

Motor Vehicle and Traffic Ordinance



southburlington
VERMONT

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06-03-2019 DRAFT

The Council of the City of South Burlington hereby ordains:

1. Purpose and Authority

This Motor Vehicle and Traffic Ordinance is enacted by the City Council to promote the public health, safety and welfare of City residents under the authority it is granted to regulate the operation and use of motor vehicles as set forth in 19 V.S.A. section 304, 23 V.S.A. sections 1007 and 1008, 24 V.S.A. section 2291(1), (4), and (5) and Sections 103 and 104 of the South Burlington City Charter. This Ordinance establishes special traffic regulations on public roads or highways in the City of South Burlington and shall constitute a civil ordinance within the meaning of 24 V.S.A. chapter 59.

2. Definitions

The definitions set forth in 23 V.S.A. section 4 are incorporated herein by reference.

3. Speed Regulations

The City Council shall establish, by appropriate resolution, speed limits on City public roads and highways and upon doing so shall cause suitable "Speed Limit" signs to be installed. Speed limits established by the City Council shall be in effect when so posted.

4. Stop Intersections

The City Council shall designate, by appropriate resolution, stop intersections and upon doing so shall cause a suitable "Stop" sign to be installed at the intersection. When a stop sign is so installed, a motor vehicle operator approaching the stop sign shall operate the vehicle in the manner required by 23 V.S.A. section 1048(b).

5. Yield Intersections

The City Council shall designate, by appropriate resolution, yield intersections and upon doing so shall cause a suitable "Yield" sign to be installed at the intersections. When a yield sign is so installed, an operator approaching the yield sign shall operate the motor vehicle in the manner required by 23 V.S.A. section 1048(c).

6. Traffic Control Signals

The City Council shall designate, by appropriate resolution, intersections and other locations on City public roads and highways to be controlled by traffic-control signals and upon doing so shall cause a traffic-control signal to be installed at the intersection or other location. When a traffic-control signal is so installed, an operator approaching the traffic-control signal shall operate the motor vehicle in the manner required by 23 V.S.A. section 1022.

7. Flashing Signals

The City Council shall designate, by appropriate resolution, intersections and other locations on City public roads and highways to be controlled by flashing signals and upon doing so shall cause a flashing signal to be installed at the intersection or other specified location. When a flashing signal is so installed, an operator approaching the traffic-control signal shall operate the motor vehicle in the manner required by 23 V.S.A. section 1024.

8. One-Way Streets

The City Council shall designate, by appropriate resolution, any public road or highway for one-way traffic and establish the direction of traffic and upon doing so shall cause a suitable "One-Way" sign to be installed. When a one-way sign is so installed, an operator shall operate the motor vehicle only in the direction designated.

9. Right Turn Only Intersections

The City Council shall designate, by appropriate resolution, intersections where only right turns are allowed and upon doing so shall cause a suitable "Right Turn Only" sign to be installed. When such a sign is so installed, an operator shall operate the motor vehicle only in the direction designated.

10. Vulnerable Users

- (A) If traffic-control signals are not in operation, the driver of a motor vehicle shall yield the right of way, slowing down or stopping if necessary, to a pedestrian crossing the roadway within a crosswalk.
- (B) The operator of a motor vehicle shall not, in a careless or imprudent manner, approach, pass, or maintain speed unnecessarily close to a vulnerable user.
- (C) An occupant of a motor vehicle shall not throw any object or substance at a vulnerable user.
- (D) The operator of a motor vehicle approaching or passing a vulnerable user shall exercise due care, which includes reducing speed and increasing clearance to a recommended distance of at least four feet, to pass the vulnerable user safely, and shall cross the center of the public road or highway only as provided in 23 V.S.A. section 1035.
- (E) A person operating a motor vehicle shall not turn left unless the turn can be made at a safe distance from a vulnerable user.

11. Civil Penalties; Waiver Fee; Enforcement

(A) Any violation of a provision of this Ordinance which constitutes a traffic violation as defined by 23 V.S.A. section 2302, shall be prosecuted pursuant to 23 V.S.A. chapter 24, and such violator will be subject to the procedures and provisions set forth therein. From time to time, the City Council shall establish by appropriate resolution full and waiver penalties for violations of the provisions of this Ordinance.

(B) Police officers of the City of South Burlington and any other law enforcement officer shall be authorized to issue and pursue before the Judicial Bureau a civil violation complaint. The issuing officer shall indicate on the complaint the appropriate full and waiver penalty. A civil violation complaint may, at the discretion of the issuing officer, be dismissed or a civil or waiver penalty may be reduced, upon the successful completion of a reparative justice program through the South Burlington Community Justice Center.

12. Severability

In the event that any section, subsection or portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance.

13. Repeal

The Motor Vehicle and Traffic Regulation Ordinance of the City of South Burlington adopted April 28, 1958 and as amended from time to time thereafter, is hereby repealed.

Adopted at South Burlington, Vermont, this ____ day of _____ 2019.

SOUTH BURLINGTON CITY COUNCIL

Helen Riehle, Chair

Thomas Chittenden

Meaghan Emery, Vice-Chair

Dave Kaufman

Tim Barritt, Clerk