

# Town of Fairfax, Vermont

## CHAPTER FOUR

### TRAFFIC ORDINANCE

#### **SECTION 1. Authority**

This ordinance is adopted by the Selectboard of the Town of Fairfax, VT, pursuant to authority to adopt, amend, repeal, and enforce ordinances granted by 19 V.S.A. §303 and §313, 23 V.S.A. Chapters 13 and 31, and 24 V.S.A. § 1971 and §2291(1), (4), and (5). This ordinance shall be a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

#### **SECTION 2. Purpose.**

It is the purpose of this ordinance is to establish special traffic regulations within the Town of Fairfax, Vermont to promote safe use of the Town's roads, highways, bridges, sidewalks, and recreation paths.

#### **SECTION 3. Definitions.**

The definitions of 23 V.S.A. § 4 and §3501 are incorporated by reference. The term vehicle herein shall be synonymous with motor vehicle.

#### **SECTION 4. Traffic Control Devices.**

- a. 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.
- b. It shall be unlawful for any person to intentionally remove, injure, obstruct, deface, alter, or tamper with any traffic control device.
- c. It shall be unlawful for any person to install any sign or device that may resemble or be mistaken for an official traffic control device or that interferes with the effectiveness of any official traffic control device. Any such prohibited sign or device may be removed by the Town of Fairfax without notice.

#### **SECTION 5. Speed Regulations.**

- a. Based on consideration of neighborhood character, abutting land use, bicycle, pedestrian, and equestrian use and physical characteristics of the highways, the maximum speed limit on the roads and highways shall be as follows:

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TH#	ROAD NAME	Class	Speed Limit
47	Allen Irish Rd	3	35
15	Austin Rd	3	35
61	Beeman Rd	3	25
13	Berthiaume Rd	3	35
6	Besette Rd	3/4	35
24	Boissoneault Rd	3	35
5	Brick Church Rd	2	35
5	Cadieux Rd	2	35
48	Cain St	3	25
11	Carroll Hill Rd	3	35
41	Chaffee Rd	3	35
16	Cherrierville Rd	3	35
50	Cleary Rd	3	35
31	Comette Rd	3	35
32	Coolum Rd	3	35
60	Crystal Rd	3	25
57	Delorme Rd	3	25
59	Evergreen Rd	3	35
40	Fanton Rd	3/4	35
26	Ferguson Rd	3	25
23	Flanders Rd	3	35
63	Goodall St	3	25
39	Goose Pond Rd	3	35
56	Heights Rd	3	25
34	Heyer Rd.	3	35
53	Highland Rd	3	35
25	Huntville Rd	3	35
12	King Rd	3	35
64	Ledge Rd	4	25
62	Lily Rd	3	25
38	Marsh Hill Rd	4	25
33	McNall Rd	3/4	35
20	Meade Rd	3	35

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TH#	ROAD NAME	Class	Speed Limit
10	Nichols Rd	3	35
3	Oakland Station Rd	2	40
27	Owens Rd	4	25
43	Pigeon Rd	3	25
46	Pilon Rd	3	35
45	Plains Rd	3	35
42	Richards Rd	3	35
51	River Rd	3	35
22	Rocky Ridge Rd	4	25
15	Rood Mill Rd	3	35
7	Rugg Rd	3	35
21	Sam Webb Rd	3	35
44	Sand Hill Rd	3	35
37	Shepardson Hollow Rd	3	35
52	Snowcrest Rd	3	25
19	Spooner Rd	4	25
54	Stone Brook Rd	3	35
28	Swamp Rd	3	35
30	SweetSlattery Rd	3	35
25	Tabor Hill Rd	3	35
4	Toof Rd	2	35
14	Wagner Rd	3	35
9	West St Rd	3	35
29	Wilkins Rd	3	35
55	Windtop Rd	3	25
17	Woodward Rd	3	35

- b. On the basis of engineering and traffic studies, the following speed limits are hereby established:
1. TH#35/36 (Hunt Street): A maximum speed of 25 m.p.h. for its entire length.
  2. TH#1 (Buck Hollow Road): A maximum speed of 40 m.p.h. from the intersection with VT 104 extending northeasterly .5 miles, then a maximum speed of 50 m.p.h. to the Fairfax/Fletcher Town line.
  3. TH#2 (Fletcher Road): A maximum speed of 30 m.p.h. from the intersection of VT 104 extending northerly 3 miles, then a maximum speed of 40 m.p.h. to the Fletcher Town line.
  4. TH#39 (School Street): A maximum speed of 25 m.p.h. for its entire length.

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- 5. TH#35 (Maple Street): A maximum speed of 25 m.p.h. for its entire length.
- c. The maximum speed limit permitted for any vehicular traffic on Vermont Route 104, Route 104A, and Route 128 within the Town of Fairfax shall be the same as those limits established and posted by the State of Vermont.
- d. The above speed limits shall be posted in accordance with the standards set forth in the Manual of Uniform Traffic Control Devices as amended from time to time and shall be in effect when so posted.

**SECTION 6. Stop and Yield Intersections.**

- a. The following intersections shall be designated as stop intersections and shall be so signed:

TH47 (Allen Irish Rd) at RT104 (Main St)  
TH15 (Austin Rd) at RT104 (Main St)  
TH61 (Beeman Rd) at TH37 (Shepardson Hollow Rd)  
TH13 (Berthiaume Rd) at TH16 (Cherrierville Rd)  
TH14 (Berthiaume Rd) at TH1 (Buck Hollow Rd)  
TH6 (Bessette Rd) at RT104 (Main St)  
TH24 (Boissoneault Rd) at TH2 (Fletcher Rd)  
TH24 (Boissoneault Rd) at TH25 (Huntville Rd)  
TH5 (Brick Church Rd) at RT104 (Main St)  
TH1 (Buck Hollow Rd) at RT104 (Main St)  
TH5 (Cadieux Rd) at TH11 (Carrroll Hill Rd)  
TH4 (Cain St) at TH35 (Maple St)  
TH11 (Carroll Hill Rd) at TH1 (Buck Hollow Rd) in both locations  
TH41 (Chaffee Rd) at TH37 (Shepardson Hollow Rd)  
TH41 (Chaffee Rd) at TH39 (Goose Pond Rd)  
TH16 (Cherrierville Rd) at TH15 (Austin Rd.)  
TH16 (Cherrierville Rd) at TH5 (Brick Church Rd)  
TH50 (Cleary Rd) at RT104 (Main St)  
TH31 (Comette Rd) at TH2 (Fletcher Rd)  
TH60 (Crystal Rd) at TH44 (Sandhill Rd)  
TH57 (Delorme Rd) at TH60 (Crystal Rd)  
TH59 (Evergreen Rd) at TH17 (Woodward Rd)  
TH40 (Fanton Rd) at TH2 (Fletcher Rd)  
TH26 (Ferguson Rd) TH25 (Huntville Rd)  
TH23 (Flanders Rd) at RT104 (Main St)  
TH2 (Fletcher Rd) at RT104 (Main St) in both locations  
TH63 (Goodall St) at RT104 (Main St)  
TH56 (Heights Rd) at TH44 (Sand Hill Rd)  
TH34 (Heyer Rd.) at TH33 (McNall Rd)  
TH53 (Highland Rd) at TH52 (Snowcrest Rd)  
TH35/36 (Hunt St) at RT104 (Main St)  
TH25 (Huntville Rd) at RT104 (Main St)  
TH12 (King Rd) at RT104 (Main St)

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TH12 (King Rd) at TH10 (Nichols Rd)  
TH64 (Ledge Rd) at TH21 (Sam Webb Rd)  
TH64 (Ledge Rd) at TH1 (Buck Hollow Rd)  
TH62 (Lily Rd) at TH60 (Crystal Rd)  
TH35 (Maple St) at RT104 (Main St)  
TH35 (Maple St) at TH35/36 (Hunt St)  
TH38 (Marsh Hill Rd) at TH39 (Goose Pond Rd)  
TH33 (McNall Rd) at RT128 (Browns River Rd)  
TH20 (Meade Rd) at TH1 (Buck Hollow Rd)  
TH20 (Meade Rd) at TH16 (Cherrierville Rd)  
TH10 (Nichols Rd) at RT104 (Main St)  
TH3 (Oakland Station Rd) at RT104 (Main St)  
TH27 (Owens Rd) at TH28 (Swamp Rd)  
TH43 (Pigeon Rd) at RT104 (Main St)  
TH46 (Pilon Rd) at TH6 (Besette Rd)  
TH 45 (Plains Rd) at RT104 (Main St)  
TH42 (Richards Rd) at TH33 (McNall Rd)  
TH51 (River Rd) at TH2 (Fletcher Rd)  
TH51 (River Rd) at TH36 (Goose Pond Rd) from the bridge approach  
TH51 (River Rd) at RT104 (Main St)  
TH22 (Rocky Ridge Rd) at RT104 (Main St)  
TH15 (Rood Mill Rd) at TH1 (Buck Hollow Rd)  
TH7 (Rugg Rd) at TH5 (Brick Church Rd)  
TH21 (Sam Webb Rd) at RT104 (Main St)  
TH21 (Sam Webb Rd) at TH20 (Meade Rd)  
TH44 (Sand Hill Rd) at RT104 (Main St)  
TH49 (School St) at TH35/26 (Hunt St)  
TH49 (School St) at RT104 (Main St)  
TH37 (Shepardson Hollow Rd) at TH2 (Fletcher Rd)  
TH37 (Shepardson Hollow Rd) at TH51 (River Rd)  
TH52 (Snowcrest Rd) at TH6 (Besette Rd)  
TH52 (Snowcrest Rd) at TH5 (Brick Church Rd)  
TH54 (Stone Brook Rd) at TH37 (Shepardson Hollow Rd)  
TH28 (Swamp Rd) at TH2 (Fletcher Rd)  
TH28 (Swamp Rd) at TH17 (Woodward Rd)  
TH30 (Sweet Slattery Rd) at TH29 (Wilkins Rd)  
TH25 (Tabor Hill Rd) at TH25 (Huntville Rd)  
TH4 (Toof Rd) at RT104 (Main St)  
TH14 (Wagner Rd) at RT104 (Main St)  
TH9 (West St Rd) at TH11 (Carroll Hill Rd)  
TH29 (Wilkins Rd) at TH2 (Fletcher Rd)  
TH55 (Windtop Rd) at TH52 (Snowcrest Rd)  
TH17 (Woodward Rd) at TH1 (Buck Hollow Rd)

- b. The following intersections shall be designated as yield intersections and shall be so signed:  
TH#10 (Nichols Rd.) entering TH#12 (King Rd.)

TH#32 (Coolum Rd.) entering TH#31 (Comette Rd.)

**SECTION 7. Parking Regulations.**

- a. No parking areas.
  1. It shall be unlawful to park at anytime on the south side of TH #35 (Hunt Street) from the intersection of TH #35, #36 (Hunt Street) and #48 (Cain Street) in a westerly direction to the including the driveway of the Waste Treatment Facility on TH#35 (Hunt Street).
  2. It shall be unlawful to park on the western side of TH#35 (Hunt Street) from the intersection of TH#49(School Street) in a southerly direction to the intersection with TH#48(Cain Street) then on the north side of Hunt Street to the Community Park entrance drive for more than two-and-a-half hours.
  3. It shall be unlawful to park at anytime on the north side of TH#49 (School Street).
- b. Parking ban for emergencies and special events.
  1. A parking ban may be declared when there is a demonstrated need for maintenance, a hazardous weather event, special events, or when situations exist which may threaten public health, safety, or welfare. A parking ban may be declared by the Fairfax Town Manager or Fairfax Fire Chief in consultation with Fairfax Public Works.
  2. It shall be unlawful for any person to park a vehicle within any designated town right-of way anytime of the year during a declared parking ban.
  3. With as much advanced warning as practical, the Town shall make reasonable efforts to notify the public of the parking ban. For nonemergency matters such as a special event or planned street maintenance, the Town shall post "no parking" signs twenty-four (24) hours in advance of the parking ban. The temporary no parking signs must state the time during which the parking prohibition is in effect.
- c. No vehicle shall be parked within six (6) feet of a fire hydrant or within a designated fire lane.
- d. Leaving dismantled, nonoperating or unregistered vehicles on streets prohibited. No person shall leave any partially dismantled, nonoperative, wrecked, junked or unregistered vehicle on any street or highway within the Town.
- e. Any vehicle parked in violation of the provisions of this Article may be summarily removed at the owner's expense, by order of any law enforcement officer (constable, sheriff, and state police).
- f. If the owner of a vehicle summarily removed under this section does not claim such vehicle and pay all towing and storage expenses within thirty (30) days of the date of such removal, the title to such vehicle shall escheat to the Town and the vehicle may be sold or otherwise disposed of in accordance with 27 V.S.A. §11.
- g. Nothing in this Article shall be construed to make unlawful vehicular stops in obedience to the direction of a law enforcement officer or for causes beyond the control of the operator.

### **SECTION 8. Designated One-Way Streets.**

The following street or portion of said street is hereby designated as a one-way street and the direction of travel shall be as follows:

### **SECTION 9. Weight Limits and Loaded Vehicles.**

- a. 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 therefrom.
- b. Pursuant to Section 1397 of Title 23, V.S.A., Town roads and bridges shall be posted to notify drivers of weight requirements. No vehicle shall operate on the following town roads and bridges at a weight in excess of that below and posted on the roads and bridges named:
  1. Maple Street Bridge. The weight limit shall be 8,000 lbs. No overweight permits shall be issued for a weight in excess of 8,000 lbs.
  2. Boissoneault Bridge. The weight limit shall be 24,000 lbs. No overweight permits shall be issued for a weight in excess of 24,000 lbs.
  3. No vehicle, excepting emergency vehicles and those owned by the Town of Fairfax, shall operate on any Class 2, 3 or 4 Town road or bridge at a weight in excess of twenty-four thousand pounds, without an overweight permit issued by the Town.
  4. Temporary weight restrictions can be applied to any bridge or highway by the Selectboard or Town Manager based on weather-related circumstances, which are of a temporary or special nature. Such a restriction shall not exceed a 3-month period.
- c. The Town shall issue annual overweight permits for all Class 2, 3 and 4 town highways. Overweight permits shall be issued up to the legal state limits, as set forth in Title 23, § 15 V.S.A. Permit applications shall include a fee in accordance with 23 V.S.A. Section 1400(a) as amended from time to time and a valid certificate of insurance in the amount of a minimum of \$100,000/\$300,000 Personal Injury Liability Coverage and \$100,000 Property Damage Coverage.
- d. The following roads shall have signs posted with the designation: "No Thru Truck Traffic":
  1. Maple Street

### **SECTION 10. Pedestrians and Bicyclists**

- a. Crosswalks
  1. Wherever a crosswalk is provided, pedestrians are required to use the crosswalk when crossing a roadway.
  2. 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 the driver to yield safely.
  3. When traffic-control signals are not in place or not in operation or do not provide an exclusive pedestrian walk phase, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

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4. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.
- b. Bicyclists
    1. A bicycle shall be defined for the purposes of this section as any non- motorized wheeled vehicle that is propelled manually by pedals.
    2. Every person riding a bicycle upon a roadway, sidewalk or recreational path within the Town shall operate in a safe and prudent manner and shall yield the right-of-way to any pedestrian.
  - c. Sidewalks and Recreational Paths.
    1. Motorized vehicles are prohibited from being operated on sidewalks and recreational paths except for electric personal assistive mobility devices and equipment under the direction of the Town of Fairfax.
    2. Sidewalks and recreational paths shall not be blocked by parked vehicles so as to prevent safe passage.

### **SECTION 11. General Provisions.**

- a. No driver shall stop their vehicle in the traveled portion of a roadway in a manner that interferes with the flow of traffic for the purpose of solicitation, or any purpose other than temporarily to engage in loading or unloading mail, refuse/recycling, merchandise, or passengers.
- b. No operator of a motor vehicle other than an authorized emergency vehicle shall follow any fire apparatus traveling to an emergency closer than five hundred (500) feet, or in such a manner as to interfere with the suppression of a fire or the handling of such emergency, or so as to endanger the life of any occupant of such fire apparatus, or thereafter park a vehicle so as to interfere with the suppression of a fire or the handling of such emergency.
- c. No motor vehicle shall be operated over any unprotected hose of a fire department when laid down on any roadway without the consent of the fire department official in command or a law enforcement officer.
- d. No person may operate, or permit to be operated, an all-terrain vehicle, owned by them or under their control, on any public road in the Town of Fairfax.
- e. No person may operate, or permit to be operated, an all-terrain vehicle, owned by them or under their control, on any privately owned land, unless the operator or a member of their immediate family is the owner of said land, or unless the operator has on their person, written consent of the owner of said land.

### **SECTION 12. Enforcement and Penalties.**

- a. This ordinance shall be a civil ordinance and violations may be enforced in the Judicial Bureau by any enforcement officer or in the Superior Court at the election of the Town of Fairfax.
  1. For purposes of enforcement in the Judicial Bureau, any enforcement officer shall have authority to issue tickets and represent the Town of Fairfax as the appearing officer at



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any hearing. Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a et seq.

2. The Town of Fairfax or its designee(s) may initiate a civil action in Superior Court to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law. Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure.
  3. Enforcement Officers for this Ordinance shall be identified in the Fairfax General Provisions Ordinance.
- b. Civil Penalties.
1. Current fines will be listed in the Fairfax General Provisions Ordinance and speed limit as set in the Schedule of Fines established by the State of Vermont.
  2. Each day that a violation continues shall constitute a separate violation of this ordinance.
  3. For purposes of determining the sequence of offenses, subsequent offenses shall be those that occur within a twenty-four-month period of the anniversary day of the first offense. Any offense occurring after this Twenty-fourth-month period shall be considered a new first offense.

**SECTION 13. Severability.**

This ordinance and its various parts, sentences, sections, and clauses are severable. If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

**SECTION 14. Other Laws.**

This ordinance is in addition to all other ordinances of the Town of Fairfax and all applicable laws of the State of Vermont. All ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency. The Town of Fairfax Parking Ordinance, the Town of Fairfax Vehicle Weight Ordinance, the Town of Fairfax Speed Ordinance, the Town of Fairfax Stop Sign Ordinance, Operation of All Terrain Vehicles Ordinance, and the Town of Fairfax Traffic Ordinance adopted November 16, 2009 are hereby repealed.

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**SECTION 15. Effective date.**

This ordinance shall become effective sixty (60) days after its adoption by the Fairfax Selectboard or at such time following the expiration of the 60 days from the date of its adoption as is determined by the Fairfax Selectboard per 24 V.S.A. § 1973. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Adopted this 18th day of September, 2023 by the Selectboard of the Town of Fairfax.

Bruce McNeill

[Signature]

Dave Seaman

[Signature]  
Stephen E Bessell