

November 17, 2015

The answer to the question: "could the police enforce violations of accessible parking spaces on private property" is that yes the police can enforce violations of title 23 sections 304a and 1749 listed below. It does not appear to matter if the accessible space is on private or public property.

From Vt. Stat. Ann. tit. 23, § 304a (West)

(e) A person, other than a person with a disability, who for his or her own purposes parks a vehicle in a space for persons with disabilities shall be fined \$200.00 for each violation and shall be liable for towing charges. He or she shall also be liable for storage charges not to exceed \$12.00 per day, and an artisan's lien may be imposed against the vehicle for payment of the charges assessed. The person in charge of the parking space or spaces for persons with a disability or any duly authorized law enforcement officer shall cause the removal of a vehicle parked in violation of this section. A violation of this section shall be considered a traffic violation within the meaning of 4 V.S.A. chapter 29.

From 23 VSA § 1749. Penalty

(a) The penalty which may be voluntarily paid by any person so violating any ordinance regulating metered parking in the town shall be \$1.00. For other violations involving parking a penalty not to exceed \$5.00 for the first violation and not to exceed \$15.00 for the second or subsequent offense within 30 days of a previous violation shall be paid. Other violations of the ordinances of the town shall be punished in the manner prescribed by law.

(b) Notwithstanding subsection (a) of this section, a person violating a parking ordinance for persons with disabilities may be fined not more than \$25.00 for each offense. (Added 1961, No. 103, § 9; amended 1977, No. 249 (Adj. Sess.), § 2, eff. April 19, 1978; 1981, No. 5; 2013, No. 96 (Adj. Sess.), § 147.)

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Dear Members of the BAAC,

I present this following information with sadness that business awareness of ADA Compliance concerning handicapped parking and its enforcement is very lacking and likely will drive Burlingtonians away from using their services (it has concerning one major business in our neighborhood). Our family has a small business using homestead good and providing education classes out of our home. This is a new business, Green Acres Homestead, LLC, incorporated last year. We try to support local business and utilized the Hills Aces Hardware store just a mile down the road from our home. It is a business I have used since moving here in 1987 and my wife Becky has used since childhood and her family before her. Though reviewing our expenses in 2014, we actually spent around \$5900 at that store and until we stopped going there as of July 31st of this year, we had spent \$3600. Now the reason why we have stopped buying from this business and find ourselves paying for items out of the city of Burlington.

On July 14th, I witnessed a person park in a handicapped zone with no permit visible, either on the license plate or tag behind the review mirror. I entered the store (which I was planning on purchasing more items), and notified the cashier. She said that the boss was gone and she was not going to notify the customer to move her car. I then called the Burlington Police who told me it was on private property and there was nothing they could do. I went inside and the cashier was not helpful and did not have the number to give me for calling the owners of this business lease (Ethan Allen Shopping Center). I then asked the woman directly at the register and she told me that she forgot to put up her brother's tag and that she still uses it when she was in a rush. I asked her why she parked there and she just smiled. I left the hardware store quite frustrated. When I returned on Monday, I noticed the boss was very distant, but I was too busy to check in with him. After two weeks of getting the cold shoulder, I checked in with him. He told me he heard of what happened and he considered that what I did was harassment of a customer and that I could take my business with him. I tried to connect with him and share the experience of friends disabled and the challenges they faced when handicapped parking spaces were taken from them. He just walked off.

Over the next 4 weeks, really the month of August, I talked with the Ace Hardware general office in Illinois, and was assured they would do something to help. Finally the last call at the end of August, I was told it was an independent business and the two people who manage the store had my number to call me. I spent the month of September, calling the store, being kept on hold, and finally told they were not available. I actually went into the Ace store on Mallet's Bay to get some items and met one of the North Ave employees. He was so uncomfortable serving on me that he asked me to go to another person. That was the last straw and our family will never use this business again, even traveling several miles out of the way, out of our neighborhood, to get the customer service, we all deserve.

Sincerely,

Mark Montalban