ORDINANCE REGARDING PARKING AT ARNOLD'S BAY BEACH
TOWN OF PANTON, VERMONT

SECTION 1. AUTHORITY. This civil ordinance is adopted by the Selectboard of the Town of Panton under the authority granted in 4 V.S.A. § 32(11); 19 V.S.A. § 304(a)(6); 20 V.S.A. § 2904; 23 V.S.A. § 1008; 24 V.S.A. Chapter 59; 24 V.S.A. § 2291(4); and Vermont Rule of Civil Procedure 80.9.

SECTION 2. PURPOSE. The purpose of this ordinance is to promote the public health, safety, and welfare of persons in the Town of Panton and preserve and protect the public use of Arnold's Bay Beach for access to Lake Champlain through the reduction, control, and prevention of nuisance parking of vehicles at and around Arnold's Bay Beach.

SECTION 3. DEFINITIONS. As used in this ordinance:

A. "Arnold's Bay Beach" means that parcel of land identified as Parcel No. 01-0118000_____ on the Town of Panton tax parcel maps, and more particularly described as that parcel of land bounded westerly by Lake Champlain, southerly by lands now or formerly of Lowenstein, easterly by Town Highway No. 6 (the so-called "Lake Street"), and northerly by lands now or formerly of Grover.

B. "Park" or "parking" is the stopping or standing of a motor vehicle, whether occupied or unoccupied, attended or unattended, otherwise than temporarily for the purpose and while actually engaged in loading or unloading persons or property.

C. "Motor vehicle" shall include all vehicles propelled or drawn by power other than muscular power.

D. "Trailer" shall mean a vehicle without motive power designed to be drawn by a motor vehicle, whether not any part of its weight rests upon the towing vehicle, which may be used to transport a boat or another vehicle.

E. "Boat" shall mean a vessel propelled on water by oars, sails, or an engine.

SECTION 4. NO PARKING AREA.

A. It shall be unlawful to park a boat or trailer at Arnold's Bay Beach.

B. Subject to Section 4(C) below, it shall be unlawful to park a motor vehicle at Arnold's Bay Beach.

C. Notwithstanding the prohibition in Section 4(B), it shall be lawful to park a motor vehicle marked as in Section 5(B), that is being used by a person with a disability, in a space designated for parking for persons with disabilities.

D. It shall be unlawful to stop, park, or leave standing any vehicle, whether attended or unattended, upon any part of the paved or main-traveled portion of a highway or in a no-parking zone.

SECTION 5. PARKING AREAS DESIGNATED AS PARKING FOR PERSONS WITH DISABILITIES.

A. It shall be unlawful to park a boat or trailer in a space designated as parking for persons with disabilities.

B. It shall be unlawful for any motor vehicle to park in a space designated as parking for persons with disabilities except when the motor vehicle is equipped with a valid handicapped registration plate(s) or a properly displayed handicap permit from the Vermont Department of Motor Vehicles in accordance with 23 V.S.A. § 304(a), or as otherwise provided by the law of the state in which the vehicle is registered, and an occupant is a person with a disability.

SECTION 6. SIGNAGE.

Signs conspicuously printed with the words "No Parking" and indicating that vehicles may be towed away at the expense of the owner shall be erected and maintained at all such areas where parking is prohibited by Section 4, above.

SECTION 7. PENALTIES.

A. The penalty for illegally parking in an area designated as parking for persons with disabilities shall be $50_ for each offense.

B. The penalty for violating all other provisions of this ordinance shall be:
$25__ for the first offense; and
$50__ for the second or subsequent offenses within 30 days of previous offense.

All penalties for violation of this ordinance shall be paid to the Panton Treasurer within seven (7) days of the offense.

C. In addition to any penalty listed above, a motor vehicle, boat or trailer parked in violation of this ordinance may be removed by order of any properly qualified law enforcement officer in the State of Vermont. The cost of removal and storage of the motor vehicle, boat or trailer shall be charged against the owner of the motor vehicle. The motor vehicle, boat or trailer shall not be released to the owner until all removal and storage costs have been paid.

SECTION 8. ADMINISTRATIVE APPEAL AND ENFORCEMENT.

Within 15 days of the date of the ticket date, a person receiving a parking ticket may appeal the violation by submitting a statement of objections to the Selectboard or its designee. The Selectboard or its designee will review the objections and respond in writing within 15 days. The Selectboard or its designee shall have the authority, in its discretion, to uphold the parking ticket, to overturn the parking ticket, or to reduce the amount of the fine. If, after exhausting this

administrative appeal process, the violator has not paid the penalty assessed for the violation of this ordinance, the Town attorney, at the direction of the Selectboard, shall institute an action on behalf of the Town against the violator in District Court accordance with Rule 80.9 of the Vermont Rules of Civil Procedure.

SECTION 9. REPEAL OF PRIOR ORDINANCES. Any other ordinance or regulation in conflict with this ordinance is hereby repealed. Ordinances or parts thereof in force at the time this ordinance takes effect and inconsistent herewith are hereby repealed as of the effective date of this ordinance.

SECTION 10. SEVERABILITY. The provisions of this ordinance are declared to be severable and if a court of competent jurisdiction holds any portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 11. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the Panton Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Adopted this 22 day of April, 2014.

Town of Panton Selectboard

_____

_____

_____

signatures

Adoption History

1. Ordinance introduced as an agenda item at regular selectboard meeting held on 7/23/13, 8/13/13; 11/26/13
2. Ordinance read and approved at regular selectboard meeting on 4/22/14 and entered in the minutes of that meeting which were approved on 4/22/14.
3. Ordinance posted in public places on _____.
4. Notice of adoption of Ordinance published in the _____ newspaper on _____ with a notice of the right to petition.
5. Other actions [petitions, etc.]