

ARTICLE II. MISCELLANEOUS RULES

Sec. 10-200. PERSONS PROPELLING PUSH CARTS OR RIDING ANIMALS TO OBEY TRAFFIC REGULATIONS.

Every person propelling any push cart or riding an animal upon a roadway, and every person driving any animal-drawn vehicles, shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which by their very nature can have no application.

Sec. 10-201. PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS.

The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States Government, this State, County or City, and it shall be unlawful for any said driver to violate any of the provisions of this chapter, except as otherwise permitted in this chapter or by state statute.

Sec. 10-202. AUTHORIZED EMERGENCY VEHICLES.

(a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(b) The driver of an authorized emergency vehicle may:

- (1) Park or stand, irrespective of the provisions of this chapter;
- (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- (3) Exceed the prima facie speed limits so long as he does not endanger life or property;
- (4) Disregard regulations governing direction of movement or turning in specified directions.

(c) The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary and when visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from the front of the vehicle.

(d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

Sec. 10-203. PARKING NEAR CURB.

No person shall park any vehicle in any street except near the curb thereof and with the curb to the driver's right, or wholly within a parking area.

Sec. 10-204. OBSTRUCTION OF CROSSWALKS AND INTERSECTIONS.

No person shall keep any vehicle or part thereof, stationary, or keep any horse or draft animal in his charge standing, over or upon any crosswalk, or within the intersection of streets or of driveways with streets.

Sec. 10-205. OBSTRUCTION OF TRAFFIC.

No person shall keep any vehicle or part thereof stationary, or keep any horse or draft animal in his charge standing, in any street in such manner as unreasonably to obstruct travel thereon.

Sec. 10-206. HYDRANT AREA.

No person shall keep any vehicle or part thereof stationary, or keep any horse or draft animal in his charge standing, in any street within a hydrant area.

Sec. 10-207. REPAIRS IN STREET.

No person shall repair any vehicle in any street except to make repairs necessary to the safe movement of said vehicle.

Sec. 10-208. DISPLAY OF VEHICLE FOR SALE IN STREET.

No person shall keep any vehicle stationary in any street except to make repairs necessary to the safe movement of said vehicle.

Sec. 10-209. SIRENS ON PRIVATE VEHICLES.

No vehicle, required by law to have thereon means or device for signaling the approach thereof, shall be equipped with, nor shall there be used thereon, any such means or device having a like or similar sound to distinctive means or device for signaling used in the city by any fire apparatus, ambulance, or police patrol.

Sec. 10-210. UNNECESSARY VEHICLE NOISE: SOUND POLLUTION.

No person shall drive, run or operate in any street any vehicle that, from faulty construction, want of repair, or improper handling, shall make unusual or unnecessary noise or disturbance.

Sec. 10-211. ALLOWING UNOBSTRUCTED PASSAGE OF VEHICLES SOUNDING A SIREN.

Upon the signal of any fire apparatus, ambulance or police patrol approaching in a street, a person driving or operating any vehicle in such street, or being therein with the same, shall immediately move such vehicles as near as may be to the curb at his right, so as to give such fire apparatus, ambulance or police patrol free and unobstructed passage; and thereafter no such vehicle shall proceed in said street until such fire apparatus, ambulance or police patrol has passed by.

Sec. 10-212. DRIVING OR PARKING ON SIDEWALKS.

No person shall ride, drive, wheel, draw, or push any vehicle of burden or pleasure upon a sidewalk, except wheelbarrows, wheelchairs motorized or otherwise, children's scooters, tricycles, baby carriages and sleds, and children's sleds, and carts. Bicycles may be operated on sidewalks except where prohibited pursuant to Section 10-809. No person shall permit a horse or draft animal under his care to go upon a sidewalk, except to cross the same at places specially built or designated by the street commissioner as crossings, and to go into or out of any adjoining enclosure; and no person shall unnecessarily occupy, obstruct or encumber a sidewalk so as to interfere with the convenient use of the same by the public. Area suffered by the owner to be used by the public, and commonly used by the public, as a sidewalk shall not be regarded as an enclosure within the meaning of this section.

Sec. 10-212A. SKATEBOARDS.

DEFINITION.

(a) As used in this section, "skateboard" means any vehicle or device consisting basically of a board or platform mounted on wheels or rollers, whether powered by gravity, muscle power or mechanized or motorized means which is not equipped with a positive mechanical means of steering such vehicle or device. However, "skateboard" shall not include motorized or other wheelchairs.

(b) The word "roller skates" shall include any shoe-like device with wheels attached including, but not limited to, roller skates, in-line skates, and roller blades.

A. The use of skateboards and roller skates is prohibited at all times in the following places:

1. The grounds of City Hall that includes the stairs and paved areas in front of City Hall and all of the land and sidewalks immediately surrounding City Hall.
2. The grounds of the Vermont State House which includes the stairs, paths, walkways, patio, and paved areas immediately adjacent and surrounding the State House.
3. All parking lots owned or operated by the City of Montpelier.
4. All private property, unless given specific permission by the property owner or owner's agent.

B. The use of skateboards is prohibited at all times in the following places:

1. Intersection of Barre Street and Downing Street to the intersection of Barre Street and Main Street to the intersection of Main Street and Baird Street.
2. Intersection of State Street and Bailey Avenue to the intersection of State Street and Main Street to the intersection of East State Street and Cedar Street. From the intersection of Bailey Avenue and State Street to the intersection of Bailey Avenue and Baldwin Street, but not including Bailey Avenue, to the intersection of Baldwin Street and Hopkins Street

C. The use of roller skates is prohibited on sidewalks at all time in the following places:

1. Intersection of Barre Street and Downing Street to the intersection of Barre Street and Main Street to the intersection of Main Street and Baird Street.

2. Intersection of State Street and Bailey Avenue to the intersection of State Street and Main Street to the intersection of East State Street and Cedar Street. Also, from the intersection of Bailey Avenue and State Street to the intersection of Bailey Avenue and Baldwin Street, but not including Bailey Avenue, to the intersection of Baldwin Street and Hopkins Street

The use of skateboards and roller skates is allowed on all approved recreation or bike path locations, located in the City of Montpelier and where otherwise not prohibited.

D. Acceptable Use of Skateboards and Roller Skates.

Those individuals skating shall skate in a prudent manner, and shall not interfere with the normal traffic flow of vehicles, or pedestrians, upon the streets or sidewalks of the city of Montpelier.

E. Impoundment.

Any skateboard used in connection with a violation of this section shall be impounded until lawfully claimed by the person named in the municipal complaint, whether owner or operator, or disposed of in accordance with subsection E 4 below. Any impounded skateboard may be claimed according to either of the following provisions:

1. The Police Department shall release the skateboard to the owner or operator after proof of payment of either the waiver fine as specified in Section 212B or the judgment fine.
2. The Police Department shall release the skateboard to the owner or operator upon Notice from the Judicial Bureau that a judgment has been entered in favor of the defendant for the violation that resulted in the impoundment.
3. If the person named in the municipal complaint chooses to appeal the civil penalty to the Judicial Bureau, the Police Department shall release the skateboard after payment of a provisional fine equal to the amount defined in Section 212B, payable to the City of Montpelier. If the person named in the municipal complaint prevails in the appeal, the provisional fine shall be returned upon request. If the City prevails in the appeal, the fine shall be forwarded to the Judicial Bureau in total or partial satisfaction of the judgment.
4. Skateboards impounded pursuant to the section shall remain in the custody of the Police Department for a minimum of 60 days from the date that judgment is entered for the violation which resulted in the impoundment, unless claimed by person named in the municipal complaint. Skateboards not claimed within 60 days shall be considered unclaimed property and may be disposed pursuant to applicable Vermont Statutes.

Sec. 212B. Penalty.

A violation of this Ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. 1974a and 1977 et. seq.. A civil penalty of \$10.00 may be imposed for the initial violation of this civil ordinance. The penalty for the second offense within a six month period shall be \$25.00, and the penalty for subsequent offenses within a six month period shall be \$75.00.

Each day the violation continues will constitute a separate violation of this ordinance.

Sec. 10-213. USE OF SLEDS, SLEIGHS, SNOWMOBILES, ETC., IN THE STREET.

No person shall coast, course or slide on a sled, sleigh, cart, or operate a snowmobile, or other such vehicle made especially for travel on snow and ice, in a street, except in such streets (other than such part thereof as is used for a sidewalk) as shall be designated therefor, and under such regulations as shall be prescribed by the City Council, or as allowed by state law.

Sec. 10-214. RACING IN STREET.

No person shall engage in any race or trial of speed by the riding or driving of horses or other animals, or by the drawing or propulsion of vehicles of any kind, in the street.

Sec. 10-215. DANGEROUS DRIVING.

No person shall ride, drive or lead a horse or other animal, or move any vehicle in any street in a manner tending to endanger or unreasonably to interfere with or incommode any person in such street.

Sec. 10-216. BOARD VEHICLE IN MOTION.

No person shall take hold of or ride upon any vehicle while the same is passing in a street or public place.

Sec. 10-217. DRIVING OVER FIRE HOSE.

No person, without the permission of the chief engineer of the Fire Department, or of an officer or member of the Fire Department in charge of any hose or other fire apparatus in any street, shall ride, drive or lead any animal, or draw, push or propel any vehicle over or upon any such hose or other fire apparatus.

Sec. 10-218. MAXIMUM LOAD LIMIT FOR CITY STREETS.

The City Council may, by resolution, prohibit the operation over or upon any street, or part thereof, of any vehicle exceeding, with load, a specified weight, whenever in its judgment the operation of such vehicle over or upon such street, or part thereof, may be injurious thereto. The City Council shall post and keep in conspicuous places in a street or part thereof, and at both ends of a bridge affected thereby, notices of the provision of such resolution.

Sec. 10-219. DESTRUCTION OF SIGNS OR OTHER THINGS IN PUBLIC WAY.

No person shall injure, deface, destroy or remove a guide-post, guide-board, pole, post, lamp, light, sign, awning, fence, plant, shrub, tree, greensward, building, or other thing lawfully being in or upon a street, public place, common or park, without the consent of the owner thereof.

Sec. 10-220. PARADES.

(a) The streets, highways, sidewalks and thoroughfares of the City are provided and maintained primarily for use as public means of transportation, transit, communication and travel, such use being an essential government function mandated by law. Under appropriate and proper circumstances, the streets, highways, sidewalks and thoroughfares of the City may be used for parades and processions, subject to reasonable regulation and control. The City Council hereby recognizes and finds that, subject to the paramount governmental interest to keep streets, highways, sidewalks and thoroughfares open for

public transportation, transit, communication and travel, there is a right of all citizens to use public ways for parades and processions. Accordingly, this ordinance shall be applied, enforced, construed and interpreted to regulate and control parades and processions to the end that the general welfare of the City be protected.

(b) As used herein, a parade is defined as a band of music, drum corps, company of musicians, procession or like body proceeding on foot or by vehicle in an organized and cohesive manner from place to place through, over, along or across any public street, highway, sidewalk or thoroughfare.

(c) No person shall form, direct, marshal, lead or participate in any parade where he knows a permit has not been obtained in advance, unless a permit has been obtained in advance from the Chief of Police, except that, upon notification to the Chief of Police, a parade on sidewalks and footways, in which persons move not more than two abreast and which does not substantially hinder normal use of the sidewalk or footway, and which conforms with traffic signals and other traffic regulations, is permitted without a permit.

(d) No person who leads or participates in a parade shall disobey, or encourage others to disobey, this section after a police officer has directly and presently informed him of any of the provisions of this section or the terms of the parade permit that he is violating.

(e) A permit is not required for a funeral procession, tour groups, organized activities of an educational nature confined solely to sidewalks, or for any parade sponsored by an agency of the federal or state government, acting in its governmental capacity within the scope of its authority. Federal and state authorities are requested to coordinate preparations for and holding parades sponsored by them under this section with the Chief of Police.

(f) A written application for a permit for any parade for which use of streets, sidewalks or highways is desired shall be made to the Chief of Police on a form provided by him at least seventy-two (72) hours prior to the parade. Such application shall be accompanied by a processing fee of \$5.00.

(g) The application may be denied:

1. If it is for a parade that is to be held during hours when, and at places where, the flow of vehicular and pedestrian traffic is usually delayed by its own volume and additional traffic flow resulting from the parade will result in a hazardous situation;
2. If it is for a parade that is to be held between the hours of 10:00 P.M. and 6:00 A.M.;
3. If sufficient responsible parade marshals are not provided as to reasonably assure the orderly conduct of the parade;
4. The processing fee of \$5.00 shall not accompany the parade permit application; or
5. If more than one assembly area or more than one dispersal area is proposed.

(h) The application shall be denied:

1. If it is made less than seventy-two (72) hours in advance of the time the parade is scheduled to commence;
2. If it is for a parade that is primarily for private or commercial economic gain;

3. If it is for a parade which would involve violation of state highway law;
 4. If the granting of the permit would conflict with another permit already granted or for which application is already pending; or
 5. If the application does not contain the information required by subsection (i).
- (i) The application shall set forth the following information regarding the proposed parade:
1. The name, address and telephone number of the applicant.
 2. If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible head of such organization.
 3. The name, address and telephone number of the person who will be responsible for conducting the parade.
 4. The date and time when the parade is to be conducted and its duration.
 5. The assembly area, the starting point, the route to be traveled and the termination point.
 6. The number and size of units comprising the parade.
 7. If the parade is to be conducted by or for any person other than the applicant, the applicant for such permit shall file with the Chief of Police a communication in writing from the person proposing to hold the parade authorizing the applicant to apply for the permit on his behalf.
 8. Any additional information which the Chief of Police finds reasonably necessary to a fair determination as to whether a permit should be issued.
- j) Chief of Police shall issue a permit to the applicant subject to the foregoing paragraphs of this section, unless he concludes that:
1. The policing of the parade will require so large a number of persons and vehicles, including ambulances, as to prevent adequate service of the needs of the rest of the city; or
 2. The parade will so substantially hinder the movement of the police and fire and other emergency vehicles as to create a substantial risk to persons and property; or
 3. The conduct of the parade will substantially interrupt the safe and orderly movement of other traffic contiguous to its route; or
 4. The parade is so poorly organized that participants are likely to engage in aggressive or destructive activity; or
 5. Another parade or public event has been previously scheduled for the same time or place.

(k) No person shall interfere with the conduct of any parade. No person engaged in a parade shall interfere with, obstruct or impede vehicular or pedestrian travel except in conformance with instructions issued by a police officer.

(l) The Chief of Police shall act as promptly as he reasonably can on all applications for permits after consulting with other governmental agencies directly affected and after consulting with the applicant, if necessary. Action on applications shall be taken in no case later than ten (10) hours in advance of the time applied for. The Chief of Police shall immediately, by the most reasonable means of communication, notify the applicant of such action and, if the application is denied, the reasons for his denial of the permit. In lieu of denying a permit or revoking it under subdivision (n), the Chief of Police may authorize the changing of the assembly areas or dispersal areas or the conducting of the parade at a date or time or over a route different than as applied for or as permitted. The applicant or permittee may accept such modification by immediately notifying the Chief of Police, in writing, of such acceptance. In lieu of revoking a permit under subdivision (n), the Chief of Police may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the City, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the holding of the parade sufficient to indemnify the City and such third parties as may be injured or damaged.

(m) Where the Chief of Police and City Manager have determined that the cost of city services incident to the staging of the parade will be increased because of the parade, the Chief of Police and City Manager may require the permittee to make payment into the general fund of the city in an amount equal to the increased cost for the city service.

(n) Nothing herein shall prevent the City Council from overruling the Chief of Police in granting or denying a permit. The Chief of Police may revoke a permit already issued, upon notification to and approval by the Manager, if the Chief of Police deems that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of peace, or by a major change in the conditions forming the basis of the standards of issuance.

(o) Each parade permit shall state such information as the Chief of Police shall find necessary to the enforcement of this section.

(p) Immediately upon the issuance of a parade permit, the Chief of Police shall send a copy thereof to the following:

6. The Mayor and City Council
7. The City Manager
8. The Fire Chief
9. The Director of the Department of Public Works
10. All divisions of the Department of Public Works affected by the parade

(q) A permittee, under this section, shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(r) No processing charge as established in subsection (f) shall be collected in the case of parades involving and sponsored by local schools, and parades honoring and observing Memorial Day, Veterans Day and Independence Day.

Sec. 10-221. STOP WHERE TRAFFIC OBSTRUCTED.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

Sec. 10-222. RAILROAD TRAINS NOT TO BLOCK STREETS.

It shall be unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the same in such manner as to prevent the use of any street for purposes of travel for a period of time longer than five minutes, except that this provision shall not apply to trains or cars in motion other than those engaged in switching.

Sec. 10-223. DUTY TO MOVE STANDING VEHICLE WHEN DIRECTED BY OFFICER.

No person shall leave any vehicle standing in any public highway or common, to the danger or inconvenience of any person, after being directed to remove it by a police officer.

Sec. 10-224. PARKING IN FIRE LANES PROHIBITED.

No motor vehicle shall be parked within designated fire lanes located adjacent to or upon any municipal property.

Sec. 10-225. PARKING ON SCHOOL PROPERTY PROHIBITED.

No motor vehicle shall be parked upon School property during the hours of 1:00 A.M. to 5:00 A.M.; except with the prior approval of the Superintendent of Schools, and notification to the Police Department, provided, however, that this section shall not apply to motor vehicles owned or leased by the City of Montpelier or the Montpelier School System.

Sec. 10-226. ACCESS TO CITY HALL AND GROUNDS.

The area between the two central pillars and up to 115 inches on both sides of the handrail on the front steps, and the entire rear steps and handicap ramp, shall be reserved for persons entering and exiting the building. No person shall sit, stand or play games in this area at any time when the adjacent City Hall doors are unlocked.

The City Council shall set rules for the use of City Hall grounds.

Sec. 10-227. WINOOSKI EAST AND WINOOSKI WEST RECREATION PATH REGULATIONS.

(a) **Winooski East and Winooski West Recreation Path Restrictions.**

With the exception of motorized wheelchairs and other vehicles specifically designed for and operated by mobility impaired individuals, no motorized vehicles shall be operated upon or along the recreation path at any point except authorized vehicles of and for public safety, emergency and maintenance departments. Motorized vehicles include, but are not limited to, those described as motor vehicles in Title 23 of Vermont Statutes Annotated and the term shall also include mopeds, go-carts, farm vehicles and snowmobiles.

(b) **Use of Winooski East and Winooski West Recreation Paths.**

The use of the recreation path is limited to hikers, bicyclists, joggers, walkers and cross-country skiers, roller skaters, in-line skaters and skateboarders.

(c) **Camping.**

No camping shall occur within the area of the recreation path or its parking areas.

(d) **Special Events.**

Recreation paths shall not be used for special events such as parades without previously applying for, and receiving, a properly issued permit to do so.

CHARTER REFERENCE: T. 3, Sec. 17 (XVIII), 1955 Charter.

Sec.'s 10-228 to 10-299. Reserved

Enacted October 25, 1972.

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