No person shall discharge any arrow or arrow device within the Village except on property owned or leased by such person or on property with the permission of the owner or lessee thereof

and with due regard for the safety of others.

(d) The Chief of Police shall have the authority to issue permits to any person within the Village to shoot wildlife if damage is being done to property and such destruction of the animal is otherwise allowed by law.

History:

1996 Amendment. Subsection (a) was amended by adding the "except" clause by section 6 of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

2000 Amendment. New subsection (c) was added, existing subsection (c) was made subsection (d) by section 3 of Woodstock Village Ordinance Revision #11, adopted by the Board on November 22, 1999, effective January 21, 2000. Editorial change was made to subsection (a) in brackets by changing the internal subsection reference to refer to subsection (d) to conform the subsection reference to the amendments made.

§5104. Abandoned wells

(a) An owner of property upon which exists an abandoned well or spring shall cause such abandoned well and/or spring at all times to be filled in or permanently covered in such manner as is designed to prevent injury to individuals and animals.

(b) The fact that "no trespassing" or other warning signs are posted at or near the location of an abandoned well or spring shall not relieve an owner of the duty set forth in subsection (a) hereof.

(c) A well or spring shall be deemed abandoned hereunder when it is no longer being actively used as the primary or back-up water source for any use by the owner or some other person lawfully entitled thereto.

(d) [Repealed]

History:

1996 Amendment. Subsection (d) was repealed by section 1(E) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

§5105. Fires built near buildings

(a) No outdoor fire shall be built within twenty-five (25) feet from any building situated on a neighboring lot.

(b) [Repealed]

History:

1996 Amendment. Subsection (b) was repealed by section 1(F) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

§5106. [Repealed]

History:

1996 Amendment. Section which related to public nuisances and injunction was repealed by section 1(G) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

Chapter 2. Notice of Pesticide Applications

§5201. Statement of purpose

The Village desires to address continuing concerns about health effects from toxic chemicals classified as pesticides which are designed for general use on lands to kill a variety of plants and insects and rodents and similar destructive animals. More and more evidence reveals the very real and dangerous threats to humans, animals, and the environment potentially posed by misuse of pesticides. There is uncertainty regarding adverse long-term effects. The purpose of this Ordinance is to provide adjoining owners the authority to request certain information regarding pesticides which were or are to be applied to neighboring lands aerially by commercial pesticide applicators.

§5202. Definitions

For purposes of this chapter, the following terms shall have the meanings set forth herein:

(1) “Pesticide” means any substance produced or distributed for preventing, destroying or repelling any insects, weeds, rodents, fungi, nematodes, mites, spiders or other forms of plant or animal life or viruses, and includes without limitation any herbicide, insecticide, fungicide, acaricide, nematocide or rodenticide.

(2) “Application of a pesticide” or “applies a pesticide” means the aerial spraying or aerial spreading of a pesticide on turf grass, shrubs, flowers, landscape plants or other vegetation by a commercial pesticide applicator, and does not include applications on humans, livestock, and domestic pets.

(3) “Turf grass” means a covering of mowed vegetation growing together with an upper soil stratum of intermingled roots and stems.

(4) “Landscape plants” means any ornamental and flowering shrubs and plants, shade trees, or plants larger than eight feet in height.

(5) “Site” includes any land in the Village as divided by the then current tax map parcel identifiers on the grand list of the Town of Woodstock, Vermont, but does not include indoor locations.

(6) “Commercial pesticide applicator” means any person who applies a pesticide on a site for a fee, whether or not licensed or certified and whether or not otherwise legally entitled to do so.

(7) “Owner of a site” means an owner, tenant, or any person in lawful possession of or who manages a site or portion thereof. An “owner of a site” shall presumptively include the person whose name appears on the then current grand list of the Town of Woodstock, Vermont.

(8) “Abutting owner” means an owner, tenant, or any person in lawful possession of or who manages a site which physically touches the site where the application of a pesticide has or is proposed to occur, or which would touch such site but for the existence of a public highway existing between the two sites.

(9) “MSDS sheet” means the material safety data sheet required by federal law (Occupational Health and Safety Act) for hazardous chemicals including pesticides.

(10) “Information regarding application of pesticides” shall include with respect to each pesticide proposed for or actually used by a commercial pesticide applicator in the application of a pesticide:

- (A) The time of any proposed or actual application;
- (B) Its identity including common or trade name;
- (C) A copy of its packaging label;
- (D) The rate of application;

- (E) The applicable MSDS sheet;
- (F) Any existing and federally required facts sheets pertaining to it and/or its active ingredients; and
- (G) The name and address of the commercial pesticide applicator.

§5203. Right of abutting owner to request information

An abutting owner may request information regarding application of pesticides from the owner of a site including only any of the items of information specified in §5202(10) of this chapter. Such request must be in writing and must be either hand delivered with signed receipt or mailed by certified, registered, or other form of mail or package delivery for which signed receipt is made or required, whether or not the signed receipt is required to be returned to the sender. Such request may also be made in writing mailed by regular U.S. mails to the address of the owner of a site appearing on the then current grand list with respect to the involved site, unless that address is known by the sender to be incorrect. Such request must specify the items of information requested and the site involved, and must also include the name(s) and address(es) where the information is to be mailed or delivered. In specifying the information requested it shall be sufficient to refer to the Ordinance section and/or subsection numbers. For example, the request may refer to “all information listed under W.V.O. §5202(10)” or similar language. Such request shall be limited to a period of 90 days before and after the date the request is properly mailed or delivered unless a lesser term is specified in the request. Under the terms of this Ordinance such request shall also be strictly limited to application of pesticides involving commercial pesticide applicators using aerial spraying or aerial spreading of pesticides on the site identified in the request, otherwise the request may be disregarded in its entirety.

§5204. Duty of owner of a site to provide information

The owner of a site for which the aerial application of pesticides by a commercial pesticide applicator has occurred or is proposed to occur within 90 days (or fewer if so specified in such request) of any request therefor properly made under §5203 of this chapter shall provide the information requested within a reasonable time from the date of the request which presumptively means within 10 days or the day of proposed application whichever is sooner, provided, however, these times shall be extended by the time of any delay caused by the failure of the commercial pesticide applicator to provide information requested by the owner of a site seeking in good faith with due diligence to respond to such request. Information shall be considered provided when it is mailed by regular U.S. mails to the name(s) and address(es) specified in the request or when it is hand delivered to such person(s).

§5205. Duty of commercial pesticide applicator to provide information

(a) Upon customer request, a commercial pesticide applicator with respect to a site shall provide its customer with any of the information specified in §5202(10) within three business days of any request therefor, or before application of pesticides to a site, whichever is sooner.

(b) In addition to other remedies, a customer of a commercial pesticide applicator seeking information to which such customer is lawfully entitled and which the commercial pesticide applicator fails to give in a timely manner may report the violation to the Vermont Department of Agriculture, Plant Industry Division, 116 State Street, Drawer 20, Montpelier, VT 05620-2901.

(c) Commercial pesticide applicators shall comply with all applicable sign notification and posting regulations of the state of Vermont pertaining to control of pesticides.

§5206. Exemption for certain practices

Accepted agricultural or silvicultural practices as defined by regulation of the Vermont Commissioner of Agriculture Food and Markets are exempt from this chapter.

History:

2001 Amendment. Chapter 2 was added by section 1 of Woodstock Village Ordinance Revision #14, adopted by the Board on August 27, 2001, effective October 26, 2001.

Chapter 3. Noise Control

Revision Note: This Chapter was originally enacted as Title 5, Chapter 2, containing sections 5201 through 5209, inclusive. Since Title 5 already had a Chapter 2 with some of the same section numbers, the entire ordinance was renumbered as Title 5, Chapter 3, containing sections 5301 through 5309, inclusive. The pagination and style of the ordinance as enacted was changed to conform to W.V.O. style including use of words to refer to the ordinance or its separate provisions. Some of the unconventional pagination style was retained for ease of reading since the ordinance is intended to be distributed as provided in §5209.

§5301. Protecting public tranquility; purpose

In order to balance the vitality of our village and to preserve the peace and promote civility and to prevent hearing loss, sleep loss and a general reduction in the quality of life, the Village of Woodstock will protect the public tranquility.

§5302. Definitions

(a) Plainly Audible: Any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of the song, specific words or the artist performing the song. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound.

(b) Residential Property or Receiver: Property used for human habitation or sleeping.

(c) Commercial/Industrial Property or Receiver: All other property, e.g. restaurants, schools, churches.

(d) Background Level: The composite of all sounds exclusive of the sound under evaluation.

(e) DBA: The sound pressure level measured using the weighting network as prescribed by the American National Standards Institute.

(f) Receiving Property: The location that is receiving the sound in question.

(g) Emergency: Any occurrence or set of circumstances involving reasonable expectation of actual or imminent physical trauma or property damage.

(h) Emergency Work: Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

(i) Noise: Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

§5303. Prohibitions; general prohibitions

No person shall make or continue any excessive, unnecessary, unreasonably loud noise or

disturbance, or any noise which disturbs, destroys, or endangers the comfort, quiet, repose, health, peace, or safety of others within the immediate vicinity of the noise or disturbance. Without limitations, the commission of one or more of the following acts, if done in such manner, shall be deemed a violation of this [chapter]:

(a) Mobile, Portable or Outdoor Electronic Sound-producing Devices. The playing or use of a mobile, portable or outdoor electronic sound-producing device in such manner or with such volume at any time and place so as to disturb, destroy or endanger the comfort, repose, or peace of persons. Evidence of such disturbance shall be the use of electronic sound producing devices that are operated in such a manner to be plainly audible at a distance of 50 feet in any direction from the operator.

(b) Vocal Disturbances. Yelling, shouting, whistling, singing or making any other loud vocal noise so as to disturb, destroy, or endanger the comfort, quiet, repose or peace of persons in the vicinity of the noise or disturbance.

(c) Devices to Attract Attention. The use of any drum, musical instrument, loud speaker, amplifier, or other instrument or device for the purpose of attracting attention to a store or event. This section shall not be construed to prohibit the playing of musical instruments by students practicing or performing in a school band or orchestra, or other persons participating in an authorized parade or assembly in a public place, nor shall this section be construed to prohibit the sounding of any signaling device under the control of the [Village], a church or a school.

(d) Dogs, Cats and Other Animals. The keeping of any dog, cat or other animal which shall become a nuisance to another person in the vicinity where such dog, cat or other animal is kept, by frequent or continued barking, howling, yelping or screaming.

(e) Construction and Maintenance Sounds: The excavation, erection, demolition, alteration, or repair of any buildings, structure, property or street between the hours of 9:00 P.M. and 7:00 A.M., except for necessary emergency construction and maintenance to protect property or persons.

(f) Compression Brakes: The non-emergency use of compression brakes (also known as Jacob's brakes) by the trucks.

§5304. Evidence of violation

For the purposes of subsections (a), (b), (c), (d) and (e) of §5302, a noise or disturbance of such magnitude so as to be plainly audible in another building or in another dwelling unit located in the same building, shall be deemed prima facie evidence of a violation of this [chapter].

§5305. Mufflers

A motor vehicle, including a motorcycle, moped, snowmobile, all-terrain vehicle, or other vehicle equipped with and propelled by engine, whether operated on a public street or on private property, shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. A person shall not remove, destroy or damage any of the baffles contained in the muffler, nor shall a person use a muffler cutout, bypass or similar device upon any such vehicle. Such vehicle shall at all times be equipped with a properly operating exhaust system which shall include a tail pipe and a resonator on a vehicle where the original design included a tail pipe and a resonator.

§5306. Landlord culpability

(a) A landlord who, after notice, fails to take reasonable steps to prevent subsequent violations of this [chapter] by the tenant shall be in violation of this [chapter] and subject to enforcement as

enumerated in §5307 of this [chapter].

(b) Prior to issuing a ticket to a landlord, the landlord must receive written notice from the Village of Woodstock or its Police Department stating that the tenant has been issued a ticket for violation of [this chapter]. The landlord then has five days to issue a written warning to the tenant requesting that the tenant discontinue the violating behavior.

§5307. Enforcement

(a) No owner or occupier of premises, or any person who has been given lawful permission to use or control any premises, shall knowingly permit a violation of this [chapter] by another person on such premises.

(b) The first offense for any person violating the provisions of this [chapter], within a twelve month period, shall be punished as provided in Appendix B [of Title 1] of W.V.O.

(c) A second and subsequent offense for violating this [chapter], within a twelve month period, shall be punished as provided in Appendix B [of Title 1] of the W.V.O.

(d) Each time a police officer is called to a scene of a noise complaint shall be deemed to be a separate offense.

§5307a. Variances

Any person may apply to the Board of Village Trustees for a variance from the requirements of this chapter prior to doing those acts. The applicant shall provide a list of property owners within two hundred fifty (250) feet of the site(s) where the activity is to occur. Ten (10) days advance written notice of the Board of Trustees meeting shall be provided to the property owners and residents appearing on the list. For good cause shown, the Board of Village Trustees may, in its sole discretion, either grant or deny the variance. If the variance is granted, the Board of Village Trustees may impose reasonable conditions to it.

§5308. Exemptions

Sounds from the following sources shall be exempt from the prohibitions specified herein and shall not be included in any measurements performed to determine compliance with [this chapter]:

(a) All safety signals and warning devices or any other device used to alert persons to any emergency or used during the conduct of emergency work including but not limited to police, fire and medical/rescue vehicle sirens.

(b) The repair and maintenance of municipal facilities, services or public utilities when such work must be accomplished outside of daytime hours.

(c) Snow removal equipment operated within the manufacturer's specifications and in proper operating condition.

(d) Musical, recreational and athletic events conducted by and on the site of a school or education institution and municipal institutions.

(e) Events conducted by or permitted by the [Village]. Persons operating an event under the authority of an entertainment permit, parade, street event, or special use permit shall comply with all conditions of such permits with respect to noise control issues.

(f) Construction or repair work which must be done to address an emergency health or safety concern and that can not be accomplished during daytime hours and which is not work which includes normal maintenance and repair.

(g) Equipment for maintenance of lawns and grounds during the hours of 7:00 A.M. to 9:00 P.M. (including but not limited to lawn mowers, hedge trimmers, weed whackers, chain saws and

leaf blowers).

(h) Vehicles that meet state standards on the public right-of-way.

(i) Normal noises that are part of everyday life for a household such as playing musical instruments, outdoor music, property and building maintenance etc. by the owner or occupant of a residence or an apartment until 10:00 pm.

(j) Normal and reasonable noise associated with refuse and recycling collection which occurs after 3:00 A.M. by commercial trash haulers licensed by the Town of Woodstock.

§5309. Notification by property owners of rental housing

Owners of rental housing shall be required to provide a copy of this [chapter] to a tenant at the start of the tenancy. However, the failure [of] an owner to provide a copy of the [chapter] shall not be a defense to a violation of this section.

History:

2005 Amendment. This chapter is added by Woodstock Village Ordinance Revision #25, adopted by the Board on September 26, 2005, effective November 25, 2005.

TITLE 6 NEWSRACKS

Chapter 1. General Provisions

§6101. Statement of facts and purpose

The Village of Woodstock is a commercially active but small community which possesses a natural beauty and an historic character which has long been recognized by its residents and others. Its economic base is substantially supported by that recognition and the tourism it generates. A large number of properties located in the Village are listed on both the National and State Registers of Historic Places. The commercial center of the Village is located wholly within a designated historic area wherein all buildings are regulated by a special design review procedure. The commercial center of the Village is also intersected by a major U.S. highway. As a result of the tourism and location of the major highway, the Village experiences a high volume of pedestrian and vehicular traffic and currently suffers from a shortage of designated parking.

The unregulated placement of coin-operated newsracks in public places in the Village poses a threat to the natural beauty, historic character, and aesthetic qualities of the Village, as well as to the safety of pedestrian and vehicular traffic.

The purpose of this chapter is to regulate the placement, installation, design, and maintenance of newsracks in public areas of the Village in order to further protect and preserve the aesthetic and historic characteristics of the Village and its economic base, and, in general, to promote the public health, safety, welfare and convenience of its residents and others. It is a further purpose of this chapter to recognize and give adequate protection to the rights of newspaper and news periodical owners to have their publications distributed.

§6102. Definitions

For purposes of this chapter, the following terms shall have the meanings set forth herein:

(1) "Historic area" means that area within the Village lying within the boundaries described and set forth in Section 4.101 of the Village of Woodstock Zoning Ordinance, as said provision may, from time to time be amended or substituted.

(2) "Newsrack" shall mean any coin-operated box, container, storage unit, or other dispenser installed, used, or maintained for the display and sale of newspapers or news periodicals.

(3) "Permitted area" means:

(A) Any portion of sidewalk not located in the historic area; and

(B) The following portions of sidewalk located in the historic area:

(i) That portion of the southerly edge of the sidewalk on the northerly side of Central Street located in front of the post office property which extends between points fifteen (15) feet and thirty (30) feet easterly of the easterly edge of the driveway leading into the post office parking lot and which is not occupied by existing mailboxes or utility fixtures. Notwithstanding the provisions of section 6104(2) of this chapter, one newsrack may be placed directly north of the light pole situated in such space.

(ii) That portion of the westerly edge of the sidewalk on the westerly side of Court Street located along the brick wall running along the parking lot serving the Woodstock Inn which extends between the northerly corner of said brick wall nearly opposite the courthouse and a point along said brick wall 10 feet southerly of said corner.

(iii) That portion of the northerly edge of the sidewalk on the northerly side of U.S. Route #4 located along the guardrails extending westerly from the westerly end of the iron bridge located nearly opposite the "Little Theater" which extends between the westerly end of said iron bridge and a point along said guardrails 10 feet westerly thereof.

(4) "Person" means any natural person, corporation, partnership, unincorporated association, firm, municipality, governmental unit or other legal entity.

(5) "Public area" means any area of the Village publicly owned or over which the public has a legal right-of-way or easement for any purpose including but not limited to, public highways, streets, roadways, sidewalks, parking areas, alleys, bridges, parks, and fields.

(6) "Restricted area" means any public area not lying within a permitted area.

(7) "Sidewalk" means any public area which has been paved and set aside for the exclusive use of pedestrians.

§6103. Prohibitions

(a) No person shall install, place, or maintain, or cause to be installed, placed, or maintained, a newsrack in any restricted area.

(b) No person shall install, place, or maintain, or cause to be installed, placed, or maintained, a newsrack in any permitted area unless such installation, placement, or maintenance is done in compliance with all of the standards outlined in section 6104 of this chapter.

§6104. General Standards

Any newsrack installed, placed, or maintained in any permitted area shall comply with all of the following standards:

(1) No newsrack shall be installed, placed, or maintained in such a manner as to:

(A) Endanger the safety of persons or property; or

(B) Unreasonably interfere with or impede:

(i) The flow of pedestrian or vehicular traffic:

(ii) The ingress or egress from any structure or building, whether residential, business, or

public;

- (iii) Any legally parked or stopped vehicle;
- (iv) The use of public fixtures including but not limited to, utility poles, mail boxes, fire alarms, traffic signals or signs, fire hydrants, or parking meters; or
- (v) The removal of snow, ice, leaves, or debris, whether the removal is a public or private duty.

(2) Unless otherwise provided in this chapter, a newsrack shall only be placed and maintained on the edge of a sidewalk and parallel to the curb either adjoining or within five (5) feet of an existing newsrack or at least three hundred (300) feet away from any existing newsrack. Compliance with this provision shall be determined as of the date the newsrack is originally placed at a specific location and such compliance shall not be affected by the subsequent removal or changes in placement of other newsracks.

(3) A newsrack shall not be chained, bolted or otherwise secured to any property owned by the Village or by any other person without permission of the owner therefor.

(4) No more than one (1) newsrack which contains the same issue or edition of the same newspaper or news periodical shall be placed or maintained in the historic area.

(5) Each newsrack shall have affixed to it in a permanent manner a visible, legible notice card not larger than eight (8) inches by twelve (12) inches containing substantially the same notice as follows:

IN CASE OF A MALFUNCTION OF THIS NEWSRACK OR AN ACCIDENT
INVOLVING IT OR TO SECURE A REFUND THE DISTRIBUTOR (OR OTHER
PERSON) WHO HAS PLACED AND MAINTAINS IT IS:

Name of Distributor (or other person)

Address of Distributor (or other person)

Telephone Number of Distributor (or other person)

(6) Each newsrack shall be maintained in a neat and clean condition and in good repair at all times.

(7) A newsrack shall not be installed, placed, or maintained;

- (A) Within three (3) feet of any marked crosswalk;
- (B) Within fifteen (15) feet of any fire hydrant;
- (C) Within three (3) feet of any fire call box or other emergency communication device including, but not limited to, public telephones;
- (D) Within six (6) feet of any driveway, public or private;
- (E) Within fifty (50) feet of the fire or police stations;
- (F) Within three (3) feet of any display window of any building abutting the sidewalk or in such manner as to impede or interfere with the reasonable use of such window for display purposes;
- (G) Within two hundred (200) feet of any other newsrack which contains the same issue or edition of the same newspaper or news periodical; or
- (H) At any location whereby the clear space for the passageway of pedestrians is reduced to less than four (4) feet in width.

(8) A newsrack shall not exceed five (5) feet in height, thirty (30) inches in width, or two (2) feet in depth.

(9) A newsrack shall not be used for advertising or publicity purposes other than that dealing

with the display, sale or purchase of the newspaper or news periodical offered for sale therein.

§6105. Agreement to Hold Harmless

Any person who installs, places, or maintains a newsrack in the Village of Woodstock shall, by such act or acts, be deemed to have agreed to defend (at the option of the Village) indemnify and hold harmless the Village, its officers, trustees, manager, agents, and employees, from and against all claims, causes of action, suits, losses, and damages, including expenses, attorney's fees, and costs, for bodily or personal injury and for property damage sustained by any person as a result of the installation, placement, use, or maintenance of such newsrack within the Village of Woodstock. A person who installs or places a newsrack in the Village of Woodstock shall, within fourteen (14) days of such installation or placement, file with the Village manager a written statement agreeing to so indemnify the Village of Woodstock.

§6106. [Repealed]

History:

1996 Amendment. Section which related to public nuisance was repealed by section 1(H) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

§6107. Notice of Violation

No action may be brought under this chapter against an alleged violator unless written notice of the date, place, and nature of the violation being alleged is mailed to such alleged violator by certified or registered mail and the violation alleged in said notice has not been remedied within seven (7) days after the date said notice is so mailed.

§6108. Severability

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and for this purpose the provisions of this chapter are severable.

TITLE 7
STREETS, HIGHWAYS, and SIDEWALKS

Chapter 1. Construction and Relocation of Private Driveways

§7101. Permit required

No person shall establish, construct, or relocate a private driveway, entrance way, or other private access or approach for use by motor vehicles (hereinafter "driveway") any portion of which is situated within the limits of a Village highway right-of-way, without first obtaining a permit from the Board of Trustees therefor from the Board of Trustees or from the Village Manager as hereinafter provided.

History:

2004 Amendment. Added "from the Board of Trustees or from the Village Manager as hereinafter provided." by section 1 of Woodstock Village Ordinance Revision #20, adopted by the Board on March 22, 2004, effective May 21, 2004.

§7102. Applications for permit

Applications for a permit required under section 7101 of this chapter shall be made to the Board in such form as shall be prescribed by the Board from time to time signed by or on behalf of the owner(s) of the private property upon which the activity for which the permit is sought is to be performed. All sketches, plats, drawings, and design plans and specifications required by such form of application for such project shall be attached to the application. A processing fee of \$25.00 shall accompany all applications, however this fee may be waived by the Board or by the Village Manager considering the application in the event an application for essentially the same project is being resubmitted for any reason within 90 days of the submission of a prior application by or on behalf of the same owner(s). An application shall be deemed completed when delivered to the office of the Village Manager, with all information requested on the form completely answered, together with the fee and any required sketches, plats, drawings, and plans.

History:

2004 Amendment. Added "or by the Village Manager considering the application" in the third sentence by section 2 of Woodstock Village Ordinance Revision #20, adopted by the Board on March 22, 2004, effective May 21, 2004.

§7103. Approval or denial of application; issuance of permit

(a) Upon receipt of a completed application and processing fee (if applicable), the Village Manager or designee shall note the date of receipt on the application. If the application, in whole or in part, involves a driveway which enters onto a local connector of U.S. Route #4, Vt. Route 12, or Vt. Route 106, then the Village Manager or designee shall place the consideration of such application on the agenda of the next regular meeting of the Board and such application shall be considered and determined by the Board unless the Board votes specifically to refer the consideration and determination of such application to the Village Manager, in which case it shall be considered and determined by the Village Manager. All other applications shall be considered and determined in the first instance by the Village Manager, provided, however, in the event the Village Manager finds special circumstances to warrant consideration and determination of the application by the Board, the Village Manager may refer the application to the Board, in which case it shall be considered and determined by the Board. Special circumstances may include new or unprecedented

proposed activities, activities which are part of a series of applications related at least in part to the aforementioned local connectors, and activities which raise questions pertaining to the application of the standards to the proposed activities. In any event, an applicant may object to the consideration and determination of its application by the Village Manager by filing a written objection with its application or by filing a notice of objection within 30 days of the date of any permit or permit denial issued by the Village Manager, in which cases the application shall be considered and determined by the Board.

(b) Upon consideration of such application and the standards set forth in section 7104 of this chapter where applicable, the Board or the Village Manager, as the case may be, shall grant or deny such application, with or without conditions, and if granting such application the Board or the Village Manager shall issue a permit therefor which specifically states any conditions.

History:

2004 Amendments. Added provisions in subsection (a) for allocating the consideration and determination of applications between the Board and the Village Manager and inserted clauses referring to the Village Manager in subsection (b) by section 3 of Woodstock Village Ordinance Revision #20, adopted by the Board on March 22, 2004, effective May 21, 2004.

§7104. Standards

(a) The driveway shall have a minimum width of twelve feet and a maximum width of twenty feet at any point lying within the Village highway right-of-way, provided however, a driveway serving only one single family dwelling may have a minimum width of eight feet and a maximum width of twenty feet at any such point.

(b) Any property other than a property having only one single or two family dwelling may have two driveways, provided said driveways are to be used separately for ingress and egress.

(c) All driveway construction shall be designed and constructed in such manner as will divert water and runoff from the driveway away from the Village street, highway, and sidewalk and also in such manner as will not interfere with or obstruct drainage ditches or other water courses. If a culvert is planned by the applicant or required by the Board or by the Village Manager, as the case may be, the applicant owner(s) shall bear all costs of installation and maintenance.

(d) The driveway shall, as nearly as possible, intersect and pass through the Village street, highway, and sidewalk at a right angle.

(e) The driveway shall be designed, constructed, and located in such manner as to provide safe passage over any sidewalk and safe access to the traveled portion of the Village highway or street. The slope of the driveway shall be the minimum slope necessary under the circumstances and, at and near the point of intersection with a sidewalk or traveled portion of a Village highway or street, shall be level with the traveled way for the maximum distance practicable under the circumstances using a recommended standard of twenty feet. The siting of the intersection of the driveway with a sidewalk or traveled portion of a Village highway or street shall be such as will maximize the view of on-coming pedestrian and/or vehicular traffic and provide, to the extent possible, at least fifty feet between any point on the driveway and the center of any highway intersections. Turnarounds shall be provided where possible to avoid the necessity of backing onto a public traveled way.

(f) The driveway shall be sited so as to minimize the need to alter the location of existing public parking spaces and crosswalks.

(g) Curb cuts may be permitted only if strictly necessary. If curb cuts are permitted, the Board or the Village Manager, as the case may be, may impose any and all such terms and conditions as it shall deem necessary to ensure that the work to be performed will be completed in a manner

consistent with other curb cuts made throughout the Village and result in the least amount of damage possible to remaining curbing. A performance bond may be required.

History:

General revision note: The word “traveled” as appears in subsection (e) was adopted with the spelling “travelled.”
2004 Amendments. Added clauses referring to the Village Manager in subsections (c) and (g) by section 4 of Woodstock Village Ordinance Revision #20, adopted by the Board on March 22, 2004, effective May 21, 2004.

§7105. Other permits

Except as and to the extent otherwise provided in the Woodstock Village Ordinances, the permit required by section 7101 of this chapter is intended to be in addition to and not in lieu of such other permits as may be required by any other applicable ordinances or laws.

Cross References:

1. See W.V.O. §7301.

§7106. Violation of permit terms and conditions

(a) Each person on whose behalf a permit is issued pursuant to this chapter ("the permittee") shall be jointly and severally responsible for the violation(s) of any term(s) and/or condition(s) of the permit regardless of the identity of the actual violator and whether or not the actual violator is the agent or invitee of the permittee and whether or not the permittee knows of the violation. Each term and/or condition of the permit violated constitutes a separate violation. If the foregoing language of this subsection is clearly set forth in the permit as issued, each violation of a term and/or condition thereof shall constitute a separate violation of this Ordinance and the permittee shall be subject to the penalties provided in the Woodstock Village Ordinances therefor, provided, however, only one penalty shall be assessed for each violation. The fact that the alleged violation or any prior violation resulted in the termination of the permit and any rights thereunder shall not constitute a defense to an action brought under this subsection.

(b) For all purposes under this section, a successor in title (in whole or in part) to the original permittee shall be treated the same as the original permittee.

§7107. [Repealed]

History:

1996 Amendment. Section relating to public nuisances and injunction was repealed by section 1(I) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

Chapter 2. Highway Obstructions

§7201. Structures permanently encroaching on highway right of way

Unless otherwise authorized by law or by action of the Board, no person shall build, erect, or construct or allow or cause to be built, erected, or constructed a fence, building, or other permanent structure or any portion thereof within any portion of the rights of way of Village streets and highways, provided however, any such fence, building, or other permanent structure presently existing so as to encroach upon the rights of way of Village streets and highways may be repaired, maintained, and reconstructed provided such encroachment is not thereby enlarged.

§7202. Structures temporarily encroaching on highway right of way

Unless otherwise authorized by law, by action of the Board, or by permit issued pursuant to a provision of the Woodstock Village Ordinances, no person shall place, erect, or maintain or cause to be placed, erected, or maintained a temporary structure or any portion of a temporary structure within any portion of the rights of way of Village streets and highways, provided, however, this provision shall not apply to the placement of a temporary structure or portion thereof outside the roadway portion of a highway right of way for less than twelve hours in one day which does not obstruct or interfere with pedestrian or other lawful traffic or use of the area outside the roadway portion of a highway right of way.

§7203. Diversion of water onto highway right of way

No person shall fill, excavate, or grade or allow or cause to be filled, excavated, or graded private land so as to divert the flow of water and runoff onto any portion of the rights of way of Village streets and highways.

§7204. [Repealed]

History:

1996 Amendment. Section setting penalties was repealed by section 1(J) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

§7205. [Repealed]

History:

1996 Amendment. Section relating to penalties was repealed by section 1(K) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

§7206. Water and sewer line maintenance; duties of owners

(a) The Board finds that leaking water from water and sewer lines has in the past created a public hazard by depositing debris or by pooling or icing over portions of Village streets and/or sidewalks from time to time due to lack of immediate remedial action by those responsible for correcting the leakage.

(b) For purposes of this section:

(1) The owner of a property served by a water or sewer service pipe shall be deemed to be the owner of the service pipe between the point at which such pipe connects to any structure on the property and the point at which such pipe connects to the water or sewer main line (hereinafter singularly and collective referred to as “a private service pipe”); and

(2) The water main lines are deemed to be owned by the person or company which is or ought to be licensed by the state of Vermont to operate such main lines (hereinafter whether one or more, “the water company”). The water company shall notify the Village Manager of such licensure and of which main lines are covered. The water company shall also provide current contact information as and when requested by the Village Manager.

(c) The owner of a private service pipe shall be responsible for its maintenance and repair and such owner shall have the duty to take all reasonable precautions to avoid leakage of such pipe(s).

(d) The water company shall be responsible for maintenance and repair of the water main lines and shall take all reasonable precautions to avoid leakage of such main(s).

(e) Upon knowledge or notification of a leak:

(1) The owner of a leaking private service pipe shall promptly take all action necessary to stop the leakage including closing appropriate valves and repairing or replacing any damaged pipe, and also shall take all such other remedial actions as are necessary to clear Village streets and sidewalks of accumulated water, ice, or debris;

(2) The water company shall promptly take all action necessary to stop the leakage of any main line including closing appropriate valves and repairing or replacing any damaged pipe, and also shall take all such other remedial actions as are necessary to clear Village streets and sidewalks of accumulated water, ice, or debris; and

(3) The water company shall promptly notify the Village Manager of any private service pipes suspected to be involved in any leakage and of the owner(s) of such water pipe(s), and also shall take all such other remedial actions as are necessary to assist such owner in performance of its duties hereunder.

(f) All actions required to be taken pursuant to any provision of this section shall also be done in compliance with other applicable ordinances, permits, laws, and regulations, including without limitation the provisions of Chapter 3 of this Title 7.

(g) In the event and/or to the extent that an owner of a leaking private service pipe or a water company shall fail to act when and as provided in the preceding provisions of this section, or in the event that a leakage occurs and notice cannot be given promptly for whatever reason, the Village may proceed to take and perform any and all action(s) which would have been required of the responsible party, in which event the Village shall have the right to recover an amount for actual employee time for such action(s) at the rate of fifty dollars per hour together with any actual expenditures related thereto, including without limitation the payment to subcontractors of the Village for time and/or expense in the performance of any such action(s), by action of contract on this subsection.

(h) Any person who shall violate subsection (c), (d), (e), or (f) of this section shall be subject to the penalties provided in the Woodstock Village Ordinances therefor whether or not the Village takes the remedial action(s) provided in subsection (g) of this section.

(i) Any person who shall refuse or neglect to pay any reimbursement which is due pursuant to subsection (g) of this section shall be subject to the penalties provided in the Woodstock Village Ordinances therefor. This offense is separate from and in addition to the offense set forth in subsection (h) of this section.

(j) This section does not regulate runoff water separate from water and sewer service pipes.

History:

2005 Amendment. Section 7206 was added by section 1 of Woodstock Village Ordinance Revision #24, adopted by the Board on May 24, 2005, effective July 23, 2005.

§7207. Runoff from sump pumps, hoses, roof drains, and other discharges

(a) No person shall allow water discharging through a sump pump, hose, roof drain or by other artificial device or means, directly or indirectly, to run off onto Village streets and/or sidewalks.

(b) Upon notice or knowledge of any unlawful discharge of water under subparagraph (a), the responsible person shall promptly take all action necessary to stop the discharge from running off onto Village streets and/or sidewalks.

(c) Whenever there is an unlawful discharge of water allowed to run off onto Village streets and/or sidewalks, the Village may cause such streets and/or sidewalks to be cleared of accumulated water, ice, or debris so as to be rendered safe for vehicular and/or pedestrian traffic, in which event

the Village shall have the right to recover an amount for actual employee time for such action(s) at the rate of fifty dollars per hour together with any actual expenditures related thereto, including without limitation the payment to subcontractors of the Village for time and/or expense in the performance of any such action(s), by action of contract on this subsection.

(d) Any person who shall violate subsection (a) or (b) of this section shall be subject to the penalties provided in the Woodstock Village Ordinances therefor whether or not the Village takes the remedial action(s) provided in subsection (c) of this section.

(e) Any person who shall refuse or neglect to pay any reimbursement which is due pursuant to subsection (c) of this section shall be subject to the penalties provided in the Woodstock Village Ordinances therefor. This offense is separate from and in addition to the offense set forth in subsection (d) of this section.

(f) This section does not regulate runoff water from leaking water and sewer service pipes.

History:

2005 Amendment. Section 7207 was added by section 2 of Woodstock Village Ordinance Revision #24, adopted by the Board on May 24, 2005, effective July 23, 2005.

Chapter 3. Excavation of Streets, Highways, or Sidewalks

§7301. Permit required

No person shall excavate within the limits of any Village street, highway, or sidewalk for the purpose of installing, repairing, or maintaining water, sewer, or utility lines or for any other purpose, without first obtaining a permit therefor from the Board of Trustees or from the Village Manager as hereinafter provided, provided however, this provision shall not apply to a person authorized to excavate without a permit pursuant to section 7306 of this chapter nor shall this provision apply to any act for which a permit has been obtained under section 7101 of this title.

History:

2004 Amendment. Section was amended generally to allow issuance of permits by Village Manager by section 1 of Woodstock Village Ordinance Revision #18, adopted by the Board on December 15, 2003, effective February 14, 2004.

§7302. Applications for permit

Applications for a permit required under section 7301 of this chapter shall be made to the Board in such form as shall be prescribed by the Board from time to time and shall be signed by the applicant or an agent of the applicant. All sketches, plats, drawings, and design plans and specifications required by such form of application for such project shall be attached to the application. A processing fee of \$25.00 shall accompany all applications, however this fee may be waived by the Board or by the Village Manager considering the application in the event an application for essentially the same project is being resubmitted for any reason within 90 days of the submission of a prior application by or on behalf of the same applicant. An application shall be deemed completed when delivered to the office of the Village Manager, with all information requested on the form completely answered, together with the fee and any required sketches, plats, drawings, and plans.

History:

2004 Amendment. Section was amended generally by section 2 of Woodstock Village Ordinance Revision #18, adopted by the Board on December 15, 2003, effective February 14, 2004.

2004 Second Amendment. Erroneous reference to §7101 was corrected to §7301 by section 5 of Woodstock Village Ordinance Revision #20, adopted by the Board on March 22, 2004, effective May 21, 2004.

§7303. Approval or denial of applications; issuance of permit

(a) Upon receipt of a completed application and processing fee (if applicable), the Village Manager or designee shall note the date of receipt on the application. If the application, in whole or in part, involves proposed excavation of a local connector of U.S. Route 4, Vt. Route 12, or Vt. Route 106, then the Village Manager or designee shall place the consideration of such application on the agenda of the next regular meeting of the Board and such application shall be considered and determined by the Board unless the Board votes specifically to refer the consideration and determination of such application to the Village Manager, in which case it shall be considered and determined by the Village Manager. All other applications shall be considered and determined in the first instance by the Village Manager, provided, however, in the event the Village Manager finds special circumstances to warrant consideration and determination of the application by the Board, the Village Manager may refer the application to the Board, in which case it shall be considered and determined by the Board. Special circumstances may include new or unprecedented proposed activities, activities which are part of a series of applications relating at least in part to the aforementioned local connectors, and activities which raise questions pertaining to the application of the standards to the proposed activities. In any event, an applicant may object to the consideration and determination of its application by the Village Manager by filing a written objection with its application or by filing a notice of objection within 30 days of the date of any permit or permit denial issued by the Village Manager, in which cases the application shall be considered and determined by the Board.

(b) Upon consideration of such application and the standards set forth in section 7304 of this chapter where applicable, the Board or the Village Manager, as the case may be, shall grant or deny such application, with or without conditions, and if granting such application the Board or the Village Manager shall issue a permit therefor which specifically states any conditions to be imposed which are not listed in the standard conditions set forth in section 7305 of this chapter.

History:

2004 Amendment. Section was amended generally by section 3 of Woodstock Village Ordinance Revision #18, adopted by the Board on December 15, 2003, effective February 14, 2004.

§7304. Standards

(a) Plans submitted shall satisfy, at a minimum, the specifications contained in the standard conditions set forth in section 7305 of this chapter, to the extent applicable.

(b) A cash performance bond or cash deposit shall be required to secure the proper restoration of any street, highway, or sidewalk to be affected by the proposed excavation. The amount of said bond shall reasonably calculated to reflect the actual cost of restoration.

(c) An applicant shall insure that adequate precautions will be taken to protect public safety during the project period and when vehicular traffic must be diverted or halted for significant periods of time, the plans shall include usage of adequate numbers of traffic control persons or devices at applicant's expense.

(d) Plans shall be developed with a view toward minimizing any reasonably foreseeable

interference with the use of lands abutting the project area and access thereto.

(e) If excavation of a concrete sidewalk is necessary, plans shall be formed in such manner as to insure that only such slabs as must necessarily be torn up shall be torn up and plans shall specify the slabs involved. If the slabs to be torn up contain access ramps for handicapped pedestrians, then plans shall include alternate provisions for such persons to be in place during the project period.

(f) Plans shall not include the breaking up or division of sections of granite curbing unless the plan also includes provisions for complete replacement of such section of granite curbing.

(g) All plans for the project shall be formulated so as to minimize the amount of excavation necessary during the project and minimize the amount of time necessary to complete the project.

§7305. Standard conditions

Any permit issued under this chapter shall be deemed to include the following standard conditions, to the extent applicable:

(1) Any excavation of a concrete sidewalk and restoration thereof shall be done according to the following minimum standards and procedures:

(A) The entire concrete slab surrounding any excavated portion shall be excavated to the expansion joints and cutting shall be done with a saw;

(B) Gravel taken from under the location of a concrete slab shall be returned to the place from which it was taken and compacted to 95% compaction;

(C) Expansion joints shall be installed between existing concrete and any replacement slab abutting it and also between replacement slabs when more than one abutting slab has been removed, all to be done in conformity with other joints then existing;

(D) The entire concrete slab shall be poured to a depth of four inches; and

(E) A bonding agent shall be used when pouring the new concrete.

(2) Any excavation of macadam sidewalks or streets and restoration thereof shall be done according to the following minimum standards and procedures:

(A) The pavement shall be cut with a jackhammer, saw, or other tool to make an even cut;

(B) Gravel taken from under the location of the pavement shall be returned to the place from which it was taken and compacted to 95% compaction in layers of at least six inches;

(C) Hot mix shall be installed to the depth of the existing pavement and compacted;

(D) A bonding agent shall be used between the existing pavement and the patch; and

(E) Any affected concrete underlay shall be replaced with the same thickness of concrete as existed at the time of the excavation.

(3) All restoration shall be completed by the permittee promptly within five calendar days and at its sole expense, and be approved by the Village Manager. To the extent minimum standards therefor are not specified above, such restoration shall be done in such manner as shall result in restoring the excavated area as nearly as possible to the conditions as existed prior to such excavation.

§7306. Emergency excavations; prohibition

(a) Whenever there exists a bona fide emergency wherein adherence to the above permit procedures would result in substantial damage to persons or property, a person responsible for making such repairs as will necessitate an excavation regulated by this chapter, or such person's agents or employees, may proceed at once to make such excavation as is necessary to meet the exigent circumstances, without first obtaining a permit, provided however, such person and his

agents and employees, shall be bound by any applicable standard conditions contained in section 7305 of this chapter and such other conditions as the Board or the Village Manager, as the case may be, may reasonably thereafter impose in connection with such emergency excavation. In such emergency, notification shall be given as soon as possible to the first available of the Village highway foreman, the Village manager, or the chairman of the Board, in that order. Such person and his or her agents and employees shall be responsible for following the directions of such Village official. In the event there is objection to any or all directions given by such Village official hereunder, the person objecting may appeal such decision by making application to the Board as provided in this chapter, provided, however, such application shall bring before the Board or the Village Manager only such matters as are specifically objected to in the application.

(b) No person proceeding under the authority of this section shall, either directly or through agents, employees, or others, violate any condition imposed by virtue of this section. Each condition violated constitutes a separate violation.

History:

1996 Amendment. Section was amended generally by deleting the last two sentences of the existing provision relating to penalty, be redesignating the existing provision as amended as subsection (a), and by adding subsection (b) defining prohibition, by section 10 of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996. Revision note: catchline was amended to add reference to prohibition.

2004 Amendment. Subsection (a) was amended generally by section 4 of Woodstock Village Ordinance Revision #18, adopted by the Board on December 15, 2003, effective February 14, 2004. Revision note: adoption was with erroneous section number corrected by 2004 Second Amendment.

2004 Second Amendment. Caption amended to properly reflect section number (§7306) by section 6 of Woodstock Village Ordinance Revision #20, adopted by the Board on March 22, 2004, effective May 21, 2004.

§7307. Violation of permit terms and conditions

Each person on whose behalf a permit is issued pursuant to this chapter ("the permittee") shall be jointly and severally responsible for the violation(s) of any term(s) and/or condition(s) of the permit regardless of the identity of the actual violator and whether or not the actual violator is the agent or invitee of the permittee and whether or not the permittee knows of the violation. Each term and/or condition of the permit violated constitutes a separate violation. If the foregoing language of this section is clearly set forth in the permit as issued, each violation of a term and/or condition thereof shall constitute a separate violation of this Ordinance and the permittee shall be subject to the penalties provided in the Woodstock Village Ordinances therefor, provided, however, only one penalty shall be assessed for each violation. The fact that the alleged violation or any prior violation resulted in the termination of the permit and any rights thereunder shall not constitute a defense to an action brought under this section.

History:

1996 Amendment. Section was amended generally by section 11 of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996. Revision note: catchline was amended to delete reference to penalty, which is now covered by Chapter 3 of Title 1, W.V.O., and to describe prohibition of revised section.

§7308. Additional remedy

In the event the permittee or a person authorized to proceed without a permit under section 7306 of this chapter who does so proceed shall fail to comply with all applicable conditions after written notification from the Village of such conditions as have not been met, in addition to the

penalties otherwise imposed by the Woodstock Village Ordinances, the Village shall have the authority to proceed to make all repairs and to do such other acts as are necessary to complete the project as required under such conditions and if such authority is so exercised, the Village shall be entitled to recover its costs from such person in an action of contract based on this provision.

History:

1996 Amendment. Section was amended to change reference to penalties “imposed by the Woodstock Village Ordinances,” by section 12 of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

§7309. [Repealed]

History:

1996 Amendment. Section relating to public nuisances and injunction was repealed by section 1(L) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

Chapter 4. General Prohibitions and Requirements

§7401. Dumping snow or ice on public ways prohibited

(a) No person shall shovel, plow, shoot, or otherwise place, dump, or throw any snow or ice from private property onto any Village street, highway, or sidewalk.

(b) No person shall allow an agent or employee to shovel, plow, shoot, or otherwise place, dump, or throw any snow or ice from property owned or occupied by such person onto any Village street, highway, or sidewalk.

History:

1996 Amendment. Section was amended generally by revising subsections (a) and (b) and by deleting the former penalty subsection, by section 13 of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

§7402. Owner required to remove snow and ice from Village sidewalks

(a) Owners of property abutting a Village sidewalk shall cause said sidewalk to be cleared of accumulated snow or ice or otherwise rendered safe for pedestrian traffic to a minimum width of three feet within twenty-four hours of such accumulation.

(b) The Village may cause any sidewalk or portion thereof to be cleared of accumulated snow or ice or otherwise rendered safe for pedestrian traffic if, after twenty-four hours of such accumulation, any snow or ice has not been cleared or maintained as required in subsection (a) of this section, in which event the Village shall have the right to recover its expense for such snow or ice removal and/or maintenance at the rate of forty dollars per hour or portion thereof by action of contract on this subsection.

(c) Any person who shall violate subsection (a) of this section shall be subject to the penalties provided in the Woodstock Village Ordinances therefor whether or not the Village takes the remedial action provided in subsection (b) of this section.

(d) Any person who shall refuse or neglect to pay any reimbursement which is due pursuant to subsection (b) of this section shall be subject to the penalties provided in the Woodstock Village Ordinances therefor. This offense is separate from and in addition to the offense set forth in subparagraph (c) of this section.

History:

1996 Amendment. Subsections (c) and (d) were amended generally by section 14 of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

2004 Amendment. Subsection (b) was amended to increase rate from twenty-five dollars to forty dollars and to add clarity to the subsection by the first provision of Woodstock Village Ordinance Revision #21, adopted by the Board on June 28, 2004, effective August 26, 2004. Revision note: open parentheses were added to subsection references to conform style.

§7403. Removal of fallen snow and ice; penalty

(a) Owners of buildings and/or structures from which snow and/or ice have fallen upon a Village street or public parking area shall cause said street and/or parking area to be cleared of such snow and/or ice within twenty-four hours.

(b) The Village may cause any street or public parking area or any portions thereof to be cleared of snow or ice which has fallen from private buildings or structures if, after twenty-four hours, the same has not been cleared as required in subsection (a) of this section, in which event the Village shall have the right to recover its expense for such snow or ice removal and/or maintenance at the rate of forty dollars per hour or portion thereof by action of contract on this subsection.

(c) Any person who shall violate subsection (a) of this section shall be subject to the penalties provided in the Woodstock Village Ordinances therefor whether or not the Village takes the remedial action provided in subsection (b) of this section.

(d) Any person who shall refuse or neglect to pay any reimbursement which is due pursuant to subsection (b) of this section shall be subject to the penalties provided in the Woodstock Village Ordinances therefor. This offense is separate from and in addition to the offense set forth in subparagraph (c) of this section.

History:

1996 Amendment. Subsections (c) and (d) were amended generally by section 15 of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996. Revision note: catchline was amended to delete reference to penalty, which is now covered by Chapter 3 of Title 1, W.V.O.

2004 Amendment. Subsection (b) was amended to increase rate from twenty-five dollars to forty dollars and to add clarity to the subsection by the second provision of Woodstock Village Ordinance Revision #21, adopted by the Board on June 28, 2004, effective August 26, 2004. Revision note: open parentheses were added to subsection references to conform style.

§7404. Horses on Village sidewalks prohibited; exceptions

(a) No person shall ride or walk a horse on any Village sidewalk.

(b) No person shall lead, direct, or allow a horse to stand on or traverse any portion of a Village sidewalk.

(c) Subsections (a) and (b) of this section shall not apply to a person who must, of necessity, cross a Village sidewalk with a horse to gain access to private property when riding or walking such horse provided, at the time of such crossing, the horse is kept under the control of such person, such crossing is made by the shortest route possible, and due regard is given for the safety of pedestrians using the sidewalk.

(d) [Repealed]

History:

1996 Amendment. Subsection (d) was repealed by section 1(M) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

§7405. Duty to maintain driveway culverts

(a) Within seven days of receipt of written notice from the Village Manager therefor, a property owner shall cause any culverts existing under any driveway on his or her property to be cleared of all debris, ice, and other obstructions.

(b) [Repealed]

History:

1996 Amendment. Subsection (b) was repealed by section 1(N) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996. Caption was revised accordingly.

§7405a. Display of merchandise on or over sidewalks prohibited; exceptions

(a) No person shall place, display, or maintain, or cause to be placed, displayed, or maintained, any merchandise offered for sale, or offered as a sample of merchandise being offered for sale, upon or over any Village sidewalk.

(b) The provisions of this section shall not apply to any person acting under the authority of and pursuant to a valid license or permit issued under any provisions of the Woodstock Village Ordinances when such license or permit specifically authorizes such act, nor shall they apply to any person with respect to the placement or maintenance of newsracks as defined in W.V.O. §6102(2) or of any other newspaper racks or magazine racks.

(c) [Repealed]

(d) [Repealed]

History:

1996 Amendment. Section number was redesignated and subsections (c) and (d) were repealed by section 16 of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996. Caption was revised accordingly.

§7406. Hanging items from awnings over sidewalks prohibited

(a) No person shall hang or maintain, or cause to be hung or maintained, any sign, plant, decorations, or other item or items from any awnings or structures supporting awnings extending over any Village sidewalk, nor shall any person place or maintain, or cause to be placed or maintained, any item or items upon or in any manner attached to any such awnings or structures.

(b) [Repealed]

(c) [Repealed]

History:

1996 Amendment. Subsections (b) and (c) were repealed by sections 1(O) and (P), respectively, of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996. Caption was revised accordingly.

§7407. Plants, planters and window boxes on or above sidewalks; protection of sidewalk use

(a) No person shall place or maintain, or cause to be placed or maintained, any plants, window boxes, or planters on or above Village sidewalks in such manner as will obstruct the reasonable use of a Village sidewalk by pedestrians. This provision applies whether the plants are real or artificial.

(b) For purposes of this section, maintaining plants in a window box or planter which, together with any supporting structure, does not extend further than one foot onto or over the sidewalk from the side of the building to which such object is attached or to which such object is near shall not be

deemed to obstruct the reasonable use of a Village sidewalk by pedestrians provided all plants in said window box or planter shall be maintained so as not to extend more than one foot and six inches from the side of the building and further provided no other hazard exists with respect to the box, planter, or plant.

(c) This section shall not apply when the same act constitutes a violation of section 7406(a) of this chapter.

(d) Placement and maintenance of plants, window boxes, or planters in compliance with this section shall not require a permit under section 7407a of this chapter. Any such objects not in compliance with this section but proposed to be placed on the sidewalk nevertheless, shall require a permit under section 7407a of this chapter.

History:

1996 Amendment. Subsections (d) and (e) of original §7407 now replaced by 2002 Amendment were repealed by sections 1(Q) and (R), respectively, of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996. Caption was revised accordingly.

2002 Amendment. Original §7407 was amended generally, including caption, by section 1 of Woodstock Village Ordinance Revision #15, adopted by the Board on June 27, 2002, effective August 23, 2002.

§7407a. Placement or maintenance of objects on sidewalks prohibited; permits for limited uses; standards; exceptions

(a) No person shall place or maintain, or cause to be placed or maintained, any object of any kind on a Village sidewalk unless expressly authorized by permit issued for limited purposes pursuant to this section or unless expressly authorized by any other section of the Woodstock Village Ordinances and any required license or permit issued thereunder. Certain special exemptions are set forth in subparagraph (e) of this section.

(b) Upon proper application therefor, the Board or its designee may issue permits for the placement and maintenance of certain objects on a Village sidewalk for the purposes and in accordance with the standards set forth in subsection (c) of this section. Permits may include conditions to ensure compliance with the standards set forth herein and protection of the public safety. Permits may also include time limitations both as to the duration of the permit and as to specific times during the permit period when the objects must be removed or special precautions must be taken. All permits shall contain a provision that the permit lapses and all permission thereunder terminates upon the effective date of any amendment to this section or other related bylaw which would render the object not in compliance with the updated provisions. All permits hereunder are issued subject to changes in standards, procedures, and other provisions and no person shall be entitled to compensation for any expenses needed to remain in compliance with changing provisions.

(c) The Board or its designee shall apply the following standards in connection with its decisions regarding issuance of permits hereunder and imposition of any conditions:

(1) Permits may be issued only for window boxes and planters proposed for placement on the Village sidewalk but not exempted under section 7407 of this chapter, for benches intended for transient seating by the general public, and for steps and ramps intended for access to a building. Objects accessory to such items may also be permitted. No other objects shall be permitted on Village sidewalks, whether or not currently existing. Existing objects on the sidewalk are not grandfathered except as provided in subparagraph (e) of this section. For purposes of this provision, the word “bench” means a wood and/or metal seat optionally with a full length back extending at least 15 inches high measured from the plane of the seat, and arms at each end, having

a seating area at least 54 inches long and 15 inches deep.

(2) The exact location of the object shall be regulated so as to provide a corridor at least five feet wide for unimpeded pedestrian traffic on the sidewalk. Accordingly, no point on the object for which a permit is sought shall be within a radius closer than five feet from any point on any meter, tree, signpost, lightpost, trash can, or similar object placed by the Village from time to time (specifically including the center hole of any grate or other envelop or buffer area not paved like the surrounding sidewalk area), or within a radius closer than five feet from the street edge of any portion of the sidewalk curb.

Also, no point on the object for which a permit is sought shall be within a radius closer than five feet from any ramp in the sidewalk intended for access to a crosswalk whether or not the crosswalk is in existence at the time of the application. Also, no point on the object for which a permit is sought shall be within a radius closer than five feet from any steps ramps and their associated railing intended for access to a building.

The object shall be placed next to the building owned or leased by the applicant, and not across the sidewalk or otherwise away from such building. Applicants shall include a sketch showing dimensions and proposed location of object sufficient to prove compliance with the distance regulations of this subsection, and, with respect to a bench, the minimal measurement requirements set forth in subparagraph (1) above.

(3) The object shall be stationary and free standing.

(4) The object must not have conditions which could reasonably be considered a danger or hazard to the public safety such as sharp edges or thorns. Chains for securing the object may or may not be allowed depending upon analysis of safety concerns.

(5) The object shall at all times be maintained in good repair and condition.

(6) The object and its placement shall be in compliance with all other applicable ordinances and state laws if any. Any required governmental permit shall be issued (although it may be subject to appeal) prior to applying for the permit hereunder and such permit(s) shall be attached to the application. Any permit issued under this section may be conditioned upon such other permit(s) being in full force and effect and fully complied with. The placement of any object for which a permit is issued under this section shall not interfere with the proper placement of any other object lawfully situated on the Village sidewalks.

(7) No words, numbers, advertising logos or other writings or symbols shall be placed on the object, and nothing shall be allowed to be attached to the object which is not part of the originally permitted object. The object shall not become a sign or advertisement for the business operated by the applicant or lessee. This provision is not intended to prohibit an object with general manufacturer logo or words placed on it by the manufacturer.

(8) Applicant shall provide a certification by an insurance company licensed to do business in this state that the person or entity for which a permit is sought is presently insured in an amount reasonably sufficient to cover any liability and/or risk which might reasonably be expected to arise by reason or in consequence of the placement of the object on the sidewalk and that the insurance company will notify the Village Manager in the event such insurance is canceled for any reason whatsoever.

(9) Applicant shall, and does hereby, agree to hold the Village harmless from any and all claims for damages from whatsoever cause incidental to the exercise of the permission to place an object on the Village sidewalk, including without limitation claims of third parties, which agreement to indemnify shall also include court costs and reasonable attorney fees incurred by the Village to defend against said claims or to enforce this indemnification.

(10) Applicant shall grant permission for immediate removal of violating objects after seven days prior notice in writing to the permit holder, provided, however, objects causing a substantial or demonstrated safety hazard (including without limitation any failure to maintain the required corridor width as set forth in subsection (2) above) may be removed immediately with notice as soon as practicable thereafter. All notices shall include a description of the action taken and the place of storage. Applicant shall agree in advance to pay the Village's actual moving and storage costs for the exercise of its removal rights hereunder. The Village shall not be responsible for damage to the object removed whether the damage occurs in the removal or storage process. Applicant shall indemnify the Village from any liability for such damage.

(11) Permits shall only be issued to legal owners or current legal occupants of the building adjoining the sidewalk area where the objects are to be placed. Applicants shall provide reasonably acceptable proof to verify such status. A permit shall terminate automatically upon termination of such status, without further notice. For example, upon termination of lessee status, the lessee's permit will automatically terminate and all objects remaining on the sidewalk covered by the permit shall no longer enjoy the benefits of the permit and must be removed immediately.

(d) Applications shall be made to the Board or its designee on forms from time to time provided for such purpose. A processing fee of \$25 shall be submitted with each application, provided, however, the fee may be waived for minor (for example, applications regarding existing sidewalk objects), corrective, or supplemental applications or for applications by non-profit organizations from Woodstock in the discretion of the Board or its designee. The application and fee should be submitted to the office of the Village Manager.

(e) In addition to the exemptions referred to in subparagraph (a) of this section, this section shall not apply to the following objects placed on Village sidewalks:

(1) Steps and ramps as currently existing on Village sidewalks shall not require a permit under this section, however a permit shall be required for any change in design of the steps or ramp and a permit shall also be required for any expansion of the area of sidewalk involved.

(2) Permits granted for steps and ramps shall not contain an expiration date but may be terminated for cause.

(3) Objects placed and maintained upon Village sidewalks pursuant to direction of the Board, such as trees, signs, grates, and meters shall not require a permit under this section.

(4) Window boxes and planters which are exempt as provided in section 7407(d) of this chapter shall not require a permit under this section.

(5) Existing objects for which a permit is required hereunder, shall be allowed to remain in place without permit for a period of 90 days from the original effective date of this section.

(f) No person on whose behalf a permit is issued under this section shall violate any term or condition contained in such permit or allow others to violate any such term or condition. The fact that the alleged violation or any prior violation resulted in the termination of the permit and any rights thereunder shall not constitute a defense to an action brought under this subsection. Joint permittees shall be jointly and severally responsible for the violations(s) referred to in this subsection regardless of the identity of the actual violator and whether or not the actual violator is the agent or invitee of the permittee and whether or not the permittee knows of the violation at the time it was originally committed. This subsection shall not apply unless written notice of the alleged violation(s) is sent to the person against whom enforcement is sought at least 7 days prior to the commencement of any enforcement action, nor shall this subsection apply if such person cures the alleged violation(s) within such 7 day period.

(g) The Village may remove or cause to be removed any and all objects placed on a Village

sidewalk in violation of this section, provided, however, written notice of the alleged violation(s) shall be sent to the owner of the adjoining building (or known lessee) at least 7 days prior to such removal, and this subsection shall not apply if such owner (or known lessee) cures the alleged violation(s) within such 7 day period. Notwithstanding the foregoing, if an object is causing a substantial or demonstrated safety hazard (including failure to maintain the required corridor) the Village may remove such object, or cause it to be removed, immediately with notice as soon as practicable thereafter. All notices shall include a description of the action taken and the place of storage. The claimant for the object shall be responsible for all actual moving and storage costs of the Village for the exercise of its removal rights hereunder. In any event, the Village shall not be responsible for damage to the object removed whether the damage occurs in the removal or storage process.

History:

2002 Amendment. Section 7407a was added by section 2 of Woodstock Village Ordinance Revision #15, adopted by the Board on June 27, 2002, effective August 23, 2002.

§7408. Sound amplifying devices

(a) No owner or lessee of a building or portion thereof shall, on a regular basis, operate a record, stereo, disk, tape, or other sound amplifying speaker or device, the sound from which is primarily intended to be and is projected from such building or portion thereof or from the lot upon which such building is situated so as to be heard by pedestrians on any portion of the Village sidewalks within a radius of twenty-five feet from any portion of such lot.

(b) For purposes of this section the phrase "on a regular basis" shall mean more than twenty days in any calendar year.

(c) The prohibition contained in this section shall not apply to an owner or lessee which is a public, educational, religious, charitable, or other not-for-profit organization provided the building or portion thereof or land involved is used exclusively for any such not-for-profit purpose and the speaker or device is not so operated in excess of thirty minutes a day.

History:

1996 Amendment. Former subsections (c) and (d) were repealed by sections 1(S) and (T), respectively, of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

Second 1996 Amendment. Section was amended generally by adding "or portion thereof" after the first two occurrences of the word "building" in subsection (a), by rewording the final clauses of subsection (a), by adding a new subsection (c) providing an exemption for not-for-profit organizations to replace the former subsection (c), and by deleting entirely any reference to former subsection (d), by section 1 of the Woodstock Village Ordinance Revision #6, adopted by the Board on August 26, 1996, effective October 25, 1996.

TITLE 8
TRAFFIC, VEHICLES & PARKING

Chapter 1. General Provisions

Subchapter 1. Definitions

§8101. Definitions of words and phrases

For the purposes of this title, the following words and phrases shall have the meanings set forth herein unless the context clearly indicates otherwise:

(1) "Authorized emergency vehicle" means any vehicle of a fire department, any police vehicle, any public or private ambulance, any Village highway department vehicle, any vehicle operated by a public health officer in attending the duties of such office, any vehicle of a publicly regulated utility on an emergency call, and any vehicle for which a siren and signal lamp permit has been issued pursuant to 23 V.S.A. §1252(a)(1) or §1252(a)(2).

(2) "Bicycle" means every device propelled by human power upon which an individual or individuals may ride having two tandem wheels either of which is sixteen inches or more in diameter.

(3) "Bus" means a motor vehicle longer than twenty-five feet with a seating capacity of more than seven individuals operated upon the public roadways for the purposes of receiving, discharging and/or transporting passengers for hire.

(4) "Bus loading zone" means the following portions of roadway in the Village during the periods of time specified:

(A) On the south side of South Park Street from a point beginning at the intersection of South Park Street and Central Street and extending westerly a distance of fifty feet, at any time;

(B) On the west side of Court Street from a point beginning fifteen feet south of the intersection of South Park Street and Court Street and extending southerly a distance of fifty feet, at any time;

(C) On the west side of Elm Street from a point beginning at the intersection of Elm Street and Central Street and extending northerly a distance of fifty feet, at any time;

(D) On the west side of Court Street from the southernmost point of the loading zone defined in subsection (4)(B) of this section and extending southerly a distance of fifty feet, from September 1 to October 31, inclusive, of each year from 8:00 A.M. to 8:00 P.M.; and

(E) On the north side of North Park Street from a point ten feet west of the westerly boundary line of the Town Hall property and extending westerly a distance of fifty feet, from September 1 to October 31, inclusive, of each year from 8:00 A.M. to 8:00 P.M.

(5) "Chief of Police" means the chief of the Village Police Department, or, in his or her absence or if there is a vacancy in that position, then the individual designated by the Trustees to perform the duties of Chief of Police from time to time.

(6) "Crosswalk" means

(A) That portion of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the edges of the traversable roadway; and

(B) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by painted lines or other durable markings on the surface of the roadway.

(7) "Curb" means the lateral boundary of a roadway whether such boundary is marked by

curbing construction or not so marked.

(8) "Driver" means an individual engaged in operating or attempting to operate a vehicle or who is in actual physical control of a vehicle.

(9) "Edge of the roadway" means the extreme limit of the paved or traveled area within the boundaries of the highway exclusive of sidewalk areas and shoulders.

(10) "Gross vehicle weight" means the total weight of any vehicle or combination of vehicles and the load or loads thereof as defined by Vermont statute.

(11) "Highway" means the same as "street".

(12) "Individual" means a natural person.

(13) "Intersection" means the area included within the prolongation of the property lines of two or more streets which join at an angle, whether or not such streets cross, and "intersect" and "intersecting" when referring to a street or roadway means to join at an angle, whether or not crossing.

(14) "Moped" shall have the same meaning as "motorcycle".

(15) "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

(16) "Motor vehicle" means every vehicle which is propelled or drawn by power other than muscular power.

(17) "Official traffic-control devices" means all signs, markings, and devices not inconsistent with this title or applicable Vermont law placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic or parking.

(18) "Operator" shall have the same meaning as "driver".

(19) "Owner" when referring to vehicles shall mean any person holding legal title to a vehicle or having exclusive right to the use or control thereof for a period of thirty days or more.

(20) "Park" or "Parking" when prohibited or restricted means to stand a vehicle whether or not occupied, whether or not the engine is running, and whether or not loading or unloading passengers, baggage, or freight.

(21) "Parking meter" means a mechanical device placed in accordance with this title at any parking meter space in the parking meter zone, which device continuously indicates, by the use of a clock mechanism, the amount of available parking privilege time remaining for any vehicle then parked in such space provided the individual who has parked such vehicle in such space shall not then be violating some other provision of this title.

(22) "Parking meter space" means any portion of a highway or public parking area within the parking meter zone designated for the parking of a single vehicle by lines painted or otherwise durably marked on the surface of such highway or area in accordance with this title and at or adjacent to which is placed a parking meter.

(23) "Parking meter zone" means any portions of Village highways and public parking areas situated within the following limits:

(A) The northerly side of Central Street beginning in front of a property known as 28 Central Street and extending westerly to Elm Street;

(B) The southerly side of Central Street beginning in front of a property known as 79 Central Street westerly to the easterly terminus of South Park Street;

(C) The easterly side of Elm Street from Central Street northerly to Pleasant Street;

(D) The westerly side of Elm Street from property located at 6 Elm Street northerly to the Congregational Church property;

(E) The northerly side of North Park Street from Elm Street westerly to Mountain Avenue;

(F) The southerly side of North Park Street from the easterly end of the Village Green to the westerly end of the Village Green;

(G) The northerly side of South Park Street from the easterly end of the Village Green to the westerly end of the Village Green;

(H) The southerly side of South Park Street from the westerly terminus of Central Street westerly to Court Street;

(I) The easterly side of Mechanic Street from the southerly boundary of the Blacksmith Shop property, so-called, southerly to the footbridge crossing the Kedron Brook;

(J) The public parking area situated westerly of Mechanic Street in back of the buildings fronting on Central Street from its westerly boundary easterly to The Alley, so-called, except the Vermont National Bank building and the Jones Block, so-called; and

(K) The southerly side of Pleasant Street from the intersection of Elm Street easterly to the Kedron Brook.

(24) "Pedestrian" means any individual afoot.

(25) [Reserved]

(26) "Police officer" means every officer of the Village Police Department including the Chief of Police and any other officer authorized to direct or regulate traffic or to issue citations, summonses, or make arrests for traffic offenses or violations.

(27) "Private road" or "driveway" means every way or place in private ownership and used for vehicular traffic by the owner, anyone having express or implied permission from the owner, and anyone lawfully entitled to such use.

(28) "Property line" means the line marking the boundary between any street and the lots or property abutting thereon.

(29) "Public parking area" means any area subject to the control of the Village and designated by the Trustees for public parking of vehicles other than on a roadway.

(30) "Right of way" means the privilege of the immediate use of a roadway.

(31) "Roadway" means that portion of a street or highway improved, designed, or ordinarily used for vehicular traffic, including the shoulder.

(32) "Sidewalk" means that portion of a street between the curb line or edge of the roadway, and the adjacent property line, improved or designated for pedestrian traffic use.

(33) "Stop" when required means complete cessation of movement.

(34) "Street" or "highway" means the entire width between the boundary lines or every way or place of whatsoever nature when any part thereof is permanently or temporarily open to the use of the public for the purpose of vehicular traffic and shall include a way laid out under the authority of law.

(35) "Traffic" means pedestrians, ridden or herded animals, vehicles and other conveyances whether single or together while using any street or highway for the purpose of travel.

(36) "Vehicle" means every device, in, upon or by which any individual or property is or may be transported or drawn upon a street or highway, except devices moved or propelled by human power.

(37) "Highway right of way" means the entire right of way as defined in the survey and recorded in the highway records or the statutory right of way established by 19 V.S.A. § 702 or its replacement provision.

History:

1994 Amendment. Subsection (6) was revised by deleting the words "from the curbs or, in the absence of curbs,"

following the word "measured" and Subsection (30) was revised generally by Woodstock Village Ordinance Revision #3, adopted by the Board on December 27, 1993, effective February 25, 1994.

1996 Amendments. Subsection (23) relating to parking meter zone was amended by section 33, section 34, section 35, and section 36, respectively, of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996, as follows: 1) Subsection (23)(C) was amended by deleting "the property known as 23 Elm Street;" and substituting "Pleasant Street;" therefor; 2) Subsection (23)(D) was amended by deleting all words after the word "northerly" and substituting the words "to the Congregational Church property;" therefor; 3) various punctuation and clerical changes were made to Subsection (23)(I) and (J); and Subsection (23)(K) was added.

Subsection (30) was amended back to its original 1986 version by section 17 of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996; subsection (31) was amended by deleting the words "exclusive of" and inserting the word "including" after the word "traffic," by section 18 of Revision #5; and subsection (37) defining "highway right of way" was added by section 19 of Revision #5 (Revision note: the word "or" was inserted in place of the word "of" after "§ 702" as the original was obviously clerical error.)

2000 Amendments. Subsection 23(A) and 23(B) were amended to extend the parking meter zone by sections 1 and 2, respectively, of Woodstock Village Ordinance Revision #12, adopted by the Board on May 22, 2000, effective July 21, 2000. (Revision note: changes were made to enactment language by using the word "Street" to replace "St." in various locations to conform to existing style. Also, enactment language in section 2 erroneously referred to "§8108" and this obvious clerical error was interpreted to mean "§8101.")

§8102. Application of words and phrases to Village

Unless the context clearly indicates another meaning, all words and phrases in this title shall apply in general to the Village. Thus, for example, the words intersections, streets, roadways, highways, sidewalks, and crosswalks shall mean Village intersections, Village streets, Village roadways, Village highways, Village sidewalks, and Village crosswalks unless the provision expressly states another intent.

§8103. Appendices to be part of ordinance

Appendices A through K, inclusive, shall be construed to be an integral part of the provisions of this title whether or not they are specifically incorporated by reference.

Subchapter 2. General Enforcement Provisions

§8121. Authority of police officers; others

(a) It shall be the duty of all police officers, under the direction of the Chief of Police, to enforce the provisions of this title and all Vermont vehicle laws applicable to traffic and parking in the Village, provided, however, the duty of any such officer having limited authority shall extend only to the authority actually given.

(b) Police officers are hereby authorized to direct all traffic and parking in the Village by voice, hand, or signal in accordance with the provisions of this title and any applicable Vermont law, provided that in the event of a fire, traffic accident, or other emergency or to expedite traffic or to safeguard pedestrians, any such officer may direct traffic and parking as conditions relating to public safety and convenience may require.

(c) The officer in command of any municipal fire department and any firemen designated by such officer may exercise the powers and authority of a police officer in directing traffic and parking at the scene of any fire or at the scene where such fire department has responded to any other emergency call for so long as any fire department equipment or personnel is on the scene in the absence of a police officer or in assisting a police officer at such officer's request.

(d) The following persons may also exercise the powers and authority of a police officer in

directing traffic and parking in the course of responding to an emergency or in the course of construction or repairs in or about Village streets and highways and public parking areas:

- (1) The Village Manager and any employee of the Village highway department in the absence of a police officer;
- (2) Any employee or contractor of a publicly regulated utility in the absence of a police officer pursuant to W.V.O. §7305(4);
- (3) Any person requested by a police officer to do so whether or not such police officer is present;
- (4) Any person authorized or directed to do so by reason of a permit issued pursuant to any Village ordinance; and
- (5) Any person authorized to do so under any Village ordinance or Vermont law.

History:

1994 Amendment. Subsection (d)(2) was amended by adding the words "pursuant to W.V.O. §7305(4)" following the word "officer" by Woodstock Village Ordinance Revision #3, adopted by the Board on December 27, 1993, effective February 25, 1994.

§8122. Prohibitions; obedience to police officers

- (a) Except in case of an emergency during the absence of a police officer or of a person having the authority of a police officer, it shall be unlawful for any person not authorized by a police officer, by this subchapter, or by law to direct or attempt to direct traffic or parking in the Village.
- (b) No person shall willfully fail or refuse to comply promptly with any lawful order, signal or direction of a police officer or person having the authority of a police officer.

§8123. [Repealed]

History:

1996 Amendment. Section was repealed by section 1(U) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996. Previous cross reference is accordingly omitted.

Subchapter 3. Official Traffic-Control Devices

§8131. Authority to place official traffic-control devices

- (a) The Chief of Police shall have the duty and authority to place and maintain official traffic-control devices when and as required by any provision of this title or Vermont law for the enforcement of any provisions of this title.
- (b) The Chief of Police may place and maintain such additional official traffic-control devices as he or she may deem necessary to regulate traffic and parking in accordance with this title or Vermont law, or to guide or warn traffic.
- (c) Whenever any provision of this title shall direct or authorize the Chief of Police to post, erect, place, or maintain a sign or signs or any official traffic-control devices, it shall also be sufficient for all purposes under this title if the Chief of Police shall cause the same to be done by any other person and also if the same is done by any other person without objection from the Chief of Police. For all purposes under this title it shall be presumed that all signs and any official traffic-control devices authorized under this title have been posted, erected, placed, and maintained by the

Chief of Police as provided in this section.

§8132. Standards for official traffic-control devices

Any traffic-control signs, markings, and devices placed or erected in the Village pursuant to the authority of this title shall conform to the standards as specified in 23 V.S.A. §1025 unless exempted therefrom or not governed thereby and shall, so far as practicable, be uniform as to type and location throughout the Village. All such traffic-control devices so placed or erected and not inconsistent with the provisions of this title or Vermont law shall be official traffic-control devices.

§8133. Obedience to official traffic-control devices

Except as otherwise provided in this title, the driver of any vehicle shall obey the instructions of any applicable official traffic-control device placed or erected in accordance with this title unless otherwise directed by a police officer or by some other person authorized under this chapter to direct traffic and parking.

§8134. When signs are required for enforcement

It shall be an absolute defense to any person prosecuted under any provision of this title for which an appropriate sign or appropriate signs giving notice are required for enforcement under any provision of this title or Vermont law if, at the time of the alleged violation, an appropriate sign describing the regulation was not properly in place as required. Whenever any provision of this title does not state that the existence of a sign is necessary for enforcement and such requirement is not otherwise imposed by applicable Vermont law, such provision shall be effective even though no sign is in place.

§8135. Unauthorized signs, markings or devices prohibited

(a) No person shall place, maintain, or display upon or in view of any street or highway any sign, marking, or device not authorized by Village ordinance or Vermont law which purports to be or is in imitation of or resembles an official traffic-control device, or which attempts to direct the movement of traffic or parking of vehicles, or which hides from view or interferes with the effectiveness of any official traffic-control device.

(b) No person shall place or attempt to place any commercial, political or other advertising upon any traffic-control sign, marking, or device placed or maintained, under the authority of this title, on Village streets and highways and public parking areas.

(c) This section shall not be construed to prohibit the placement, maintenance, and display of signs giving directional information and of a type that cannot be mistaken for official traffic-control devices upon private real property adjacent to streets and highways.

(d) Every sign, marking, or device placed, maintained, or displayed upon any Village street or highway which is not authorized by Village ordinance or by state law is hereby declared to be a public nuisance and may be removed, without notice, by any officer of the Village Police Department.

§8136. Interference with official traffic-control devices

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, make temporary or permanent markings on, or remove any official traffic-control device or any part thereof.

§8137. [Repealed]

History:

1996 Amendment. Section was repealed by section 1(V) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996. Previous cross reference is accordingly omitted.

Chapter 2. Traffic Ordinances

Subchapter 1. General Provisions

§8201. Short title

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

§8202. Construction of chapter as exercise of police power

This chapter is an exercise of the police power of the Village relating to traffic and its provisions are enacted pursuant to 24 V.S.A. §2291(1), (4), (5), (14), and (15) and 23 V.S.A. §§1007 and 1008, as and when applicable. The provisions of this chapter shall be construed liberally for the preservation, protection, and promotion of the public health, safety, welfare and convenience as such matters relate to traffic.

§8203. [Repealed]

History:

1996 Amendment. Section was repealed by section 1(W) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996. Previous cross reference is accordingly omitted.

§8204. General exemptions from penalties

(a) The provisions of this chapter relating to the operation and use of vehicles on Village streets and highways shall not apply to the driver or owner of a vehicle when such vehicle is actively being used in connection with installing, repairing, or otherwise improving roadways or roadway pavement, provided, however, this provision shall not be construed to relieve such person from the duty to operate with due regard for the safety of all persons using the street or roadway. In this connection, the vehicle shall be properly equipped with amber signal lamps which shall be used at all times in accordance with Vermont law.

(b) The penalties provided in the Woodstock Village Ordinances applicable to this chapter shall not apply to any person who, at the time of the alleged violation, was complying with any lawful order, signal or direction of a police officer or person having the authority of a police officer in such matters, nor shall such penalties apply to any person who, at the time of the alleged violation and without violating §8122(b) of this title, was obeying the instructions of any applicable official traffic-control device.

Subchapter 2. Speed Regulations

§8221. Maximum speed limit

(a) No person shall drive a vehicle at any time on any public roadway in the Village at a speed in excess of twenty-five miles per hour.

(b) The Chief of Police shall erect and maintain signs on all streets and highways which intersect the boundaries of the Village at or near the point of such intersection, or at or near the terminus of a state highway when applicable, and at such other locations as are required by Vermont law, giving notice of the maximum speed limit established under subsection (a) of this section. The standards for such signs shall be governed by §8132 of this title.

(c) No person shall drive a vehicle at any time on any public roadway in the Village at a speed greater than is reasonable and prudent under the conditions having regard for the actual and potential hazards then existing, provided, however, this provision shall not be construed to allow a speed in excess of the maximum speed limit established under subsection (a) of this section or under any other Village ordinance or special regulation promulgated thereunder or under any Vermont law.

(d) No person shall drive a vehicle at a speed greater than 35 MPH, on Route 4, from the Westerly terminus at the Fire Station, easterly to the Village boundary.

Cross References:

1. See local speed limits, 23 V.S.A. §1007.
2. See Village of Woodstock Traffic and Engineering Study.

History:

1993 Amendment. Subsection (d) was added by Woodstock Village Ordinance Revision #2, adopted by the Board on November 23, 1992, effective January 24, 1993.

1999 Amendment. Subsection (a) was amended by deleting the second sentence (which referred to a segment of Route 4 further easterly) by Woodstock Village Ordinance Revision #9, adopted by the Board on January 25, 1999, effective March 26, 1999.

§8222. Special speed regulations during special occasions

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

(b) The Chief of Police shall conspicuously post and maintain signs indicating the special speed regulations made by the Trustees pursuant to 23 V.S.A. §1010 in and near all affected roadways or portions thereof during any time such regulations shall be in effect. The standards for such signs shall be governed by §8132 of this title.

(c) A maximum speed limit established by special regulation and for which proper signs have been posted as provided in this section shall take precedence over the maximum speed limit established under §8221(a) of this subchapter during any time for which such special speed regulation is, by its terms, in effect.

(d) No person shall drive a vehicle in excess of the maximum speed limit then in effect by reason of a special regulation made by the Trustees pursuant to 23 V.S.A. §1010 on any public roadway or roadways of the Village or portion or portions thereof affected by such special regulation.

§8223. School zone

The Chief of Police shall erect and maintain warning signs as provided in 19 V.S.A. §921 or any other Vermont law on all public roadways near a school.

§8224. Enforcement

(a) The prohibition contained in subsection 8221(a) of this subchapter shall not be enforceable against any person violating such provision unless, at the time of such violation, an appropriate sign giving notice is properly posted as provided in subsection 8221(b) of this subchapter so as to cover the place of such violation.

(b) The prohibition contained in subsection 8222(c) of this subchapter shall not be enforceable against any person violating such provision unless, at the time of such violation, an appropriate sign giving notice is properly posted as provided in subsection 8222(b) of this subchapter so as to cover the place of such violation.

§8225. Limitation on penalties

No person shall be fined under more than one subsection of this subchapter for the same occurrence.

Subchapter 3. Turning, Passing and Direction of Traffic

§8231. Turning right at intersections

The operator of a vehicle turning right at an intersection shall stay as close as practicable to the right hand curb or edge of the roadway when approaching and when turning right.

§8232. Turning left at intersections

(a) The operator of a vehicle turning left at any intersection where traffic is permitted to move in both directions on each roadway entering the intersection shall approach and make the left turn in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered and, whenever practicable, a left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(b) The operator of a vehicle turning left at any intersection where traffic is restricted to one direction on one or more of the roadways entering the intersection shall approach the intersection in the extreme left lane open to traffic proceeding in that direction and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

§8233. Turning left prohibited

No person shall operate a vehicle so as to make a left turn at the following roadway intersections in the manner hereinafter described:

- (a) From Mountain Avenue onto North Park Street;
- (b) From South Street onto South Park Street;
- (c) From the end of Prospect Street near the westerly end of the Village Green onto any street;
- (d) From Court Street onto South Park Street; and
- (e) From Elm Street onto Central Street.

History:

1994 Amendment. Previous subsection (d) was redesignated subsection (e) and a new subsection (d) was added relating to the southerly end of Elm Street onto Central Street by Woodstock Village Ordinance Revision #4, adopted by

the Board on July 25, 1994, effective September 23, 1994.

1994 Amendment. Subsection (d) was added by Woodstock Village Ordinance Revision #3, adopted by the Board on December 27, 1993, effective February 25, 1994.

§8234. Special turning lanes

(a) Special turning lanes are hereby established on the following portions of roadways for the purposes herein specified:

(1) [Repealed]

(2) [Repealed]

(3) On South Park Street commencing at its intersection with South Street and proceeding to a point approximately twenty feet beyond the easterly end of the Village Green for traffic turning left, in the rotary pattern, to proceed westerly on North Park Street and for traffic intending to park along the Village Green; and

(4) On North Park Street commencing at a point approximately fifty feet easterly of the westerly end of the Village Green and proceeding to a point approximately twenty feet beyond the westerly end of the Village Green for traffic turning left, in the rotary pattern, to proceed easterly on South Park Street and for traffic intending to park along the Village Green.

History:

1994 Amendment. Subsections (1) and (2) relating to Elm and Central Streets were repealed by Woodstock Village Ordinance Revision #4, adopted by the Board on July 25, 1994, effective September 23, 1994.

§8235. U-turns prohibited

No person shall drive a vehicle so as to make a U-turn on any roadway or roadways. This section shall not be construed to prohibit the driver of a vehicle from turning left while engaging in rotary traffic as permitted under this subchapter.

§8236. Rotary traffic around Village Green

(a) Rotary traffic is hereby established for those portions of the roadways of North Park Street and South Park Street adjoining the Village Green except for pedestrians.

(b) All traffic on that portion of the roadway of North Park Street adjoining the Village Green shall proceed in a westerly direction, provided, however, at the westerly end of the Village Green, a left turn may be made onto South Park Street or a left then right turn may be made so as to enter Prospect Street at its terminus near the westerly end of the Village Green.

(c) All traffic on that portion of the roadway of South Park Street adjoining the Village Green shall proceed in an easterly direction, provided, however, a left turn may be made onto North Park Street at the easterly end of the Village Green.

(d) This section shall not be construed to prohibit any right turns on the affected portions of roadways which are not otherwise prohibited.

§8237. One-way streets and alleys; restricted streets

(a) All traffic except pedestrians and bicycles on the following roadways or portions of roadways shall proceed only in the direction hereinafter specified:

(1) That portion of Mechanic Street leading from the intersection with Central Street to the southerly end of the abutting blocks fronting on Central Street ("the Alley" so-called), in a southerly direction.

(b) All traffic except pedestrians and bicycles shall be prohibited from School Street from 7:30

A.M. to 8:00 A.M. and from 2:30 P.M. to 3:00 P.M. from September 1 to June 20 of each year.

§8238. Backing

- (a) No person shall back a vehicle from a public roadway onto another public roadway.
- (b) No person shall back a vehicle from a private roadway or driveway onto a public roadway where a sign prohibiting such backing is posted.
- (c) No person shall back a vehicle along a public roadway except a person may back a vehicle along a public roadway a distance not to exceed fifteen feet while in the process of backing to enter a vacant parking space or to enter a private driveway when such movement can be made safely.
- (d) The provisions of this section shall not apply to a driver of a vehicle while actually engaged in plowing snow provided the vehicle is properly equipped with amber signal lamps which are being used at the time in accordance with Vermont law.

§8239. Passing and overtaking

- (a) Drivers of vehicles proceeding in opposite directions shall pass each other to the right and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main traveled portion of the roadway as nearly as possible.
- (b) Drivers of vehicles shall not overtake or pass another vehicle proceeding in the same direction on the left of such other vehicle except in using a special turning lane for the purpose such special turning lane has been established.
- (c) Drivers of vehicles shall not overtake or pass another vehicle proceeding in the same direction on the right of such other vehicle except when such other vehicle is proceeding in a special turning lane or is making or about to make a left turn when such movement can be made safely.

§8240. [Repealed]

History:

1996 Amendment. Section was repealed by section 1(X) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

Subchapter 4. Stopping and Yielding at Intersections

§8241. Stops required when entering through streets

- (a) The following streets and portions of streets are hereby declared to be through streets:
 - (1) From the westerly terminus of River Street at the Village boundary easterly to Church Street;
 - (2) Church Street (but not Church Street Extension);
 - (3) North Park Street;
 - (4) South Park Street;
 - (5) Central Street;
 - (6) Elm Street;
 - (7) From the northerly terminus of Elm Street northerly to the Village boundary;
 - (8) Pleasant Street;
 - (9) From the easterly terminus of Pleasant Street to the westerly terminus of the Vermont state highway known as Route 4 near the present fire station property; and

(10) South Street.

(b) Except as otherwise provided in this title, all traffic traveling on a through street shall have the right of way at all intersections.

(c) The driver of a vehicle entering a through street from an intersecting street which is not a through street shall stop the vehicle at the entrance to such through street and then shall yield the right of way as provided in §8243 of this subchapter.

(d) The Chief of Police shall place and maintain a stop sign at or near each point where a lane of traffic proceeding on a street which is not a through street enters onto a through street.

§8242. Other stops required at certain intersections.

(a) Preferential right of way at the intersections as listed in subsection (b) of this section shall be established by stop signs placed and maintained as provided in this section.

(b) Stop signs shall be placed and maintained as follows:

- (1) On Elm Street where the lanes of traffic enter Central Street;
- (2) On Pleasant Street where the lane of traffic enters Elm Street;
- (3) On Pleasant Street where the lane of traffic enters Central Street;
- (4) On South Park Street where the lane of traffic, as part of the rotary traffic around the Village Green, goes left around the easterly end of the Village Green and enters North Park Street;
- (5) On South Street where the lane of traffic enters South Park Street;
- (6) On the northbound portion of Church Street (in front of St. James Episcopal Church) where it enters the westbound portion of Church Street forming part of U.S. Route #4;
- (7) On Mountain Avenue at all locations where a lane of traffic enters River Street;
- (8) On River Street at all locations where a lane of traffic enters Mountain Avenue;
- (9) On North Street where the lane of traffic enters River Street;
- (10) On School Street where the lane of traffic enters Linden Hill;
- (11) On Linden Hill where the lane of traffic enters Prospect Street;
- (12) On the southbound portion of Church Street (in front of St. James Episcopal Church) where it enters Prospect Street;
- (13) On Mechanic Street where the lane of traffic enters Court Street;
- (14) On Shurtleff Lane where the lane of traffic enters Prospect Street;
- (15) On South Street Terrace where the lane of traffic enters Linden Hill;
- (16) On South Street Terrace where the lane of traffic enters South Street;
- (17) On Pine Street where the lane of traffic enters Linden Hill;
- (18) On Court Street where the lane of traffic enters Cross Street;
- (19) On Golf Avenue where the lane of traffic enters Cross and High Streets; and
- (20) On Golf Avenue where the lane of traffic enters Maple Street.

(c) The Chief of Police shall place and maintain a stop sign at all locations specified in this section at or near the entrance to the intersection as specified.

§8243. Vehicles to stop at stop signs.

When a stop sign is placed at an intersection pursuant to any provision contained in sections 8241 and 8242 of this subchapter as required, the driver of a vehicle approaching such stop sign shall stop the vehicle, before entering such intersection, at a clearly marked stop line on the pavement if any, or, if none, then at any crosswalk on the near side of the intersection, or, in the event there is no crosswalk, then at the point nearest the roadway being entered where the driver has a view of approaching traffic on such roadway. After having stopped, the driver shall yield the right

of way to any vehicle which has entered the intersection or which is approaching so closely on the roadway being entered as to constitute an immediate hazard during the time when such driver is moving across or within the intersection. Notwithstanding the foregoing, the driver shall obey the directions of a police officer or other person authorized to direct traffic.

§8244. Yields required at certain intersections.

(a) The intersections as listed in subsection (b) of this section shall be established by yield signs placed and maintained as provided in this section.

(b) Yield signs shall be placed and maintained as follows:

(1) On North Park Street where the lane of traffic, as part of the rotary traffic around the Village Green, goes left around the westerly end of the Village Green and enters South Park Street or, alternatively, South Park Street then Prospect Street.

(c) The Chief of Police shall place and maintain a yield sign at all locations specified in this section at or near the entrance to the intersection as specified.

§8245. Vehicles to yield at yield signs.

When a yield sign is placed at an intersection pursuant to any provision contained in §8244 of this subchapter as required, the driver of a vehicle approaching such yield sign shall slow the vehicle down to a speed reasonable for the existing conditions and, if required for safety, shall stop the vehicle in the same manner as if a stop sign had been posted at such intersection. After slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection.

§8246. Emerging from private road or driveway

The driver of a vehicle emerging from a private road or driveway shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across or beyond the private road or driveway, yielding the right of way to any pedestrian as may be necessary to avoid collision, and upon entering the public roadway shall yield the right of way to all vehicles approaching on said roadway.

§8247. Stop where traffic is obstructed

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 accommodate the vehicle such driver is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control device or ordinance to the contrary.

§8248. [Repealed]

History:

1996 Amendment. Section was repealed by section 1(Y) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

Subchapter 5. Crosswalks and Pedestrians

§8251. Crosswalks established

(a) The crosswalk locations designated by the Trustees and listed in Appendix J to this title are hereby established and shall be known as marked crosswalks.

(b) The Chief of Police shall cause each marked crosswalk established by this section to be marked conspicuously on the roadway and shall place and erect signs indicating the existence of such marked crosswalk and, if at an intersection, the duty of the driver of any vehicle to yield to pedestrians using such marked crosswalks.

§8252. Pedestrians right of way in marked crosswalk

(a) The driver of a vehicle shall yield the right of way to a pedestrian crossing the roadway within a marked crosswalk at an intersection.

(b) 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 a driver to yield.

(c) Pedestrians shall move, whenever practicable, upon the right half of crosswalks, determined by the direction in which such pedestrian is proceeding.

§8253. Pedestrians to yield right of way

A pedestrian crossing a roadway at a point other than within a marked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway except this provision shall not apply to a pedestrian who, by reason of handicap, is given the right of way in such circumstances under applicable law.

§8254. Pedestrians on roadways

(a) No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a marked crosswalk or except as directed by a police officer or other person authorized to direct traffic.

(b) Where public sidewalks are provided and are passable no pedestrian shall walk or travel along and upon an adjacent roadway and where public sidewalks are not provided or are not passable any pedestrian walking along and upon a roadway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

(c) No person shall stand within a roadway for the purpose of soliciting a ride, contributions, or business from the occupant of any vehicle.

§8255. Obstructing pedestrian traffic

No person shall stop or congregate on any sidewalk or other portion of a public street or highway so as to obstruct the same or inhibit the free flow of pedestrian traffic. Neither shall any person place, display or maintain, or cause to be placed, displayed or maintained, any merchandise offered for sale or any sign advertising any goods or services for sale, upon or over any Village sidewalk so as to obstruct the free flow of pedestrian traffic.

History:

1994 Amendment. Section was amended by adding the second sentence by Woodstock Village Ordinance Revision #3, adopted by the Board on December 27, 1993, effective February 25, 1994.

§8256. [Repealed]

History:

1996 Amendment. Section was repealed by section 1(Z) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996. Previous cross reference is accordingly omitted.

Subchapter 6. Miscellaneous Regulations

§8261. Bicycles

(a) A person riding a bicycle shall have all the rights and be subject to all the duties in this title applicable to drivers of vehicles except those provisions which by their very nature can have no application to one riding a bicycle and except as such rights and duties are modified in this section or by Vermont law.

(b) No person shall operate a bicycle on any roadway in violation of the following rules:

(1) The operator shall not ride a bicycle at any time when its brakes are not operating in compliance with Vermont law or at nighttime unless equipped with lamp and reflector in accordance with Vermont law.

(2) The operator shall not ride with another person carried on the handlebars or crossbar.

(3) The operator shall use at least one hand at all times to guide the direction of the bicycle.

(4) Except when turning left, the operator shall ride as near to the right side of the roadway as practicable exercising due care when passing a parked vehicle or a vehicle proceeding in the same direction.

(5) The operator shall ride only in single file.

(6) The operator shall signal all left turns not immediately preceded by a stop, in advance, by extending the left arm out straight, horizontally, to the left.

(7) Whenever a usable path for bicycles has been provided for public use adjacent to a roadway, the operator may use only such path and may not use the roadway.

(8) The operator shall not ride while both ears are covered or plugged with headphones or similar devices designed to generate music or other sounds except such devices as are designed to enhance hearing ability.

(9) The operator shall not ride on any sidewalk or marked crosswalk except to cross the same at points where motor vehicles are permitted to cross the same.

(10) At any marked crosswalk or other place where pedestrians may lawfully walk across a street, a bicycle rider may dismount and walk on a marked crosswalk while pushing the bicycle along. While walking in this matter, the bicyclist shall obey all laws and ordinances governing pedestrians.

(11) The operator of a bicycle shall not ride while clinging or attaching the bicycle or himself to any motor vehicle.

(c) [Repealed]

History:

1996 Amendment. Subsection (c) was repealed by section 1(AA) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

§8262. Other motorized vehicles

(a) No person shall operate a snowmobile, all terrain vehicle, or golf cart on roadways, sidewalks,

and public parking areas.

(b) A person operating a motorcycle or mo-ped shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle or mo-ped unless such motorcycle or mo-ped is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator.

(c) [Repealed]

History:

1996 Amendment. Subsection (c) was repealed by section 1(BB) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

§8263. Roller skates, street skates and skateboards

(a) No person shall roller skate or ride a skateboard, street skates, or a scooter upon any of the Village streets (including sidewalks) unless otherwise posted. Excepted from this regulation shall be children of eleven years of age or less who are accompanied by a parent, guardian or other responsible caregiver who is supervising the child (children) operating these regulated wheeled devices. For the child to be exempt from this ordinance, the caregiver responsible for the child (children) must supervise the child (children) in a manner specifically intended to preserve the health, safety and welfare of the child while also preserving the rights for quiet enjoyment of the immediate neighborhood and its occupants. This exception is limited to those area[s] of the Village located outside of the parking meter zone.

(b) No person shall roller skate or ride a skateboard, street skates, or a scooter while clinging himself or such conveyance to any motor vehicle.

(c) [Repealed]

Cross References:

1. See §8101(23) for definition of the parking meter zone.

History:

1990 Amendment. By vote of Special Village Meeting on August 1, 1990, subsection (a) was amended effective immediately to include all Village streets within the prohibitions. Prior law limited the prohibitions to: (1) Elm Street (from Central Street to the Elm Street bridge); (2) North Park Street; (3) South Park Street; (4) Central Street; and (5) Pleasant Street. Woodstock Village Ordinance Revision #1.

1996 Amendment. Subsection (c) was repealed by section 1(CC) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

2001 Amendment. Subsection (a) was amended by adding the final three sentences by Woodstock Village Ordinance Revision #13 dated July 23, 2001, effective September 21, 2001.

§8264. Special occasions

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

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

(c) A special traffic regulation for which proper signs have been posted as provided in this section shall take precedence over any inconsistent provision of this title during any time for which

such special traffic regulation is, by its terms, effective.

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

§8265. Weight limits

(a) Except for the purpose of making delivery or picking up a load thereon, no person shall operate a tractor, trailer, motor truck or other motor vehicle having a manufacturer's designated gross vehicle weight exceeding 16,000 pounds on the following Village streets and highways:

(1) River Street

(2) Mountain Avenue.

(b) The Chief of Police shall place and maintain appropriate signs indicating the weight limits established by this section at each end of the highways affected.

(c) [Repealed]

History:

1996 Amendment. Subsection (c) was repealed by section 1(DD) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

§8266. Boarding or alighting from motor vehicles in motion

(a) No person shall board or alight from any motor vehicle while such motor vehicle is in motion.

(b) [Repealed]

History:

1996 Amendment. Subsection (b) was repealed by section 1(EE) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

§8267. Riding on running boards, fenders, and hoods

(a) No person shall ride upon the running board, fender, outside step, hood or roof of a motor vehicle while such motor vehicle is in motion on a highway or public parking area except this provision shall not apply to garbage collection vehicles and fire department vehicles.

(b) [Repealed]

History:

1996 Amendment. Subsection (b) was repealed by section 1(FF) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

§8268. Driving on sidewalk prohibited

(a) No person shall drive a motor vehicle on a sidewalk or within any sidewalk area except at a permanent or temporary driveway.

(b) [Repealed]

History:

1996 Amendment. Subsection (b) was repealed by section 1(GG) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

§8269. Operation of vehicles on approach of emergency vehicles

(a) Upon the immediate approach of an emergency vehicle for which a siren and signal lamp permit has been issued pursuant to 23 V.S.A. §1252(a)(1) or §1252(a)(2), when the driver thereof is giving audible or visual signs as set forth in 23 V.S.A. §1050, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the emergency vehicle has passed, except when otherwise directed by a police officer or other person authorized to direct traffic.

(b) This section shall not operate to relieve the driver of such emergency vehicle from the duty to drive with due regard for the safety of all persons using the roadway.

(c) [Repealed]

History:

1996 Amendment. Subsection (c) was repealed by section 1(HH) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

§8270. Persons riding animals

(a) A person riding an animal or driving any animal-drawn vehicle upon a roadway is granted all of the rights and is subject to all of the duties applicable to the driver of a motor vehicle by this title except those provisions of this title which by their very nature can have no application.

(b) [Repealed]

History:

1996 Amendment. Subsection (b) was repealed by section 1(II) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

§8271. Unattended motor vehicles

(a) No person shall leave a motor vehicle unattended upon any Village highway or public parking area while the motor of such vehicle is running.

(b) No person shall leave a motor vehicle without a driver upon any portion of any Village highway or public parking area having an incline unless the vehicle is secured against moving.

(c) No person shall leave the ignition key in the ignition or in any visible place within or upon a motor vehicle parked on any Village highway or public parking area when such motor vehicle is left unattended.

(d) For purposes of this section a motor vehicle shall be construed as being unattended when no individual having an operator's license is in or at the motor vehicle.

(e) The registered owner of a motor vehicle found in violation of this section shall be presumed responsible for any violation of this section.

(f) This section shall not apply to an authorized emergency vehicle.

(g) [Repealed]

History:

1996 Amendment. Subsection (g) was repealed by section 1(JJ) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

§8272. Transporting a building

(a) No person shall transport a building which has not been substantially disassembled over any

Village street or highway which is not a through street as defined in section 8241(a) of this chapter without first having obtained a written permit from the Board of Trustees therefor.

(b) The Board of Trustees shall issue a written permit for the transportation of such buildings over Village streets or highways upon such terms and conditions relating to time, place, and manner as are, under the circumstances, necessary to coordinate such transport with the Village Police Department and, in general, to protect the public safety.

(c) [Repealed]

History:

1996 Amendment. Subsection (c) was repealed by section 1(KK) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

Subchapter 7. Weight, Size, Loads

§8281. Operation without valid state permit

No person shall operate or cause to be operated a traction engine, tractor, trailer, motor truck or other motor vehicle on any village street or highway without first obtaining, having in his or her possession, and paying for all necessary state permits required for such vehicle due to the weight or size of such vehicle or the load being carried by such vehicle.

§8282. Operation in violation of state permit

No person shall operate or cause to be operated a traction engine, tractor, trailer, motor truck or other motor vehicle on any village street or highway in violation of the terms and conditions of any necessary state permit required for such vehicle due to the weight or size of such vehicle or the load being carried by such vehicle.

§8283. Definitions

For purposes of this subchapter, the term “size” shall include without limitation height, width, and length, and the phrases “state permit” and “state permits” means any State of Vermont permit required under any provision of 23 V.S.A. Chapter 13, Subchapter 15, currently existing or as hereafter from time to time amended.

§8284. Defenses

For purposes of this [subchapter], it shall be an absolute defense if the alleged violator proves that his or her operation of such vehicle without the required permit was nevertheless under special permission from the Vermont commissioner of motor vehicles or delegatee.

History:

1998 Amendment. Subchapter 7 was added by section 1 of Woodstock Village Ordinance Revision #8, adopted by the Board on April 27, 1998, effective June 26, 1998. The introductory clause to section 8284 was enacted with the end word “section” rather than the bracketed word “subchapter” but it is clear that the word “subchapter” was intended and so it is used here.

Chapter 3. Parking Ordinances

Subchapter 1. General Provisions

§8301. Short title

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

§8302. Construction of chapter as exercise of police power

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

Subchapter 2. Prohibitions and Limitations on Parking

§8321. General prohibitions during all times

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

- (1) In any intersection;
- (2) In a crosswalk;
- (3) Upon any bridge;
- (4) On the roadway side of any vehicle stopped or parked at the edge or curb of a street ("double parking");
- (5) Within thirty feet of a stop sign on the approaching side;
- (6) Within twenty feet of any intersection or crosswalk at an intersection;
- (7) Any place where or in any manner such that the parking of the vehicle will reduce the usable width of a roadway for moving vehicular traffic to less than twelve feet;
- (8) Within six feet of a fire hydrant, except dry hydrants located on private property;
- (9) In front of or at any place where the vehicle would block the use of a public or private roadway, driveway, or entranceway;
- (10) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
- (11) Within twenty feet of the driveway entrance to any fire station and on the side of the street opposite and within seventy-five feet of the entrance to any such station when properly signposted;
- (12) On a sidewalk;
- (13) At any place in a no parking zone established pursuant to §8323(a) of this subchapter;
- (14) In a tow away zone established pursuant to §8323(e) of this subchapter;
- (15) In a loading zone established pursuant to §8323(f) of this subchapter;
- (16) In any parking space reserved for handicapped persons pursuant to §8325(a) of this subchapter;
- (17) In any parking space reserved for authorized emergency vehicles pursuant to §8325(b) of this subchapter;
- (18) In any parking space reserved for police and other municipal departments of the Village pursuant to §8324(c) of this subchapter;

(19) In any manner which straddles or crosses painted lines designating parking spaces, special zones, or crosswalks established under this title;

(20) At any place within the public highway right of way, or in a public parking area for the principal purpose of displaying such vehicle for sale;

(21) At any place on a public roadway or in a public parking area for washing or cleaning such vehicle; or

(22) At any place of a public roadway or in a public parking area for the principal purpose of maintaining or repairing such vehicle except maintenance and repairs necessitated by a bona fide emergency.

History:

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

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

§8322. General prohibitions during specific times

Unless otherwise permitted or required under this title or by Vermont law, no person shall park any vehicle in any place hereinafter specified in violation of the time limit hereinafter provided for such place:

(1) At any place on a public roadway or public parking area within a two hour non-metered parking zone established pursuant to §8323(b) of this subchapter between the hours of 10 A.M. and 4 P.M. of every day other than Sunday for any consecutive period of time longer than two hours;

(2) At any parking meter space within a metered parking zone established pursuant to §8323(c) of this subchapter between the hours of 10 A.M. and 4 P.M. of any day other than Sunday for any period of time not purchased by coin as provided in this chapter;

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

(a) In the section of the Mechanic Street parking lot defined as the southerlymost line of parking available;

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

(c) On the northerly side of North Park Street from its intersection with the westerly side of Mountain Avenue westerly to a point opposite the westerly end of the Village Green on dates having an even number and on the southerly side of North Park Street from a point opposite its intersection with the westerly side of Mountain Avenue westerly to the westerly end of the Village Green on dates having an odd number;

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

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

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

History:

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

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

2005 Amendment. Amended section generally by consolidating former subsections (1), (2), and (3) into one provision now found in subsection (1), by redesignating former subsection (4) as subsection (2), by redesignating former subsection (6) as subsection (3), and by deleting former subsection (5) relating to late night parking by section 1 of Woodstock Village Ordinance Revision #22, adopted by the Board on September 27, 2004, final as of November 26, 2004, and effective June 1, 2005. In general, see the 2004 Amendment (Revision #23) notes above. The newly redesignated subparagraph (2) set forth in the 2005 Amendment never technically came into effect due to the adoption of the 2004 Amendment (Revision #23) however its provisions had been in effect under prior law. Furthermore, the deletion of former subsection (5) had no practical effect since the added subsection (4) as described in the 2004 Amendment (Revision #23) had taken effect previously.

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

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

§8323. Special parking zones established

(a) Those portions of Village roadways listed in Appendix A to this title are hereby established to be no parking zones.

(b) Those portions of Village roadways and public parking areas listed in Appendix B to this title are hereby established to be two hour non-metered parking zones.

(c) Those portions of the Village roadways and public parking areas listed in Appendix C to this title are hereby established to be metered parking zones. Each metered parking zone shall have appropriate timing devices installed to monitor the durations of time suggested for such zone as set forth in Appendix C. The durations of time set forth in Appendix C are suggested time limits only and do not constitute a maximum time limit for parking in a space in such zone. The maximum time limit for parking in a space in a metered parking zone during regulated times established in §8322 shall be determined as provided in subsection (d) of this section.

(d) Consecutive parking time may be purchased for parking one vehicle in a parking meter space in a metered parking zone established in subsection (c) of this section during regulated times established in §8322 in accordance with the following schedule:

(1) In a twelve minute metered zone, each dime deposited in the parking meter as directed shall constitute payment for twelve consecutive minutes of parking at the designated parking meter space;

(2) In a two hour suggested metered zone, each dime deposited in the parking meter as directed shall constitute payment for twelve consecutive minutes of parking at the designated parking meter space and each quarter so deposited shall constitute payment for thirty consecutive minutes of parking at the designated parking space; and

(3) In a four hour suggested metered zone, each nickel deposited in the parking meter as directed shall constitute payment for twelve consecutive minutes of parking at the designated parking meter space, each dime deposited in the parking meter as directed shall constitute payment for twenty-four consecutive minutes of parking at the designated parking meter space, and each

quarter deposited in the parking meter as directed shall constitute payment for sixty consecutive minutes of parking at the designated parking meter space.

(4) Notwithstanding the foregoing provisions of this subsection (d), upon depositing coins as directed, less time may actually be purchased, credited, and available to the extent that the monitoring device registers time available from a previous deposit, and to the extent that the suggested time limit and maximum amount monitored by the device is reached.

(e) Those portions of Village roadways listed in Appendix E to this title are hereby established to be tow away zones. The chief of police or any police officer on duty is hereby directed to cause the prompt removal of any vehicle parked in a tow away zone or any portion thereof as soon as is practicable. The provisions of §8335 of this subchapter shall otherwise apply to such removal.

(f) Those portions of Village roadways and public parking areas listed in Appendix F to this title are hereby established to be loading zones. In a loading zone, it shall be lawful for the driver of a passenger motor vehicle other than a bus to stand or park such vehicle momentarily to pick up or discharge passengers. In a loading zone, it shall also be lawful for the driver of a freight carrying motor vehicle other than a bus to stand or park such vehicle for a period of time no longer than is necessary to load, unload, or deliver materials, not to exceed thirty minutes.

(g) The Chief of Police shall place and maintain signs conspicuously displayed at the location of each zone established by subsections (a), (b), (e), and (f) of this section.

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

History:

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

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

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

§8324. Bus loading zones

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

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

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

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

History:

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

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

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

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

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

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

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

§8326. Method of parking

No person shall park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the righthand wheels of the vehicle within 12 inches of the curb or edge of the roadway except as otherwise provided in this title.

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

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

(1) On highways, a parking meter space shall be at least six feet wide, at least twenty feet long (or shall otherwise comply with the size requirements of Vermont law), and shall be parallel to the curb or edge of the roadway except within that portion of the parking meter zone described in §8101(23)(C) which shall be at an angle to the curb or edge of the roadway which angle shall be such that a motor vehicle entering such space from the authorized direction of travel shall not be required to turn more than ninety degrees to the right;

(2) In that portion of the parking meter zone described in §8101(23)(J), a parking meter space shall be at least ten feet wide, at least twenty feet long (or shall otherwise comply with the size requirements of Vermont law), and shall be at an angle to the northerly and southerly boundary lines thereof which angle shall be such that a motor vehicle entering such space from Mechanic Street shall not be required to turn more than ninety degrees to either the left or right;

(3) No parking meter spaces shall be established in any portion of any location falling within special parking zones established pursuant to §8323 of this subchapter, bus loading zones established pursuant to §8324 of this subchapter, or reserved parking spaces established pursuant to §8325 of this subchapter;

(4) Notwithstanding any provision of §8321 of this subchapter to the contrary, parking meter spaces may extend to the boundary lines of marked crosswalks at intersections; and

(5) Except as hereinabove provided, any applicable general parking prohibitions set forth in section 8321 shall be substantially regarded in laying out parking meter spaces.

(b) The Chief of Police shall cause lines to be painted or otherwise durably marked upon the surface of the public roadway or public parking area to designate the exact location of each parking meter space established pursuant to this section such that all sides of such space are defined by line or marking or by the curb or edge of the roadway or area except in angle spaces where no line shall be required parallel to the curb or edge of the roadway.

(c) The Chief of Police shall cause parking meters to be placed at or adjacent to each parking meter space on the sidewalk adjacent thereto, or if there is no sidewalk then at the edge of the roadway adjacent thereto, or, in the public parking area described in §8101(23)(J) near the boundary line of such area nearest to such space. Any parking meter so placed shall have a timing mechanism appropriate to measure the maximum time limit specified in subsections (c) or (d) of section 8323 as applicable, shall contain a clearly legible statement indicating where to deposit coins, the maximum number of minutes of parking time each nickel, dime, and quarter will purchase, and the times and days during which purchase of time for parking is necessary, and shall contain a device such that upon the expiration of the time purchased for parking a visible signal shall appear indicating the expiration of such time purchased.

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

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

(a) [Repealed]

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

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

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

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

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

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

History:

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

§8329. Special occasions

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

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

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

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

§8330. General exceptions; special exceptions

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

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

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

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

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

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

§8331. Special permits; exceptions

(a) Upon request, the Trustees may issue special permits to allow the parking of a motor vehicle on Village streets and public parking areas in such manner as shall be necessary under the circumstances for the purposes of loading or unloading merchandise or materials, provided,

however, no such permit shall permit or be deemed to permit a violation of Vermont law not arising by virtue of this subchapter.

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

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

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

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

(a) A person who shall violate §8321(16) of this subchapter shall be fined twenty-five dollars for each violation and shall also be liable for towing charges and storage charges if the vehicle has been removed pursuant to this subchapter or Vermont law.

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

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

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

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

§8333. Civil penalties

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

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

twenty dollars for each offense.

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

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

(e) For all purposes hereunder, every twelve minutes of consecutive illegal parking under subsection (3)(A) of section 8322 of this subchapter shall constitute a separate offense provided any portion of such twelve minutes falls within the time and day limits specified in such subsections.

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

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

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

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

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

§8334. Prohibition; criminal penalties

(a) No person shall, after seven days written notice by certified or registered mail, fail to pay the civil penalties assessed under §8333 of this subchapter for three or more separate offenses or make proper objection thereto. For purposes of this provision proper objection is made if in writing, delivered to the chief of police, or in his or her absence the Village Manager or any police officer, setting forth the offense or offenses objected to and the reason or reasons why such person is not validly liable to pay the civil penalty imposed with respect to such offense or offenses. If the reason stated with respect to any particular offense would not constitute a valid defense, then the objection with respect thereto shall not be deemed proper.

(b) No person shall knowingly submit false information when attempting to make proper objection as provided in subsection (a) of this section.

(c) Notice hereunder shall be deemed given on the date when mailed, postage prepaid, to the owner of the vehicle as determined by the registration plate displayed on the vehicle, using the address provided in applicable registration records pertaining to such plate. In the absence of a registration plate or if the owner of the vehicle is known not to be the violator, notice hereunder shall be deemed given when mailed, postage prepaid, to the person who has committed the violations.

(d) Any person who violates subsection (a) or subsection (b) of this section shall be guilty of a misdemeanor and shall be fined twenty-five dollars for each offense.

(e) The criminal penalties herein provided are in addition to and not in lieu of the civil penalties imposed under this subchapter.

§8335. Authority to remove vehicles

(a) Any motor vehicle parked in violation of this subchapter may be removed by or at the direction of a police officer to a place of storage. No person shall remove any motor vehicle from such place of storage without first having paid all towing and storage charges as hereinafter provided.

(b) Whenever a police officer removes a motor vehicle or causes the same to be removed as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of the place to which such motor vehicle has been removed and of the procedure and costs hereinafter provided for obtaining a return of such motor vehicle.

(c) Prior to obtaining the return of a motor vehicle placed in storage pursuant to this section, the owner of such motor vehicle shall pay the tower at the place of storage a towage charge in the amount of sixty dollars and storage charges at the rate of five dollars per day. Such payment may be made in cash or by bank or personal check. Additionally, the tower shall recognize at least two national bank credit cards for use in payment of such towage and storage charges. Sufficient identification may also be required as a condition of releasing such motor vehicle. If a person uses a personal check to pay such charges, the tower may require that the check be made payable to the Woodstock Police Department. Notwithstanding the foregoing, if the owner of a vehicle being removed appears at the scene while the vehicle removal is taking place, the vehicle shall be released upon sufficient identification and upon payment of the towage charge in the amount of sixty dollars.

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

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

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

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

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

History:

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

APPENDIX A (To Title 8 W.V.O.)
No Parking Zones

Bond Street

The entire roadway.

Central Street

The north side of the roadway from the intersection with Pleasant Street westerly to the tow away zone over the Kedron Brook.

Church Street

1. The north side of the roadway from the westerly boundary of the Unitarian Church Parsonage westerly to the intersection with River Street.
2. The south side of the roadway from the intersection with College Hill westerly to the intersection with River Street.

Church Street Extension

1. The north side of the roadway.

College Hill

The entire roadway within the Village.

Court Street

1. The entire east side of the roadway.
2. The west side of the roadway from the exit from the northerlymost Woodstock Inn parking lot (northerly of the Woodstock Inn loading dock) southerly to the intersection with Cross Street.

Cross Street

1. The entire south side of the roadway.
2. The north side of the roadway from the intersection with Court Street easterly to the intersection with Golf Avenue and High Street.

Eaton Place

The entire roadway.

Elm Street

The entire roadway from thirty feet southerly of the south abutment of the Elm Street Bridge northerly to the Village boundary line.

Hartland Hill

The entire roadway within the Village.

High Street

1. The entire east side of the roadway.
2. The west side of the roadway from the intersection with Central Street southerly to the building known as 19 High Street.
3. The westerly side of High Street beginning 300 feet south of Central Street and continuing southerly a distance of forty feet between November 15th and March 31st inclusive, of each year.

Highland Avenue

The entire roadway.

Lincoln Street

The entire roadway from the intersection with Central Street southerly to the northerly intersection with Slayton Terrace.

Linden Hill

1. The entire east side of the roadway.
2. The west side of the roadway from the intersection with South Street northerly to the driveway leading to Hathorn's Hill Condominiums.
3. The west side of the roadway from the intersection with Swain Street northerly to the intersection with School Street.

Mechanic Street

1. The east side of the roadway from the footbridge southerly to the intersection with Court Street.
2. The west side of the roadway from the municipal parking lot southerly to the intersection with Court Street.

Mountain Avenue

The entire roadway from the intersection with North Park Street northerly to the intersection with River Street.

North Street

The entire roadway.

Pleasant Street

1. The south side of the roadway from Richmond's Corner westerly to the property known as 51 Pleasant Street.
2. The south side of the roadway from the easterly boundary of the property known as 37 Pleasant Street to the easterly property line of the property known as 25 Pleasant Street.
3. The north side of the roadway from Richmond's Corner westerly to the west end of Windsor County property used for the correctional facility.
4. The north side of the roadway from twenty feet westerly of the entrance to the municipal parking lot and "Poma Property" westerly to the intersection with Central Street.
5. The north side of the roadway from the west boundary of property known as 16 Pleasant Street westerly to the Kedron Brook.
6. The south side of the roadway from the easterly end of Tribou Park westerly to the Kedron Brook.

Prospect Street

1. The entire south side of the roadway.
2. The north side of the roadway from the intersection with Church Street (in front of St. James Episcopal Church) westerly to the Village boundary.

River Road

The entire roadway within the Village.

River Street

Revision note: See temporary regulation below.

1. The north side of the roadway from the intersection with Elm Street westerly to the intersection with

North Street.

2. The south side of the roadway from the intersection with Elm Street westerly to the easterly boundary of property known as 4 River Street.

3. The south side of the roadway from the easterly boundary of the intersection with North Street westerly to the Village boundary.

4. The north side of the roadway from the intersections with Mountain Avenue and Church Street (near the Recreation Center Bridge) westerly to the Village boundary.

* * * Temporary Regulation * * *

No parking on both the North Side of the street or the South side of the street from May 29, 2007 until the Marble Bridge reopens to two way traffic and the signs shall be removed. Signs shall be posted.

History:

2007 Amendment. Temporary regulation for River Street added by section 1 of Woodstock Village Ordinance Revision #28, adopted by the Board on March 26, 2007, effective May 25, 2007.

School Street

The entire south side of the roadway.

Slayton Terrace

The entire roadway.

South Park Street

The south side of the roadway from its intersection with Prospect Street easterly to the intersection with Court Street.

South Street

1. The west side of the roadway from its intersection with South Park Street southerly to the first street light.

2. The west side of the roadway from the intersection with South Street Extension southerly to the Village boundary.

3. The east side of the roadway from its intersection with South Park Street, southerly a distance of 200 feet.

4. The east side of the roadway from the southerly boundary of Vail Field property southerly to the Village boundary.

Stanton Street

The entire roadway.

U.S. Route 4 East

The entire roadway from Richmond's Corner easterly to the westerly terminus of the Vermont state highway throughway near the fire station property.

History:

1994 Amendment. Appendix was amended by adding Church Street Extension (the north side of the roadway) by Woodstock Village Ordinance Revision #3, adopted by the Board on December 27, 1993, effective February 25, 1994.

1998 Amendment. Appendix was amended by revising section 3 under the heading South Street to provide a zone extending from South Park Street on the easterly side southerly a distance of 200 feet by Section 1 of Woodstock Village Ordinance Revision #7, adopted by the Board on May 26, 1998, effective July 25, 1998.

2007 Second Amendment. Appendix A was amended by revising section 2 under the heading Pleasant Street by Woodstock Village Ordinance Revision #29, adopted by the Board on April 23, 2007, effective June 22, 2007.

2007 Third Amendment. Appendix A was amended by revising section 2 under the heading Pleasant Street by Woodstock Village Ordinance Revision #30, adopted by the Board on September 24, 2007, effective November 23, 2007. Revision note: Enacting ordinance inaccurately quoted the language to be deleted by referring to 25-27 Pleasant Street rather than 33 Pleasant Street as provided in 2007 Second Amendment relating to the same section.

2008 Amendment. Appendix A was amended by adding the language now placed in section 3 under the heading High Street by Woodstock Village Ordinance Revision #32, part 1 adopted by the Board on August 12, 2008, effective October 11, 2008.

Cross References: For section 3 under the heading High Street see also Appendix B under the heading High Street. According to the Town Manager, the intention of the 2008 Amendment effective October 11, 2008, is to make the small section (two parking spaces) part of the two hour non-metered parking zone except for the time stated, during which time the space reverts back to no parking zone.

APPENDIX B (To Title 8 W.V.O.) Two Hour Non-Metered Parking Zones

Elm Street

1. The east side of the roadway from the southerly boundary of property located at 29 Elm Street northerly to the intersection with the south side of Pleasant Street.
2. The west side of the roadway from the northerly boundary of the Dana House property (Woodstock Historical Society building) northerly to the intersection (be extension) with the south side of Pleasant Street.

South Street

[Repealed]

High Street

The westerly side of High St. beginning 300 feet south of Central Street and continuing southerly a distance of forty feet, except between November 15th and March 31st inclusive, of each year during which time these parking spaces shall be part of the No Parking Zone.

History:

1996 Amendment. The two hour non-metered parking zones for Elm Street were repealed by section 37 of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996. The former zones were as follows: 1) The east side of the roadway from the southerly boundary of property located at 23 Elm Street northerly to the southerly abutment of Elm Street Bridge; 2) The west side of the roadway from the southerly boundary of the Dana House property (Historical Society building) northerly to the southerly abutment of Elm Street Bridge.

2005 Amendment. Appendix B (which at the time only had provision under South Street heading) was repealed by section 5 of Woodstock Village Ordinance Revision #22, adopted by the Board on September 27, 2004, final as of November 26, 2004, and effective June 1, 2005.

2006 Amendment. Appendix B was amended by restoring a new two hour non-metered parking zone for Elm Street by section 1 of Woodstock Ordinance Revision #26, adopted by the Board on February 27, 2006, effective April 28, 2006.

2008 Amendment. Appendix B was amended by adding the heading High Street and by inserting all language relating to High Street by Woodstock Village Ordinance Revision #32, part 2 adopted by the Board on August 12, 2008, effective October 11, 2008. Revision note: The section was enacted with two lines which have been combined here to make one sentence. As enacted the phrase beginning with the word “except” was set forth as a separate line.

APPENDIX C (To Title 8 W.V.O.) Metered Parking Zones

1. Suggested twelve minute metered zone. That portion of the “parking meter zone” as defined and set forth in W.V.O. §8101(23)(A) which is located easterly of the private driveway located westerly of the U.S. Post Office building.

2. Suggested two hour metered zone. All portions of the “parking meter zone” as defined and set forth in W.V.O. §8101(23) except that portion of the “parking meter zone” as defined and set forth in W.V.O. §8101(23)(A) which is located easterly of the private driveway located westerly of the U.S. Post Office building, and further except that portion of the “parking meter zone” as defined and set forth in W.V.O. §8101(23)(J).

3. Suggested four hour metered zone. That portion of the “parking meter zone” as defined and set forth in W.V.O. §8101(23)(J), the Mechanic Street parking lot, so-called.

History:

2004 Amendment. Appendix C was amended generally by section 3 of Woodstock Village Ordinance Revision #17, adopted by the Board on November 24, 2003, effective January 23, 2004 relating to two hour metered parking zones.

2005 Amendment. Appendix C was generally amended by section 6 of Woodstock Village Ordinance Revision #22, adopted by the Board on September 27, 2004, final as of November 26, 2004, and effective June 1, 2005. Revision note: While not specifically cited in the repealer provision, it is clear that Appendix C-1 was intended to be repealed as well. Appendix C-1 previously provided a four hour metered parking zone including, “[t]hat portion of the ‘parking meter zone’ as defined and set forth in W.V.O. §8101(23)(J), the Mechanic Street parking lot, so-called.”

APPENDIX C-1 (To Title 8 W.V.O.) Four Hour Metered Parking Zones

[See Revision note to 2005 Amendment to Appendix C]

History:

2004 Amendment. Appendix C-1 was added by section 4 of Woodstock Village Ordinance Revision #17, adopted by the Board on November 24, 2003, effective January 23, 2004.

APPENDIX D (To Title 8 W.V.O.) Twelve Minute Metered Parking Zones

[Repealed]

History:

2004 Amendment. Appendix D was repealed by section 7 of Woodstock Village Ordinance Revision #22, adopted by the Board on September 27, 2004, final as of November 26, 2004, and effective June 1, 2005. Revision note: Appendix previously provided a twelve minute metered parking zone covering, “[t]hat portion of the ‘parking meter zone’ as defined and set forth in W.V.O. §8101(23)(A) which is located easterly of the private driveway located westerly of the U.S. Post Office building.”

APPENDIX E (To Title 8 W.V.O.)
Tow Away Zones

Central Street

The northerly six feet of that portion of the roadway which forms part of the bridge passing over Kedron Brook easterly of the U.S. Post Office building.

Mechanic Street

The entire roadway from the High Street foot bridge southerly to the intersection with Court Street.

River Street

* * * Temporary Regulation * * *

Both the North Side of the street and the South side of the street from May 29, 2007 until the Marble Bridge reopens to two way traffic and the signs shall be removed.

History:

2007 Amendment. Temporary regulation for River Street added by section 2 of Woodstock Village Ordinance Revision #28, adopted by the Board on March 26, 2007, effective May 25, 2007.

APPENDIX F (To Title 8 W.V.O.)
Loading Zones

Elm Street

The westerly six feet of the roadway between the driveways leading to the private parking area northerly of property known as One The Green.

Central Street

1. The easterly side of the Central Street Bridge on the northerly side of Central Street.
2. Beginning approximately fifty feet from the point where the westerly edge of Lincoln Street intersects Central Street and extending Westerly a distance of twenty feet.

U.S. Route 4 East

The shoulder extending from the entrance to Woodstock East southwesterly for the distance of approximately forty (40) feet, being opposite the roadway from the Cumberland Farms store property.

History:

1996 Amendments. The previously described loading zone for U.S. Route 4 was amended by substitution of new language and the loading zone for Central Street was amended by adding the zone near the intersection with Lincoln Street by section 24 and section 38, respectively, of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996. Revision note: loading zones for Central Street were numbered for convenient reference.

1994 Amendment. The previously described loading zone for Central Street was amended by substitution of new language and the loading zone for U.S. Route 4 East was added by Woodstock Village Ordinance Revision #4, adopted by the Board on July 25, 1994, effective September 23, 1994.

APPENDIX G (To Title 8 W.V.O.)
Reserved Parking Spaces for Handicapped

Central Street

1. The parking space on the south side in front of property known as 55 Central Street.

Elm Street

1. The parking space on the east side in front of property known as 7 Elm Street.
2. The parking space on the east side in front of property known as 13 Elm Street.

North Park Street

The first parking space on the south side easterly of the path leading to the Chamber of Commerce Information Booth.

South Park Street

1. The first parking space on the north side easterly of the path leading to the Chamber of Commerce Information Booth.
2. The first parking space on the south side westerly of the crosswalk extending to the easterly end of the Village Green.

Pleasant Street

1. The first parking space on the north side of Pleasant Street westerly of the intersection with Benson Place.

History:

1996 Amendment. Added new language for reserved parking space on Pleasant Street by section 39 of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996. Revision note: Section 39 of Revision #5 did not delete the language added by the 1994 Amendment ("The first parking space west of Benson Place.") however the reserved parking space of the 1996 Amendment is obviously the same location but described more clearly and thus is substituted here for the language of the 1994 Amendment.

1994 Amendment. The reserved parking space for Pleasant Street was added by Woodstock Village Ordinance Revision #4, adopted by the Board on July 25, 1994, effective September 23, 1994.

APPENDIX H (To Title 8 W.V.O.)
Reserved Parking Spaces

[Repealed]

History:

1994 Amendment. Appendix H entitled "Reserved Parking Spaces for Authorized Emergency Vehicles" (previously providing a reserved parking space on South Park Street) was repealed by Woodstock Village Ordinance Revision #4, adopted by the Board on July 25, 1994, effective September 23, 1994.

APPENDIX I (To Title 8 W.V.O.)
Reserved Parking Spaces for Municipal Department Vehicles

Elm Street

The first parking space on the west side northerly of the intersection with Central Street.

APPENDIX J (To Title 8 W.V.O.)
Crosswalks

Pleasant Street Area

1. Along the northerly terminus of Stanton Street at the intersection of Stanton Street and Pleasant Street.
2. Across Pleasant Street from property known as 51 Pleasant Street to the easterly side of municipal parking lot near Poma property, so-called.
3. Across Pleasant Street to property known as 37 Pleasant Street (Mac's Market).
4. Along the northerly terminus of Ford Street at the intersection of Ford Street and Pleasant Street.
5. Along the easterly terminus of Central Street at the intersection of Central Street and Pleasant Street.
6. Across Pleasant Street from the easterly end of Tribou Park to property known as 16 Pleasant Street.

Central Street Area

1. Along the northerly terminus of Lincoln Street at the intersection of Lincoln Street and Central Street.
2. Across Central Street on the east side of the intersection of Lincoln Street with Central Street.
3. Along the northerly terminus of High Street at the intersection of High Street and Central Street.
4. Across Central Street on the west side of the intersection of High Street with Central Street.
5. Along the southerly terminus of Bond Street at the intersection of Bond Street and Central Street.
6. Across Central Street on the west side of the intersection of Mechanic Street with Central Street.
7. Across Central Street on the east side of the intersection of Elm Street with Central Street.
8. Across Central Street on the west side of the intersection of Elm Street with Central Street.
9. Along the southerly terminus of Elm Street at the intersection of Elm Street and Central Street.

Elm Street Area

1. Along the westerly terminus of Pleasant Street at the intersection of Pleasant Street and Elm Street.
2. Across Elm Street on the north side of the intersection of Pleasant Street and Elm Street.
3. Across Elm Street from Gillingham's Store to the Shire Apothecary.
4. Across Elm Street from the Billings Farm and Museum to Marsh Billings National Historic Park.

Village Green Area

1. From the south side of South Park Street to the north side of North Park Street passing by the east end of the Village Green.
2. Along the southerly terminus of Mountain Avenue at the intersection of Mountain Avenue and North Park Street.
3. Across North Park Street on the west side of the intersection of Mountain Avenue and North Park Street.
4. Along the northerly terminus of South Street at the intersection of South Street and South Park Street.
5. Across South Park Street from the central north/south footpath in the Village Green to the Woodstock Inn property.
6. Across South Park Street for the east north/south footpath in the Village Green to the Windsor County Courthouse.
7. Along the northerly terminus of Court Street at the intersection of Court Street and South Park Street.

Church Street Area

1. Across Church Street from St. James Episcopal Church to property known as 3 Church Street.
2. Across Prospect Street on the east side of the intersection of School Street and Linden Hill and Prospect Street.
3. Across Church Street at the intersection with College Hill.
4. Along the westerly terminus of Church Street at the intersection of Church Street and River Street.
5. Across River Street from the Woodstock Recreation Center to the parking lot easterly of Eaton Place.
6. Across River Street along the easterly side of the intersection of River Street with Mountain Avenue and Church Street.

South Street Area

1. Along the easterly terminus of School Street at the intersection of School Street and South Street.
2. Along the westerly terminus of Cross Street at the intersection of Cross Street and South Street.
3. Across South Street on the north side of the intersection of Cross Street and South Street.
4. Along the southerly terminus of Court Street at the intersection of Court Street and Cross Street.

History:

1998 Amendment. Appendix was amended by adding section 4 under the heading Elm Street Area creating a crosswalk from Billings Farm and Museum to Marsh Billings National Historic Park, by Section 2 of Woodstock Village Ordinance Revision #7, adopted by the Board on May 26, 1998, effective July 25, 1998.

APPENDIX K (To Title 8 W.V.O.)

Part 1 - First Ten Calendar Year Violations

The fines listed below are hereby established for violation(s) of any of the cited sections of the Parking Ordinances provided the total number of violations combined from all cited sections with respect to a specific motor vehicle license plate number does not exceed ten (10) in any calendar year.

| <u>Section:</u> | <u>Brief Description:</u> | <u>Fine per violation:</u> |
|--------------------------|--------------------------------|--|
| §8322(1) | Two hour non-metered violation | \$10.00 |
| §8322(2) | Meter coin violation | \$5.00 if paid within 7 days; \$7.00 if not paid within 7 days |
| §8322(3) | Winter parking violation | \$20.00 |
| §8322(4) | Two day parking violation | \$20.00 |
| §8322(5) | Late night parking violation | \$20.00 |
| §8328(b), (c), or (e) | Miscellaneous meter violations | \$10.00 |

Part 2 - Additional Calendar Year Violations

A fine of \$25.00 is hereby established for the violation of any section cited in Part 1 of this Appendix K

when the total number of prior violations combined from all such sections with respect to a specific motor vehicle license plate number in any calendar year exceeds ten (10).

Part 3 - General Violations of Parking Ordinances

A fine of \$20.00 is hereby established for each violation of any prohibition contained in Chapter 3 of Title 8 relating to Parking Ordinances not otherwise covered by Part 1 or Part 2 of this Appendix K or by any other specific provision of the W.V.O. citing a section thereof.

History:

2004 Amendment. Subsections 8322(1) and 8322(2) of the original Appendix K were amended generally by section 5 of Woodstock Village Ordinance Revision #17, adopted by the Board on November 24, 2003, effective January 23, 2004.

2004 Second Amendment. Amends Appendix K generally by section 1 of Woodstock Village Ordinance Revision #19, adopted by the Board on December 15, 2003, effective February 14, 2004.

2005 Amendment. Appendix K was generally amended by section 8 of Woodstock Village Ordinance Revision #22, adopted by the Board on September 27, 2004, final as of November 26, 2004, and effective June 1, 2005.

2006 Amendment. Appendix K was generally amended by section 4 of Woodstock Ordinance Revision #26, adopted by the Board on February 27, 2006, effective April 28, 2006.

2009 Amendment. Appendix K was generally amended by Woodstock Ordinance Revision #33, adopted by the Board on January 13, 2009, effective March 14, 2009. Revision note: This was a technical revision to correct inconsistency.

Expired
* * * Temporary Moratorium * * *

Revision Note: Section 10 of Woodstock Village Ordinance Revision #22, adopted by the Board on September 27, 2004, effective November 26, 2004, contained the following moratorium on enforcement provisions:

Pending the effective date of these Parking Ordinance Revisions, there shall be a moratorium during March, April, and May of 2005, on enforcement of all existing provisions of the W.V.O. requiring the depositing of coins in the parking meter zone, limiting the consecutive time for parking in the parking meter zone during times which would have required coin deposits, and limiting the consecutive time for parking in the two hour non-metered zones during the same times.

TITLE 9
VILLAGE GREEN, PARKS, AND PUBLIC PLACES

Chapter 1. General Provisions

§9101. Definitions of words and phrases

For the purposes of this title, the following words and phrases shall have the meanings set forth herein unless the context clearly indicates otherwise:

- (1) "Authorized emergency vehicles" means the same as provided in Title 8 of these ordinances.
- (2) "Bicycle" means the same as provided in Title 8 of these ordinances.
- (3) "Motor vehicle" means the same as provided in Title 8 of these ordinances.
- (4) "Non-profit organization from Woodstock" means any entity, the income of which is exempt from federal income taxation by reason of its charitable purposes, having a place of business located in the Town of Woodstock, Vermont.
- (5) "Organized activities" means fairs, carnivals, auctions, sales, concerts, or any other activity for which admission fees are charged or at which goods or other items are sold or bartered in connection with such activity.
- (6) "Village Green" means the public lands situated between North Park Street and South Park Street in the Village.

Chapter 2. Use of the Village Green for Organized Activities

§9201. Permit required for organized activities

No person shall use the Village Green for organized activities without first obtaining a permit from the Board therefor as provided in this chapter.

§9202. Permits limited to non-profit organizations from Woodstock

A permit required by section 9201 of this chapter may only be issued to a non-profit organization from Woodstock.

§9203. Applications for permit

Applications for a permit required under section 9201 of this chapter shall be made to the Board at least 30 days prior to the date upon which the activity applied for is scheduled to occur, which application shall be in such form as shall be prescribed by the Board from time to time, shall contain at a minimum the information required by section 9204 of this chapter, and shall be signed by or on behalf of the non-profit organization by its duly authorized agent. A processing fee of \$25.00 shall accompany all applications, however this fee may be waived by the Board. An application shall be deemed completed when delivered to the office of the Village Manager, with all information requested on the form completely answered, together with the fee and any required attachments to the application.

§9204. Minimum contents of application

Applications for a permit required under section 9201 of this chapter shall include, at a minimum, the following information:

- (1) Name and address of the non-profit organization;
- (2) Name, address, and telephone number of the authorized agent signing the application on behalf of the non-profit organization;

- (3) Certification by authorized agent that the entity for which a permit is sought is a non-profit organization from Woodstock as defined in this title;
- (4) Date and times for which applied for activity is scheduled to occur and any alternate date(s) and times being planned in the event of cancellation(s) due to bad weather;
- (5) Description of the nature of the planned organized activity;
- (6) Description of all equipment and structures to be temporarily installed or erected, signs to be posted, and any alterations to be made in connection with the organized activity;
- (7) Statement of the purpose of the organized activity including the benefit to be derived for the non-profit organization;
- (8) Description of the portion of the Village Green to be used in connection with the activity;
- (9) Description of all arrangements made for traffic control;
- (10) Statement as to whether it will be necessary to drive any motor vehicles over the Village Green in connection with the activity; and
- (11) Certification by an insurance company licensed to do business in this state that the entity for which a permit is sought is presently insured in a reasonable amount for any liability which might reasonably arise by reason of such activity and that such insurance company will notify the Village Manager in the event such insurance is cancelled for any reason prior to the holding of such activity pursuant to the permit issued hereunder.

§9205. Approval or denial of application; issuance of permit

- (a) Upon receipt of a completed application and processing fee (if applicable), the Village Manager or designee shall note the date of receipt on the application and place the consideration of such application on the agenda of the next regular or special meeting of the Board.
- (b) Upon consideration of such application and the standards set forth in section 9206 of this chapter where applicable and such other factors as the Board shall deem relevant under the circumstances, the Board shall grant or deny such application, with or without conditions, and if granted shall issue a permit therefor which shall specifically state any conditions. Nothing in this chapter shall be construed to prevent the Board from granting a permit even though the application therefor was submitted less than 30 days prior to the date upon which the activity applied for is scheduled to occur, upon a finding that adequate notice has been or can be given to police and other affected municipal departments and personnel.

§9206. Standards

- (a) Although issuance of permits hereunder is limited as provided in section 9202 of this chapter, a permit may be granted to a non-profit organization from Woodstock to carry on organized activities notwithstanding the fact that, in connection with such activities, other persons not qualifying as a non-profit organization from Woodstock may profit therefrom, provided some measurable benefit is derived for the non-profit organization from Woodstock making the application and the use of such non-profit organization from Woodstock as the applicant is not merely a sham to avoid the limitation set forth in section 9202 of this chapter.
- (b) The Village Green shall be maintained in a neat and orderly condition at all times during the date of the activity and also, to the extent reasonably possible, during the setup and cleanup time for such activity.
- (c) Any equipment installed on the Village Green in connection with the activity shall be installed no sooner than 24 hours prior to the scheduled date of the activity and shall be removed no later than 24 hours after the scheduled date of the activity, provided however, any equipment which

can be easily installed and removed shall be installed and removed on the day of the activity. This standard shall have separate application to any alternate date not immediately following the scheduled date.

(d) No signs or equipment shall be attached to or installed upon trees or historic/memorial markers in the Village Green or upon traffic signs, parking meters, or light poles surrounding the Village Green.

(e) No structures shall be erected or placed within fifteen feet of the trunk of any tree in the Village Green.

(f) Traffic signs and parking meters surrounding the Village Green shall not be obstructed.

(g) All traffic control arrangements and site layouts shall be reasonably calculated to insure the maximum safety of the public and to cause the least possible inconvenience to the public. Descriptions of arrangements for traffic control shall include the recommendations of the Village chief of police with respect thereto and shall clearly state any variances between actual arrangements made and the recommendations of the Village chief of police.

(h) No activity shall be carried on for more than one calendar day and no non-profit organization shall be issued a permit for use of the Village Green more than once every 90 days. No activity shall be carried on before 8:00 a.m. or after 8:00 p.m.

(i) Applications shall be considered by the Board in the order in which completed applications are submitted to the Village Manager. Permits may be granted to 2 or more non-profit organizations from Woodstock for the same date and/or times provided the granting of such permits shall not cause an overlap in the use of any portion of the Village Green, including dates and/or time permitted for setup and cleanup and alternate dates.

(j) Consideration may be given as to whether an applicant for activity, if permitted, would unreasonably restrict the public access to and use of the Village Green.

(k) All arrangements for and expenses relating to maintenance of the Village Green immediately before, during, and immediately after a permitted activity and traffic control during a permitted activity, shall be the responsibility of the permittee.

(l) Any damage to the Village Green occurring in connection with an activity (including setup and cleanup) permitted hereunder shall be repaired at the expense of the permittee. At the option of the Board, any repair so required shall be arranged by the Board or by the permittee.

(m) At the option of the Board, a written indemnification agreement or some other security may be required as a condition precedent to the holding of a permitted activity hereunder to cover all responsibilities and liabilities of the permittee under the permit or any applicable law.

§9207. Violations of permit terms and conditions

No person on whose behalf a permit is issued under this chapter shall violate any term or condition contained in such permit or knowingly permit others to violate any such term or condition. The fact that the alleged violation or any prior violation resulted in the termination of the permit and any rights thereunder shall not constitute a defense to an action brought under this section.

History:

1996 Amendment. Section was generally amended by deleting language relating to penalties, public nuisance, and injunction and substituting language relating to violations of permit terms and conditions by section 25 of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

Chapter 3. General Prohibitions on Use of Village Green

§9301. General prohibitions

(a) No person shall drive a motor vehicle on the Village Green, except this provision shall not apply to authorized emergency vehicles engaged in responding to an emergency call or to Village repair or maintenance vehicles, nor shall it apply when the permission of the Village Manager or Board has been given therefor.

(b) No person shall operate a bicycle on the Village Green without reasonable regard for the safety of others.

(c) No person shall camp overnight, set up a tent, shack, or any other temporary shelter on the Village Green, except structures may be erected thereon in connection with a permit issued pursuant to chapter 2 of this title.

(d) No person shall take part in the playing of any games involving thrown or otherwise propelled objects on the Village Green without reasonable regard for the safety of others.

(e) No person shall damage, cut, carve, plant, transplant, or remove any tree or plant or injure the bark or pick the flowers or seeds of any tree or plant, dig up grass or other areas, or in any other way injure the natural beauty or usefulness of any area on the Village Green.

§9302. [Repealed]

History:

1996 Amendment. Section was repealed by section 1(LL) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

Chapter 4. General Regulations Regarding Public Property and Places

§9401. Defacing public property prohibited

(a) No person shall deface, injure, move, destruct, interfere with, or remove any public property, including but not limited to, signs, buildings and structures, fences, benches, and trees.

(b) [Repealed]

History:

1996 Amendment. Subsection (b) was repealed by section 1(MM) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996. Caption was revised accordingly.

§9402. Possession of open or unsealed containers of alcoholic beverages in certain public places

(a) No person shall possess an open or unsealed container of alcoholic beverage while on any Village street, highway, sidewalk, park, or the Village Green except during a specific event that has been approved by the Board of Village Trustees which allows possession of an open or unsealed container of alcoholic beverage.

(b) [Repealed]

History:

1996 Amendment. Subsection (b) was repealed by section 1(NN) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

2009 Amendment. Subsection (a) was amended to delete the word “knowingly” and to provide exception for Board approved events by Woodstock Village Ordinance Revision #36, adopted by the Board on March 11, 2009, effective May 10, 2009.

TITLE 10
YARD SALES AND AUCTIONS

Chapter 1. Public Yard Sales and Auctions

§10101. Statement of facts and purpose

The purpose of this chapter is to promote and provide for the health, safety, and welfare of the general public by regulating the conduct and frequency of yard sales and auctions, thus protecting the residential environment of the Village from unnecessary disturbance or disruption and also protecting the safety of the general public from traffic and pedestrian hazards and congestion which tend to occur during such sales.

§10102. Definitions of words and phrases

For purposes of this chapter, the following terms shall have the meanings set forth herein:

(1) "Auction" means any public sale or offering for sale of personal and/or real property conducted with a bidding procedure by any person who is subject to the license requirements of 32 V.S.A. Chapter 203, from or on any building or land in the Village which is not publicly owned or which is not generally open to the public, but excluding any building or land which is owned or leased by a licensed auctioneer for the purpose of conducting auctions.

(2) "Yard sale" means any public sale or offering for sale of five or more items of tangible personal property other than food and/or beverages not in the ordinary course of business conducted from or on any building or land in the Village not publicly owned or not generally open to the public, by any person, but excluding auctions.

(3) "On-site" means that property location for which a permit for a yard sale or auction is obtained under this chapter.

(4) "Property location" means that real property in the Village as listed separately by map, block, and lot number on the grand list used by the Village and Town of Woodstock for purposes of assessing real property taxes.

(5) "Publicly owned" means owned by the state or by any municipality or other instrumentality of the state; "publicly owned" also means owned by a non-profit organization.

(6) "Non-profit organization" means any entity, the income of which is exempt from federal income taxation by reason of its charitable purposes.

§10103. Prohibitions; permit required

(a) No person shall conduct, hold, or receive any proceeds or compensation from a yard sale or auction without first obtaining a permit from the Board of Trustees therefor as required in this chapter, provided, however, a person may receive proceeds or compensation from a yard sale or auction without such permit provided some other person has obtained a permit for such yard sale or auction under this chapter.

(b) No person having an ownership or lease interest in a property location shall knowingly allow or permit the conduct or holding of a yard sale or auction at such property location unless some person has obtained a permit from the Board of Trustees therefor as required in this chapter.

(c) [Repealed]

History:

1996 Amendment. Subsection (c) was repealed by section 1(OO) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

§10104. Applications for yard sale and auction permits

All applications for a yard sale or auction permit shall be made in writing on forms provided by the Board of Trustees for such purposes and delivered to the Village Manager or designee, together with a processing fee of \$10.00 at least five days before any proposed auction or yard sale, provided, however, no processing fee is required if the applicant is a non-profit organization and the agent making such application so certifies.

§10105. Zoning administrator as administrative officer

The Village Zoning Administrator, or in his or her absence, the Village Manager, shall be the administrative officer under this chapter and is hereby so designated and, as such, shall have the authority, on behalf of the Board of Trustees, to grant or deny permit applications in strict compliance with the standards set forth in section 10106 of this chapter.

§10106. Standards; required conditions

Upon receipt of a completed application and processing fee (if applicable) under this chapter, the Village Manager or designee shall note the date of receipt on the application and forthwith forward the same to the administrative officer hereunder who shall either grant or deny the application in strict compliance with the following standards in light of the information provided by the applicant on the application and, when granting an application and issuing a permit, the administrative officer shall include on such permit all terms and conditions as are herein required to be included in a permit issued under this chapter:

(1) No more than two permits may be issued for a yard sale or auction to be held at a particular property location during any one calendar year. No distinction shall be made between yard sales and auctions under this standard and the permitted number is cumulative.

(2) All permits shall specify the date(s) during which the yard sale or auction is to take place, which date(s) shall be those specifically requested by the applicant, provided, however, no yard sale or auction shall be allowed to extend beyond two consecutive calendar days. If the yard sale or auction is cancelled for any date(s) (not including partial days) for which a permit is issued due to rain, snow, or other unforeseen circumstances, upon request by the applicant specifying the makeup date(s), the administrative officer shall substitute such requested makeup date(s) without additional application or processing fee provided that the same is not more than thirty days from the cancelled date(s). All permits shall specify the hours during which the yard sale or auction is to take place on each permitted date, which hours shall be those specifically requested by the applicant, provided however, the hours and/or length of time for yard sales and auctions shall be limited to from 9:00 a.m. to 9:00 p.m. or any shorter time period between such hours.

(3) No person shall be issued a permit for a yard sale during any calendar year in which such person or any member of such person's household has sold or offered for sale any tangible personal property (other than food and/or beverages), or received any direct compensation therefor, as part of any two other yard sales subject to this chapter, whether or not such person was the person to whom such prior permit was issued.

(4) All permits issued under this chapter shall contain conditions that any merchandise shall be displayed for sale in such manner as will not impede or block pedestrian and/or vehicular traffic nor interfere with the peaceful enjoyment of the inhabitants of neighboring properties and that at no time shall any merchandise be displayed on abutting public sidewalks, highways, and other public property or rights-of-way.

(5) No permit shall be issued under this chapter unless the applicant certifies the existence of

sufficient off-street parking in accordance with the following standards. In yard sale permit applications, three on-site off-street parking spaces must be provided. In auction permit applications, one on-site off-street parking space must be provided for every four persons fairly and reasonably estimated by the applicant to be present at the time of maximum anticipated attendance or for every four chairs to be set up at the auction (in both instances rounded down to the nearest whole number), whichever number is greater. The existence of any public parking spaces (even if not marked or metered) within 1,000 feet from the actual site of the yard sale or auction shall reduce the off-street parking space requirements above specified on a one-for-one basis provided the applicant includes the total number of such spaces on the application. Further, such requirements shall be reduced by one space for each accessible off-site off-street parking space, within 1,000 feet from the actual site of the yard sale or auction, which the applicant has obtained written permission to use for parking in connection with the event from the owner or lessee, provided such written permission is attached to the application. All permits issued under this chapter shall contain conditions that the off-street parking requirements above specified (if any, after the reductions and allowances above outlined) must actually be complied with and available for the public at the yard sale or auction, and further, that entrances and exits thereto must be clearly marked at the location thereof and notice of the availability thereof conspicuously noted on any on-site sign advertising the event.

(6) All permits for an auction issued under this chapter shall be conditioned upon payment to the Village of a supplemental fee to be calculated and assessed at the rate of \$14.00 per hour or portion thereof covered by the permit to offset the costs of added traffic control, which sum shall be paid by the applicant in advance. This provision shall not apply if the applicant indicates on the application that a sheriff, deputy sheriff, constable, or other law enforcement officer (including name and position) has been hired to assist in control of traffic at all times during the auction, in which case the permit shall contain a condition that such law enforcement officer, or in the event of sickness or unforeseen circumstances a substitute law enforcement officer, shall actually be present at all times during the auction, for such purpose.

(7) All permits issued under this chapter shall contain a condition (as applicable) that temporary structures such as platforms, tents, chairs, display tables, etc. shall not be allowed to be erected prior to the permit date for a yard sale nor more than two days prior to the permit date for an auction and must be removed at the end of each day of a yard sale and within 24 hours after an auction. Further, all permits for a yard sale or auction shall contain a condition that the applicant assumes responsibility for and will complete on-site clean up and removal of all displayed merchandise and goods to an in-building storage area immediately after the end of each day a yard sale or auction is held.

(8) A permit for a yard sale shall include a condition that no bands, music, speakers or other devices used to amplify sound will be used in connection with the yard sale.

(9) All permits issued under this chapter shall contain a condition that a copy of the permit shall at all times during the event be in the possession of the applicant or other person in charge on-site and a placard evidencing the permit shall be conspicuously displayed on-site at all times during the event. For this purpose, a placard shall be issued together with any permit issued under this chapter.

(10) All permits issued under this chapter shall contain a condition that no more than two signs of not more than four square feet (including frame) each may be erected or exhibited on-site not more than two days prior to the date(s) for which the yard sale or auction is permitted, and that such signs shall be removed immediately after the yard sale or auction is to be closed. All signs shall comply with any other applicable laws or regulations.

(11) All permits issued under this chapter shall contain a condition that all information provided

on the application is true and accurate.

§10107. Board to prepare form of application

The Board shall prepare forms of applications for yard sale and auction permits designed to obtain the information necessary to decide whether to grant or deny any particular application based upon the provisions of this chapter. Any permit issued shall be signed by the administrative officer, on behalf of the Board, shall indicate the date of issuance, and shall contain a list of all conditions required to be included pursuant to this chapter rather than merely incorporate these conditions by reference.

§10108. Appeal from administrative officer; variances

(a) A decision issued by the administrative officer under this chapter shall become effective immediately according to its terms and conditions and shall terminate only upon its terms or upon proper appeal.

(b) An applicant may appeal any such decision directly to the Board of Trustees within seven days of the date of issuance, in which event the Board shall decide the application *de novo* at its next regular or special meeting at which a quorum is present in accordance with the standards and criteria hereinabove set forth, provided however, an applicant waives this right of appeal to the Board in the event the yard sale or auction is actually commenced, and provided further however, the Board may grant reasonable variances from any of such standards and criteria, including required conditions, in its discretion, upon proof by applicant of undue hardship or unreasonable effect. In granting a variance, the Board may include reasonable conditions not specifically required under this chapter. A decision issued by the Board upon appeal under this chapter shall become effective immediately.

§10109. Automatic permit upon failure of timely action

In instances where the standards set forth in subparagraphs (1), (2), and (3) of section 10106 of this chapter would not be violated, any completed application for a yard sale or auction permit which is not decided by the administrative officer within 30 days of completion and receipt shall be deemed granted by the administrative officer according to its terms but subject to all applicable conditions required by this chapter to be contained in such permit except those relating to possession of permit and display of placard. An application shall be deemed completed only when all questions and requests for information on the form are either answered in writing on the form or an attachment thereto, or stated by the applicant on the form as being not applicable and when such answers are complete and not ambiguous or inconsistent. This section shall not apply to appeals to the Board of Trustees.

§10110. Violations of permit terms and conditions

No person on whose behalf a permit is issued under this chapter shall violate any term or condition contained in such permit or knowingly permit others to violate any such term or condition. The fact that the alleged violation or any prior violation resulted in the termination of the permit and any rights thereunder shall not constitute a defense to an action brought under this section.

History:

1996 Amendment. Section was generally amended by deleting language relating to penalty and substituting language

relating to violations of permit terms and conditions by section 26 of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

§10111. [Repealed]

History:

1996 Amendment. Section relating to public nuisance and injunction was repealed by section 1(PP) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

END