

## **TRAFFIC AND PARKING ORDINANCE**

### **Town of Benson, Vermont**

#### **ARTICLE I AUTHORITY**

Pursuant to the provisions of Title 19 of the Vermont Statutes Annotated, Section 304, Title 23 of the Vermont Statutes Annotated, Sections 1005, 1007, 1008, 1753, 3210 and 3510, Title 24 of the Vermont Statutes Annotated, Chapter 59 and Sections 1971 and 2291(1)(4) and (5), and such other general enactments as may be material hereto, it is hereby ordained by the Board of Selectmen of the Town of Benson that the following Traffic Ordinance is adopted for the Town of Benson, Vermont.

#### **ARTICLE II PURPOSE**

The purpose of this ordinance is to establish special traffic and parking regulations on public highways within the Town of Benson, Vermont in order to protect the public health, safety and welfare.

#### **ARTICLE III DEFINITIONS**

The definitions of Title 23 of the Vermont Statutes Annotated, Section 4 are incorporated by reference.

#### **ARTICLE IV TRAFFIC CONTROL DEVICES**

Section I. It shall be unlawful for any person to disobey the direction of a traffic control device except in response to the direction of a law enforcement officer.

Section II. It shall be unlawful for any person to intentionally remove, injure, obstruct, deface, alter or tamper with any traffic control device.

Section III. It shall be unlawful for any person to install any sign or device which may resemble or be mistaken for an official traffic control device, without prior approval of the Town of Benson, Board of Selectmen.

## ARTICLE V SPEED REGULATIONS

On the basis of engineering and traffic studies, the following speed limits are hereby established.

- **All Class 3 gravel roads:** A maximum speed limit of 35 mph with the following exceptions:

**Glenn Road:** A maximum speed limit of 25 mph from the intersection of Stage Road westerly a distance of approximately 0.5 miles to the Solid Waste Transfer Station.

**Sunset Lake Road:** A maximum speed limit of 25 mph from the Orwell town line southerly a distance of 0.50 miles.

**East Road:** A maximum speed limit of 35 mph for the entire length of the road.

- **Stage Road:** A maximum speed limit of 35 mph from the West Haven Town line northerly a distance of 2.2 miles to the 25 mph speed zone of Benson village. A maximum speed of 25 mph in Benson village from 2.2 miles north of the West Haven town line to the intersection with Hulett Hill Road. A maximum speed of 35 mph from the intersection of Hulett Hill Road northerly to the Orwell town line.
- **Lake Road:** A maximum speed limit of 35 mph from the intersection of Route 22A westerly a distance of 0.55 miles to the 25 mph speed zone of Benson village. A maximum speed of 25 mph in Benson village from 0.55 miles from the intersection of Route 22A to 0.95 miles from the intersection of Route 22A. A maximum speed of 35 mph from the westerly edge of the village 0.95 miles from the intersection of Route 22A, westerly to the end of Lake Road at the bridge located at Benson Landing.
- **Hulett Hill Road:** A maximum speed limit of 30 mph for the entire road.
- **Route 144:** A maximum speed of 40 mph from the Hubbardton town line westerly a distance of 4.2 miles to the intersection of Route 22A.

The above speed limits shall be posted in accordance with the standards set forth in the Manual on Uniform Traffic Control Devices and shall be in effect when so posted.

In accordance with 23 V.S.A. § 1081, except when there exists a special hazard that requires lower speed in accordance with subsection (a) of this section of V.S.A., the limits specified in this section or established as hereinafter authorized are maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of 50 miles per hour.

## **ARTICLE VI STOP AND YIELD INTERSECTIONS**

### **Section I. Stop Signs**

Vehicles are required to stop on the following roads at the locations indicated below:

- **East Road:** Intersection with Route 22A  
Intersection with Route 144
- **Howard Hill Road:** Intersection with Mill Pond Road  
Intersection with Route 144
- **Mill Pond Road:** Intersection with Route 22A
- **Sunset Lake Road:** Intersection with Route 144
- **Hulett Hill Road:** Intersection with Route 22A  
Intersection with Stage Road
- **Route 144:** Intersection with Route 22A
- **Coates Hill Road:** Intersection with Route 22A  
Intersection with Stage Road
- **North Cross Road:** Intersection with Route 22A
- **Frazier Hill Road:** Intersection with Stage Road
- **Goodrich Cross Road:** Intersection with Stage Road
- **Park Hill Road:** Intersection with Lake Road
- **North Lake Road:** Intersection with Lake Road
- **Glenn Road:** Intersection with Stage Road
- **Lake Road:** Intersection with Route 22A  
Intersection with Stage Road (East)  
Intersection with Stage Road (West)
- **Stage Road:** Intersection with Lake Road (South)  
Intersection with Lake Road (North)  
Intersection with Hulett Hill Road (South)  
Intersection of Frazier Hill Rd and North Cross Rd (North & South)
- **Ledge Road:** Intersection with Route 144
- **Ledge Road:** Intersection with Young Road
- **Pleasant Valley Road:** Intersection with Route 144
- **Needham Hill Road:** Intersection with Route 22A
- **Perch Pond Road:** Intersection with 22A

Town of Benson, VT

The above stop signs shall be posted in accordance with the standards set forth in the Manual on Uniform Traffic Control Devices and shall be in effect when so posted.

## **Section II. Yield Signs**

Vehicles on the following roads are required to yield to traffic on the intersecting roads at the indicated locations.

- **Frazier Hill Road:** Intersection with North Lake Road  
Intersection of Stage Road
- **Goodrich Cross Road:** Intersection with Park Hill Road
- **Money Hole Road:** Intersection with Park Hill Road  
Intersection with Carter Street
- **Carter Street:** Intersection with Lake Road
- **Root Pond Road:** Intersection with Money Hole Road
- **Turkey Farm Road:** Intersection with Frazier Hill Road
- **Mill Pond Road:** Intersection with East Road
- **North Cross Road:** Intersection with Stage Road

The above yield signs shall be posted in accordance with the standards set forth in the Manual on Uniform Traffic Control Devices and shall be in effect when so posted.

## **ARTICLE VII PARKING REGULATIONS**

**Section I. PARKING AND SNOW REMOVAL.** No person owning, operating, or controlling a motor vehicle shall park, or cause to be parked, said motor vehicle on the traveled portion of any street or highway within the Town of Benson from November 15th through April 15th inclusive. Any such motor vehicle may be removed at the owner's expense, by order of any law enforcement officer, road commissioner or select board member, as provided by state statutes (TITLE 23 VSA Section 1753). The primary purpose is to facilitate snow removal.

### **Section II. PARKING ON SUNSET LAKE ROAD.**

In addition to the regulations imposed in Section I, the following shall apply: • No parking at any time on either side of the road from the Orwell town line south 250 feet.

• No parking at any time on the west (Lake) side of the road from 250 feet south of the Orwell town line to 1140 south of the Orwell town line. • Parking of cars and pickup trucks on the edge of the traveled portion of the east (Camp) side of the highway from 250 feet south of the Orwell town line to 1140 feet south of the Orwell town line is allowed in accordance with the following provisions:

(1) Vehicles must be parked, to the maximum extent practical, off the traveled portion of the right of way.

(2) No overnight parking.

**Section III: REMOVAL OF MOTOR VEHICLES.** Any person violating Article VII of the Town of Benson Traffic and Parking Ordinance shall have such motor vehicle towed at the owner's expense in accordance with 23 VSA § 1753. The owner of the motor vehicle shall be required to pay a towing charge in an amount not less than forty dollars (\$40.00) for such removal, plus storage charges for which a lien may be imposed against the motor vehicle so removed until such charges are paid in full, which lien shall be in addition to any other penalty imposed by this ordinance.

**Section IV: ENFORCEMENT.** Violations of Article VII shall be enforced by any law enforcement officer in Vermont District Court.

**Section V: PENALTIES.** The penalties for violations of these parking regulations shall be as set forth in the Town of Benson Parking Violations Fee Schedule.

October 18, 2021

## **ARTICLE VIII**

### **ATV REGULATIONS**

#### **Section I. Definitions**

- "All-terrain vehicle" or "ATV" means any non-highway recreational vehicle, except snowmobiles, when used for cross-country travel on trails or on any one of the following or a combination thereof: land, water, snow, ice, marsh, swampland and natural terrain.
- "Operate" includes an attempt to operate and shall be construed to cover all matters and things connected with the presence and use of snowmobiles and all-terrain vehicles (ATVs) whether they be at motion or rest.
- Other definitions found in 23 V.S.A. § 3501 are incorporated by reference.

#### **Section II. Operating Requirements**

- No person shall operate an ATV on a public right of way, open to ATV operation, at a speed greater than is reasonable, safe and prudent under the conditions, having regard for the actual and potential hazards there existing. In every event, speed shall be controlled as necessary to avoid collision with any person, vehicle, snowmobile, ATV or other object on or adjacent to the trail system or highway.
- The Operator of an ATV may only cross a public highway if (1) the crossing is made at an angle of approximately 90 degrees and at a place where the crossing can be made quickly and safely; (2) the operator brings the ATV to a complete stop before entering the traveled portion of the highway; and (3) the operator yields the right of way to motor vehicles and pedestrians.
- The operator of every ATV shall drive at an appropriate reduced speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding trail and when a special hazard exists with respect to pedestrians or other traffic by reason of weather or trail conditions.
- ATV's shall be operated in a safe manner on town highways and shall obey all traffic regulations that apply to other motor vehicles permitted on the town highways. All ATV's shall yield the right of way to all motor vehicles and pedestrians using the highway. All ATV's must be operated on the far right of the highway when operating on a public highway.
- ATV operators shall also comply with all state statutes governing their operation.

### **Section III: Roads Permitted for ATV Use**

- All gravel surfaced Town of Benson highways are permitted for ATV use.
- The paved portion of East Road is permitted for ATV use.
- The paved portion of Sunset Lake Road is permitted for ATV use.
- The paved portion of Lake Road westerly from the intersection of Carter Street to the end of the pavement.
- The paved portion of Lake Road easterly from the intersection of Stage Road to Mill Pond Road is permitted for ATV use.
- The paved portion of Stage Road is permitted for ATV use.

### **Section IV: Roads Not Permitted for ATV Use**

- Route 22A in any location in the Town of Benson (State Jurisdiction)
- Route 144 from Route 22A easterly or westerly to the Hubbardton town line
- Lake Road from Stage Road to Carter Street
- Hulett Hill Road from Stage Road to Route 22A.

Signs are to be posted at intersections stating that ATV use is not permitted.

## **ARTICLE IX SNOWMOBILE REGULATIONS**

### **Section I. Definitions**

- "Snowmobile" means a self-propelled vehicle intended for off-road travel primarily on snow, having a curb weight of not more than 453.59 kg (1000 lbs.); driven by track or tracks in contact with the snow and steered by a ski or skis in contact with the snow.
- "Operate" includes an attempt to operate and shall be construed to cover all matters and things connected with the presence and use of snowmobiles whether they be at motion or rest.

### **Section II. Operating Requirements**

- No person shall drive a snowmobile on a public right of way, open to snowmobiling, at a speed greater than is reasonable, safe and prudent under the conditions, having regard for the actual and potential hazards there existing. In every event, speed shall be controlled as necessary to avoid collision with any person, vehicle, snowmobile, ATV or other object on or adjacent to the trail system or highway.
- A person shall operate a snowmobile on public highways at a distance of five feet or greater from the plowed portion unless the highway is a class IV road or trail that is privately maintained or plowed. This Section shall not apply to Class IV roads and trails which are not maintained during the snow season.
- The Operator of a snowmobile may only cross a public highway if (1) the crossing is made at an angle of approximately 90 degrees and at a place where the crossing can be made quickly and safely; (2) the operator brings the snowmobile to a complete stop before entering the traveled portion of the highway; and (3) the operator yields the right of way to motor vehicles and pedestrians.
- The operator of every snowmobile shall drive at an appropriate reduced speed when approaching and crossing an intersection or a railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding trail and when a special hazard exists with respect to pedestrians or other traffic by reason of weather or trail conditions.
- Snowmobiles operating on a public right-of-way open to snowmobiling shall comply with the provision established in Sections 1003, 1007 and 1008 of Title 23.



- Snowmobiles shall be operated in a safe manner on town highways and shall obey all traffic regulations that apply to other motor vehicles permitted on town highways. All snowmobiles shall yield the right of way to all motor vehicles and pedestrians using the highway.
- Snowmobile operators shall also comply with all state statutes governing their operation.

## **ARTICLE X LOADED VEHICLES**

No vehicle shall be driven or moved on any street unless such vehicle is so constructed or loaded so as to prevent its contents from dropping, sifting, leaking or otherwise escaping there from.

## **ARTICLE XII GENERAL PROVISIONS**

### **Section I. Separate Offenses:**

Each violation of a provision of this ordinance shall be deemed a separate offense.

### **Section II. Penalties:**

All penalties shall be those established by the Vermont Judicial Bureau for traffic violations except that penalties for violating Parking Regulations shall be as established by the Town of Benson Parking Violations Fee Schedule.

### **Section III. Severability:**

The provisions of this ordinance are declared to be severable and if any provision hereof be adjudged invalid such judgment shall not affect the validity of any other provision. If any statute referred to in this ordinance is amended, this ordinance shall be deemed to refer to such amended statute.

### **Section IV. Designation:**

This ordinance may be referred to as the Benson Traffic and Parking Ordinance and in a prosecution hereunder a copy of such ordinance, certified by the Town Clerk shall be prima facie evidence thereof. An allegation that the act constituting the offense charged is contrary to a specified provision of this ordinance shall be a sufficient reference hereto.

### **Section V. Repeal of Prior Ordinances:**

Any other traffic related ordinance or traffic regulation heretofore adopted by the Town of Benson is hereby repealed.

**Section VI. Enforcement:**

Traffic violations shall be enforced by any law enforcement officer in the Judicial Bureau. Violations of Parking Regulations, however, shall be enforced by any law enforcement officer in Vermont District Court.

**Section VII. Publication and Posting:**

This ordinance shall be published in the Rutland Herald on \_\_\_\_\_, 20\_\_\_\_, and shall be filed with the Benson Town Clerk on \_\_\_\_\_, 20\_\_\_\_.

Originally adopted by the Board of Selectmen, Town of Benson at its meeting held on the \_\_\_\_\_ 30 \_\_\_\_\_ day of August, 2004.

ADOPTED: 8/30/04

REVISED 9/28/15

POSTED & PUBLISHED: October 17, 2015

EFFECTIVE DATE: November 27, 2015

REVISED: 9/30/24

POSTED & PUBLISHED: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_

SELECTBOARD:

Brad Barrett, Chair	<u>Brad Z Barrett</u>
Guy Charleton,	<u>Guy M. Charleton</u>
Linda Peltier:	<u>Linda R. Peltier,</u>
Jerod Glover	<u>Jerod Glover</u>
Jim Pritchard	<u>Jim Pritchard</u>