

ARTICLE 12 DEAD STORAGE IN PUBLIC PARKING LOTS AND ON PUBLIC LAND

Article 12-1 Purpose

It is the purpose of this ordinance to protect the public health and safety and to insure availability of public parking and land for its intended use.

Article 12-2 Authorization

By authority of Chapter 61 of 24 VSA Section 2291, municipalities are enabled to regulate parking areas, public land, and the dumping of solid waste and to set penalties.

Article 12-3 Definitions

- A. "Dead Storage" shall be considered to pertain to any object not belonging to the Town of Bennington which has been located in the same space for in excess of 72 hours.
- B. "Abandoned" property shall be that property without identification and for which no owner can be identified after reasonable effort for 30 days.
- C. "Same Space" shall mean on or within a parking lot or contiguous public land even though the concerned property has been moved in an effort to circumvent the intent of this ordinance.

Article 12-4 Prohibitions

No person shall use or cause to be used, any public parking lots or land for the purpose of dead storage.

No person shall abandon or cause to be abandoned, any property in a public parking lot or on public land.

Article 12-5 Vehicles

Vehicles which are abandoned or stored in a public parking lot shall be treated under Article 10-5 Parking.

Article 12-6 Enforcement

A violation of this ordinance shall be a civil matter enforced in accordance with the provision of 24 VSA Section 1974a and 1977 et seq. A civil penalty of not more than \$75 may be imposed for violation of this civil ordinance and a waiver fee shall be set at \$50. Each day that the violation continues will constitute a separate violation of this ordinance.

Article 12-7 Severability

This ordinance and the various parts, sentences, sections and clauses thereof, are hereby declared to be severable. If any part, sentence, section, or clause is adjudged invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Article 12-8 Effective Date

This ordinance shall take effect sixty (60) days from date of adoption by the Select Board.

On Tuesday, November 28, 1995. The Select Board voted unanimously to repeal the following General Municipal Ordinances contained in Article 1:

- 1- 5.00 Cable Television
- 1- 8.00 Dead Storage in Public Parking Lot
- 1-11.00 False Fire Arms
- 1-12.00 Game Playing on Streets
- 1-16.00 Loitering
- 1-23.00 Posters
- 1-25.00 Sled Sliding
- 1-30.00 Discharge of Firearms
- 1-31.00 Skateboard, Roller Skates

The Select Board also voted unanimously to adopt the following Municipal Ordinances:

Article 12 Dead Storage in Public Parking Lots and on Public Lands

Article 13 Discharge of Fire Arms

Article 17 Improper Use of Public Way

Article 18 Skateboard, Roller Skates

This action is taken by the Select Board for the Town of Bennington and shall be printed in full in the minutes of the Select Board, posted in five (5) conspicuous places within the Town of Bennington and a summary published in the Bennington Banner within fourteen (14) days of its adoption and shall become in full force and affect sixty (60) days after the date of adoption subject to the right of petition provided by law.

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