VILLAGE OF LUDLOW, VERMONT

FIRE ZONE, SAFETY ZONE, OR FIRE AND SAFETY ZONE ORDINANCE

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ARTICLE 1. AUTHORITY AND PURPOSE OF ORDINANCE

Pursuant to the authority of 23 V.S.A. § 1008, the Village of Ludlow hereby adopts the following Ordinance for management and regulation of designated fire lanes.

1.01 The Board of Trustees for the Village of Ludlow are herewith authorized to designate any street, road, or right-of-way used by the public, public parking lot, or private parking lot used by the public within or on which or along which parking may be restricted or prohibited in their discretion for the purposes of health, safety, and welfare of the general citizenry of the Village.

1.02 Any person owning or having a legal interest in premises which are adjacent to, or otherwise affected by public roads, streets, or parking areas may petition the Board of Trustees to designate such an area as a fire zone, safety zone, or fire and safety zone. The Board of Trustees shall, as soon as possible, hear such a petition and, if they deem it necessary for the public good, health, and welfare, designate such areas and shall cause them to be marked as provided in Section 2 (e) of this Ordinance.

ARTICLE 2. REGULATIONS

2.01 The Board of Trustees may, from time to time and upon studies, surveys, and investigations, designate certain areas within, or upon, public or private parking lots, drives, and ways as fire zones, safety zones, or fire and safety zones.

2.02 No person shall let stand, stand, or park a motor vehicle in any designated fire, safety, or fire and safety zone where signs designating

such zone are erected or displayed in accordance with Subsection (e) hereof.

2.03 Failure to immediately comply with the provisions of (2.02), above, shall constitute a violation of this Ordinance.

2.04 Whenever any fire zone, safety zone, or fire and safety zone is designated, appropriate signs giving notice thereof shall be erected. Such signs shall be erected at intervals not to exceed fifty feet (50').

ARTICLE 3. ENFORCEMENT

3.01 The provisions of this Ordinance may be enforced by any enforcement officer so authorized by the Vermont Statutes Annotated, including, but not limited to, Police Officers, Constables, County Sheriffs and their deputies, Vermont State Police officers, or duly appointed Parking Enforcement personnel.

3.02 Prosecution of any violation of this Ordinance shall be undertaken by either the enforcement officer or a representative designated by the Village of Ludlow in the Vermont Municipal Traffic and Ordinance Bureau.

ARTICLE 4. AUTHORITY TO REMOVE MOTOR VEHICLES

4.01 In addition to such other penalties as may be provided for violations of the Ordinances of the Village of Ludlow, any enforcement officer is hereby authorized to direct the removal of a motor vehicle found to be in violation of this Ordinance.

4.02 Whenever an enforcement officer removes a vehicle from a fire zone, safety zone, or fire and safety zone as authorized in this Ordinance, the owner or proprietor of such motor vehicle shall be required to pay a reasonable towing charge and storage charge as authorized by the Vermont Statutes Annotated, all amounts to be assessed shall be paid to the Village of Ludlow prior to returning the impounded motor vehicle to the owner or proprietor thereof. The Village, or its agent, shall not be required to accept personal checks for payment of removal and storage charges as provided herein.

4.03 Any enforcement officer causing the removal of a motor vehicle under this Ordinance shall notify Police Department as to the location and date of discovery of the motor vehicle, the date of removal of the motor vehicle, the name of the towing service removing the motor vehicle, and the place of storage. The enforcement officer shall record any

information which may aid in ascertaining the ownership of the motor vehicle. Copies of all information will be forwarded to the Agency of Transportation in accordance with 24 V.S.A. Chapter 61.

4.04 The registration plate displayed on such motor vehicles shall constitute in evidence a prima facie presumption that the owner of such motor vehicle was the person who parked or placed such motor vehicle at the point where the violation occurred.

ARTICLE 5. PENALTIES

5.01 Civil Violation: A violation of this ordinance shall be a civil matter enforced in accordance with the provision of 24 V.S.A. § 1974 and 1977 et seq.

5.02 Any person convicted of a violation of any provision of this Ordinance shall be punished by a fine of not more than Fifty Dollars ($50.00), unless another penalty is expressly provided by law.

5.03 Any person convicted of a violation of any provisions of this Ordinance shall pay to the Village of Ludlow any fees or expenses, including legal costs, incurred by the Village in prosecution of said violation.

ARTICLE 6. INCONSISTENT ORDINANCES REPEALED

6.01 Any provisions of any Ordinance of the Village of Ludlow in effect at the time of enactment of this Ordinance governing any activity including in this Ordinance is hereby revoked.

ARTICLE 7. SEVERABILITY

7.01 If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof.

7.02 The Board of Trustees hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional or ineffective.

ARTICLE 8. PUBLICATION AND EFFECTIVE DATE

The foregoing ordinance is hereby adopted by the Board of Trustees of the Village of

Ludlow, Vermont, this seventh day of October, 1996.

ARTICLE 8 above is amended to read:

8.01 No section of this Ordinance shall be construed to supersede or replace any Vermont statute.

8.02 This Ordinance shall be entered in the minutes of the Board of Trustees meeting, and posted in at least five (5) conspicuous places with the Village of Ludlow and published in a newspaper circulating in the Village on a day not more than fourteen (14) days following the date when the Ordinance is adopted.

8.03 This Ordinance shall become effective on June 2, 2008, sixty (60) days after the date of its adoption by the Village Board Trustees, unless a petition is filed with the Village Clerk by May 15, 2008, forty-four (44) days after the date of its adoption. The petition should be addressed to the Village Trustees, should be signed by at least five percent (5%) of the qualified voters of this municipality, and should ask for a special meeting to be called on the question of disapproving the ordinance.

Questions about the Ordinance may be directed to the Municipal Manager, Ludlow, Vermont, or by calling telephone number (802) 228-2841.

The foregoing ordinance is hereby re-adopted by the Board of Trustees of the Village of Ludlow, Vermont on this 1st day of April, 2008.

VILLAGE OF LUDLOW
BOARD OF TRUSTEES

_____
Robert Gilmore, Chair

_____
David Rose

_____
James Fuller