

TOWN OF BRISTOL • VILLAGE OF BRISTOL, INC.

BRISTOL, VERMONT 05443

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Agenda Item IV

PUBLIC NOTICE

Pursuant to the Vermont State Statues the Board of Selectmen for the Town of Bristol have as of their meeting of Tuesday August 23rd, 1977 passed the following Ordinance.

ORDINANCE

As of October 25th, 1977 all Town and State Aid Roads within the Town of Bristol will have a maximum speed limit of 35 miles per hour, with the exception of State Aid Road 6 known as the Burpee Road and State Aid Road #4 known as the Monkton Road. These latter two roads will have a maximum speed limit of 40 miles per hour.

The above Ordinance as passed is duly recorded in the minutes of the Selectmens Meeting.

This Ordinance will become effective on October 25th, 1977 unless, otherwise challenged, as per Statues.

SELECTMEN:

Francis Heffernan

Roy J. Clark

William O'Neill

Selectmen's Meeting

Tuesday August 23, 1977

Present: All Selectmen, State Police, Corporal Heath, Eugene Swire; Town Energy Coordinator, R.W. Smith; Manager, and the following residents; Amy Lucia, Jane Wisell, Floyd Bartlett, Doris Bartlett, Clayton Shores, Judy Jennings, Constance Rheaume, Terry Carter, Janice Carter, Evelyn Carter, and Robert Carter. *Barb Rockwell,*

Discussion began with the speeding problem on Town roads. Several residents from the Notch were present and expressed their complaints to the Selectmen and Corporal Heath about people driving too fast on that road. The residents want to have speeding signs put up on that road, to slow people down. Corporal Heath informed the Selectmen that without the posting of maximum speed limit, there wouldn't be much of a chance for them, the State Police, to control or enforce the speed on the town highways. At this point in time, Selectmen felt that an ordinance should be passed and that signs should be erected to regulate speed. Selectman Clark made a motion that all town and State Aid Roads should carry a maximum speed limit of 35MPH with the exception with the so-called Burpee and Monkton Roads which are referred to on the town highway map as State Aid Road #6 and #4. These two roads would carry a maximum speed limit of 40MPH. Selectman O'Neill seconded the motion and was unanimously passed. Listed on a separate sheet of paper is copy of the ordinance as adopted by the Selectmen.

Our Town Energy Coordinator, Eugene Swire came in at this time with some information from the State. The State is sending out surveys to all the towns around, having to do with energy conservation. Mr. Swire will confer with the schools, here, to see if he can pass out these surveys to students to take home and have them answered and brought back to school, and he will pick them up.

Manager and Selectmen had short discussion regarding the body on the new truck. The truck is back over to Interstate. If and when they get the problem corrected, it is felt that they could be billed for some of the cost of our having to return the truck to them several times.

Short discussion on appointing Union School Board member to replace a member who has resigned. Selectmen decided to have it announced.

Manager mentioned to the Selectmen he had gone to see Dick Holmes, from Civil Defense, in Montpelier, about the Stream Mound problem at Paul Fullers. Lawyer Bronson will confer with Dick Holmes about this problem, and it will be taken from there.

Short discussion on an insurance problem for the town barn. Ed Bruke will confer with the insurance company on this matter.

Short discussion on how many trees were going to be taken down. Selectmen and Manager will go around to observe the different ones that need to be removed.

Adjourned.

form of summons and notice of a motor vehicle violation shall be issued to motorists driving on the closed portion of the highway.—Added 2007, No. 75, § 37.

§ 1007. Local speed limits

(a) The legislative body of a municipality may establish, on the basis of an engineering and traffic investigation, a speed limit on all or a part of any city, town or village highway within its jurisdiction, which:

(1) is not more than 50 miles per hour; however, after considering neighborhood character, abutting land use, bicycle and pedestrian use, and physical characteristics of the highways, the legislative body of a municipality may vote to set the maximum speed limit, without an engineering and traffic investigation, at not more than 50 miles per hour nor less than 35 miles per hour, on all or a portion of unpaved town highways within its boundaries, unless otherwise posted in accordance with the provisions of this section; or

(2) is not less than 25 miles per hour.

If the legislative body of a municipality votes to set the speed limit on all unpaved town highways in its boundaries at no more than 50 miles per hour nor less than 35 miles per hour as provided for in subdivision (a)(1) of this section, signs shall be located at points of change from one speed limit to another.

(b) The legislative body of a city may establish, on the basis of an engineering and traffic investigation, a speed limit on all or a part of any state highway, other than a limited access highway, within its jurisdiction, which:

(1) is not more than 50 miles per hour; or

(2) is not less than 25 miles per hour.

(c) Any altered limit is effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice are erected upon the street or highway.

(d) The special regulations have the full force and effect of law and are in the case of regulations adopted under subsections (a) and (b) of this section subject to review by the traffic committee, whose decision is final.

(e) Lack of evidence of a traffic and engineering study will not invalidate a local speed limit ordinance as adopted or amended under this section after five years following the day on which the speed limit ordinance took effect.

(f) Notwithstanding the procedure outlined in this section for enacting a local speed limit, a town or village may adopt a local speed ordinance on a state highway, other than on limited access highways, provided the

ordinance duplicates the speed limit established under section 1003 of this title.

(g) Notwithstanding any requirements of section 1025 of this title, downtown development districts designated under chapter 76A of Title 24 may have posted speed limits of less than 25 miles per hour.—Added 1971, No. 258 (Adj. Sess.), § 3, eff. March 1, 1973; amended 1973, No. 239 (Adj. Sess.), § 2; 1975, No. 232 (Adj. Sess.), § 9, eff. April 7, 1976; 1989, No. 261 (Adj. Sess.), § 1, eff. June 16, 1990; 1995, No. 133 (Adj. Sess.), § 2; 1997, No. 120 (Adj. Sess.), § 7; 1999, No. 32, § 1.

HISTORY

Amendments—1999. Rewrote subsections (a) and (b).

—1997 (Adj. Sess.). Subsection (g): Added.

—1995 (Adj. Sess.). Subsection (f): Added.

—1989 (Adj. Sess.). Subsection (e): Added.

—1975 (Adj. Sess.). Subsection (a): Deleted “state aid” preceding “city, town” in the introductory paragraph and made other minor stylistic changes in subdivs. (1) and (2).

Subsection (b): Made minor stylistic changes in subdivs. (1) and (2).

—1973 (Adj. Sess.). Added present subsec. (b), redesigned former subsections (b) and (c) as present subsections (c) and (d), respectively, and inserted “in the case of regulations adopted under subsections (a) and (b) of this section” preceding “subject” in present subsec. (d).

CROSS REFERENCES

On duty enforcement officers exempt from speed limits, see § 1011 of this title.

ANNOTATIONS

Burden of proof, 3

Construction, 1

Engineering survey, 5

Evidence, 4

Violations, 2

1. Construction. Under 23 V.S.A. § 1007, a town is not permitted to regulate the speed limit on a state highway. *State v. Yorkey* (1995) 163 Vt. 355, 657 A.2d 1079.

The legislature clearly intended to distinguish between towns and cities in its enactment of 23 V.S.A. § 1007, the provision governing local speed limits. *State v. Yorkey* (1995) 163 Vt. 355, 657 A.2d 1079.

The plain, ordinary meaning of “town” is that it is an entity that was legislatively created as a town; the distinction between a town and a city is reasonably clear, both historically and legally, and even if there are contexts in which the distinction is not relevant or important - as where all municipalities are treated together - in 23 V.S.A. § 1007 the Legislature adopted a statute in which the distinction is clearly expressed. *State v. Yorkey* (1995) 163 Vt. 355, 657 A.2d 1079.

2. Violations. Local speed regulations do not duplicate or contradict general statutory provisions, but rather alter them, with the result that violations of the local speed regulations