

**Town of St. Albans Municipal Ordinance
Town Parks**

Section 1 – Purpose

In accordance with 24 V.S.A. §§ 1971 et seq., 2246 and 2291, the powers to adopt, amend, repeal, and enforce ordinances, and to manage and regulate the Town parks within its boundaries. The purpose for this ordinance is to protect the public health, safety and wellbeing, by regulating park activities and to secure the quiet, orderly and suitable use and enjoyment of public park properties, equipment and facilities.

Section 2 – Applicability and Exceptions

This ordinance applies to all persons using Town parks and associated equipment and facilities.

2.1 Exception: Persons or groups desiring to solicit, sell or otherwise peddle any goods, wares, merchandise, services, liquids or edibles in a park will be governed by the Town of St. Albans municipal code, Chapter 4, Regulating Itinerant Vendors.

Section 3 – Severability

The sections of this ordinance and its parts are separable. If any portion of this ordinance or application thereof to any person or circumstance shall be held invalid, the remainder of this ordinance shall not be affected. If any matter mentioned in this ordinance is said to be controlled by a specific State Statute, the reference to the State Statute shall apply.

Section 4 – Enforcement and Penalties

Any certified law enforcement officer or code enforcement officer appointed by the Selectboard shall have authority to regulate the activities set forth in this Ordinance. All appeals of permit decisions will be heard and adjudicated by the Selectboard.

4.1 Fines. A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977. The Town Manager or enforcement officers will request cessation to any activities in violation of this ordinance. If the violator/violators fail to comply with the request immediately, a municipal complaint ticket will be issued for one hundred dollars (\$100.00) for the first offense, two hundred dollars (\$200.00) for a second offense, and three hundred dollars (\$300.00) for all subsequent offenses.

4.2 Judicial Bureau. A violation of this ordinance may lead to superior court action seeking injunctive relief and civil penalties pursuant to 24 V.S.A. § 1974a.

4.3 Waiver Schedule of Fines. A person who is charged and ticketed for the first time with committing a violation of offenses set forth in this ordinance may waive appearance and trial and plead “admitted” or “no contest” by a signed statement within twenty (20) days of issuance. The person shall submit a waiver fee in the amount of seventy-five dollars (\$75.00) to the Judicial Bureau as outlined on the reverse of the Municipal Complaint Form and provide written evidence that the original violation has been abated. The person shall also pay any permit fee or damages fees directly to the Town.

4.3.1 Any law enforcement officer or code enforcement officer who issues a municipal ticket or summons for a violation of an offense citing this ordinance shall advise the alleged violator of the schedule of fines set forth in this ordinance and further advise the offender of the waiver process.

Section 5 – Definitions

Whenever in this chapter the following terms are used, they shall have the meanings respectively given in this section:

5.1 Amplified Sound: “Amplified sound” means sound projected and transmitted by electronic equipment, including amplifiers.

5.2 Amplified Speech: “Amplified speech” means speech projected and transmitted by electronic means.

5.3 Amusement Contraptions: Any device, gadget, machine or structure designed to test the skill or strength of the user or to provide the user with any sort of ride, lift, swing or fall experience including, but not limited to ball throwing contest device, pinball type device, electronic videos, animal ride devices, dunk tank, ball and hammer devices, trampoline devices and the like.

5.4 Assisted Mobility Device: Any permitted single passenger, electric powered device, which provides access for a person(s) in need of assistance due to a medical condition.

5.5 Beach: The part of a body of water and shore designated for swimming.

5.6 Bicycle: Any non-motorized vehicle which is driven by means of pedaling. Such vehicles include, but are not limited to, road bicycles, mountain bicycles, recumbent bicycles, tricycles, and mopeds with the motor off.

5.7 Creative Play Area: An outdoor area set aside for recreation and play, especially one containing equipment such as slides, swings, and climbing apparatus.

5.8 Director: The Town of St Albans Public Works Director who is also the chief officer of the parks division.

5.9 Enforcement Officer: Any constable, police officer, health officer or zoning administrator or such other person(s) appointed by the Selectboard to enforce the provisions of this ordinance.

5.10 Hiking: Traveling on foot, i.e., walking, running, or with an assistive mobility device.

5.11 Motorized Recreation Vehicle: Any self-propelled, off the road or all-terrain vehicle including, but not limited to snowmobile, mini-bike, four wheeler, amphibious vehicle, motorcycle, go-cart, trail bike, dune buggy or all terrain cycle.

5.12 Natural Resources: All flora and fauna within the parks and the physical factors upon which they depend, including air, water, soil and minerals.

5.12 Park: Any land, water area, or trail corridor and all facilities thereon, under the jurisdiction, control or ownership of the Town of St. Albans for the recreational enjoyment of the public.

5.13 Parks Division: An operating unit (primarily seasonal) of the Department of Public Works responsible for the planning, development, operation and maintenance of Town parks.

5.14 Person or Persons: Individuals, firms, corporations, societies or any group or gathering whatsoever.

5.15 Pet: Any animal that is tamed and domesticated and kept as a companion.

5.16 Responsible Person: The parent, guardian or person having lawful custody and control of a minor.

5.17 Smoke/Smoking: The inhaling or exhaling smoke from any lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product. Smoking also includes carrying a lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product intended for inhalation.

5.18 Permit: A document that authorizes use of parks, equipment or building as provided for and defined by Town ordinances.

5.19 Recreation: A leisure activity or diversion which restores one's strength, spirit or vitality and which refreshes the mind and/or body.

5.20 Watercraft: Any contrivance used or designated for navigation on water.

Section 6 – General Parks Regulation

St. Albans Town parks are designed, operated, and maintained to provide for a variety of recreational activities. The general provisions of this section are applicable to all parks in the Town, unless otherwise noted in this Ordinance.

6.1 Opening and Closing Times: Town parks shall normally be open to the public every day of the year during daylight hours. With the exception of police, fire, parks and Public Works personnel, no one may enter a recreational facility during the hours it is closed. Shelters and restrooms are open on a seasonal basis.

6.1.1 Individuals or groups may receive express written permission from the Director or the Town Manager to be in a facility during the hours it is closed. The written permission shall designate specific hours within which the exemption is granted. The exemption from closing hours shall be in effect only for those hours exempted. Such written permission must be presented to any police officer or Town official or employee upon demand. Written exemption from closing hour prohibitions shall not void any other penalties or violations of this ordinance.

6.2 Motor Vehicle Restrictions:

6.2.1 Speeding. It is unlawful to operate or drive a motor vehicle within any recreational facility at a speed in excess of that posted on the particular road, trail or pathway in the facility. If no speed is posted, then no motor vehicle shall be operated at a speed in excess of 7 miles per hour. Nothing in this subsection shall be construed to allow operation of a motor vehicle outside of parking lots and roads unless otherwise permitted by a sign posted by the Town.

6.2.2 Careless, Reckless or Hazardous Operation. No motor vehicle, even operated within the permissible speed limit or within area designated for such vehicle's use, shall be operated in a careless or reckless manner, or in a manner which causes significant hazard to life, safety or property.

6.2.3 Drive Only Where Allowed. No motor vehicle may be driven within a facility other than those in areas specifically designated and posted by the Town for that particular purpose. This shall not apply, however, to motorized or self-propelled equipment used by

on duty employees or emergency personnel for transportation, maintenance or service of facilities, or in performance of their duties.

6.3 Noise Restrictions: No person may play or cause to be played amplified music or sound in a facility without the express written approval of the Director and without obtaining a license for such purpose. Such permission or license may be denied by the Director or the Town Manager where it is reasonably believed that such noise would disturb other patrons of the park or facility, annoy residents neighboring the facility, or disturb wildlife. The written permission and license to play amplified sound must be provided to any Town employee or official upon demand during the time for which it is granted. Issuance of permission and a license does not exempt the holder or permitted from all other rules, regulations, ordinances or statutes.

6.4 Activities Prohibited: It shall be unlawful to conduct, participate in, or promote the activities, actions, and/or behaviors listed below in Town parks or facilities.

6.4.1 Expectorating or littering. Defecating or urinating, except into a toilet for that purpose.

6.4.2 Hitting or throwing balls or other hard objects against fences, or against baseball, soccer or other backstops.

6.4.3 Shooting any projectile, paint ball or golfing.

6.4.4 Making or continuing to burn an open fire except in barbecues or grills.

6.4.5 Putting any object which is not normally used in those receptacles in sinks, toilets or drinking fountains which is reasonably likely to clog or plug the plumbing.

6.4.6 Parking a motor vehicle or trailer overnight at a park.

6.4.7 Creating or constructing any path without the express written consent of the Town.

6.4.8 Hunting, carrying or discharging any firearm or explosive of any kind, including fireworks, unless permitted.

6.4.9 Distributing any handbills or circulars, or posting, placing or erecting any bills, notices, papers or advertising of any kind without the express written consent of the Director, Town Manager, or Selectboard.

6.4.10 Camping, lodging or remaining overnight.

6.4.11 Carrying or bringing glass containers into any park.

6.4.12 Throwing or depositing any bottle, metal objects, glass, paper, wood, clippings, rubbish or garbage except in receptacles set out for that purpose.

6.4.13 Violating any provision or instruction on any sign, or violating any rule of the facility.

6.4.14 Conducting or carrying on any parade, formal celebration, service or speech-making without express written permission from the Town.

6.4.15 Removing any plant, shrub, natural plant, rock, etc., from the recreational facility, excepting parks and recreation personnel in furtherance of their duties.

6.4.16 Entering any area designated by signs as a rehabilitation or restoration area, except parks and recreation personnel in furtherance of their duties.

6.4.17 Use, possess or sell any controlled substance in violation of state statutes.

6.4.18 Serve, possess, consume or bring beer or wine into a park in kegs, barrels, or other bulk tap quantities, unless permitted for special activities.

6.4.19 Smoke or use any tobacco product in or within 25 feet of any indoor area, shelter, or creative play area.

6.4.20 Conducting public meetings, assemblies, worship services, entertainment, parades or demonstrations within a park without a permit or prior authorization.

6.4.21 Set-up, construct, manage or operate any amusement or entertainment contraption, device or gadget without a permit or prior authorization.

6.4.22 Start, fly or use any fuel or battery powered model aircraft, model boat or rocket or like powered toy or model.

6.4.23 Enter in any way any building, installation or area that may be under construction or locked or closed to public use or to enter or be upon any building, installation or area after the posted closing time or before the posted opening time or contrary to posted notice in any park.

6.4.24 Intentionally deface, vandalize or otherwise cause destruction to park property and/or intentionally deface, destroy, cover, damage or remove any placard, notice or sign or parts thereof whether permanent or temporary, posted or exhibited by the Town.

6.5 Park Safety: Use of the Town's parks requires persons to be responsible. Responsible persons for minors and young children should provide levels of supervision required to keep everyone safe. The Town does not employ lifeguards on its beaches.

Section 7. Bay Park

Bay Park is a large beachfront park that offers a variety of facilities. The park bathhouse/bathroom facility is open from Memorial Day weekend through Labor Day weekend. All other park facilities are available to the general public on a year round basis. Exclusive use, which includes any specific use by a group of 10 or more persons, of any park amenity, facility, or structure will be through a reservation and application process as described below. The picnic shelter, Stone House, softball fields, volley ball court, and basketball court may be reserved for exclusive use. Note: applications are available on the Town website or at the Town Clerk's Office.

7.1 Reservations: Requests for exclusive use shall be made a minimum of fourteen (14) days and a maximum of twelve months prior to the date of requested use. Applications are accepted based on a first come – first serve basis. All applications for use shall be signed by an adult eighteen (18) years of age or over who shall be responsible for compliance with the terms of the permit.

7.2 Application Requirements:

7.2.1 Name of the applicant, the sponsoring organization(s), and name of the person in charge of the proposed activity;

7.2.2. Address and telephone number of applicant(s);

7.2.3 Bay Park amenity/facility being applied for and the area involved;

7.2.4 Date and starting time of the proposed activity;

7.2.5 Finishing time of the proposed activity;

7.2.6 Number of persons expected;

7.2.7 Nature of the proposed activity or activities, including equipment and vehicles to be brought into the park, duration and nature of the use of any amplified sound whether sound, or speech.

7.3 Confirmation of Reservation: Approval of Park Reservation Forms will be issued at the time of payment of associated fees. Approval will be issued by the Town Clerk's Office. Due to inclement weather or other mitigating factors, the applicant may reschedule the event at a future time and date at no additional charge and refunds may be granted by the Selectboard on a case by case basis.

7.4 Fees: The following fees apply to the use of Bay Park facilities:

7.4.1 Bay Park Picnic Shelter or Stone House. For groups of 25 persons or less, \$100.00 per day. For groups of 25 persons or more, \$200.00 per day. Town residents may receive a 50 percent discount upon proof of residency.

7.4.2 Bay Park Ball Fields. Exclusive use of one of the softball fields is \$50.00 per day. A seasonal fee for use of a field on a single night (5pm to dusk) each week during the season is \$250.00.

7.4.3 Basketball and Volleyball Courts. Exclusive use of the basketball court or volleyball court is \$20.00 per day.

NOTE: Fees may be waived for non-profit organizations by the Selectboard.

7.5 Permit Revocation/Denial: A permit may be revoked or denied if any terms or conditions of the permit or this ordinance are violated by the permittee or any agent or employee of the permittee. Said permit may be revoked by the Town Manager with or without notice to the persons to whom the permit was issued.

7.6 Appeals: A person may appeal to the Selectboard the revocation or denial of a permit by filing a written notice of appeal with the Town Manager within five (5) days of receipt of notification that the permit is revoked or denied. The Selectboard shall consider the appeal at the next scheduled Selectboard meeting after notice to the applicant at which the applicant is entitled to be present. The Selectboard may affirm or reverse the Town Manager's decision, or attach such additional conditions to the permit as will, in their best judgment, protect the public's health, safety and welfare and to prevent the damage of park property.

Section 8 - BAY DOCK

The Bay Dock includes the large permanent dock facility, the removable docks, the access road and the parking areas. The Bay Dock is open to the public from one hour before sunrise to one hour after sunset.

8.1 Fishing: Fishing from the Bay Dock is permitted in all areas, except within 10 feet of any watercraft tied up to the Bay Dock or removable docks.

8.2 Motor Vehicles: Assisted mobility devices are the only motorized vehicles permitted outside the access road and parking areas.

8.3 Watercraft: Watercraft are permitted to be tied up to any portion (except the east side) of Bay Dock for a period of no more than two (2) hours. Watercraft owners will do so at their own risk. No one shall moor or tie-up a watercraft to the removable docks (or in the slips) for any period of time without a permit.

8.4 Removable Dock Slip Rental: The Town offers the rental of slips for boats up to 25 feet in length. Slips are rented on a first come – first serve basis and can be leased up to 6 months in advance. The removable docks will be placed and slips made available at the earliest opportunity each spring and be available for use until September 15th of each year.

8.4.1 Lease Agreement. The Town uses a lease agreement that is available in pdf form on the Town website or can be obtained from the Town Clerk.

8.4.2 Fees. The charges for slips for the season for a Town resident are \$400 plus \$25/foot for every foot over 16 feet. For non-residents, the charges for slips are \$640 plus \$40/foot for every foot over 16 feet. All fees will be paid in full to the Town Clerk at the time of application and signature on the lease agreement.

8.4.3 Parking for Motor Vehicles. The fee paid by the Lessee to the Town hereunder shall include the right of the Lessee to park motor vehicle(s) in the area designated for such parking in the east end of the Bay Park, when utilizing Lessee's boat. No motor vehicles will be parked on the road or in the vicinity of the entrance of the Dock.

8.4.4 Indemnification. When entering the Lease Agreement with the Town, the Lessee does so with the understanding and agreement that the Town shall have no responsibility for any claim by any person, of any nature arising out of, or connected with, the Lessee's use of the Dock. Further, the Lessee agrees to hold the Town harmless and indemnify the Town in full, for any claim arising out of or connected in any way with the Lessee's host or Lessee's use of the Dock.

8.4.5 Insurance. Prior to mooring Lessee's boat at the Dock, Lessee shall be required to have insurance for property damage and personal liability on the boat in the amount of \$300,000.00. The Lessee shall furnish the Town a certificate of said insurance, naming the Town as an additional insured, including an endorsement that said insurance should not be canceled without prior notice to the Town of St. Albans. Cancellation of said insurance shall terminate this Lease.

8.4.6 Additional Conditions. In utilizing the space leased pursuant to the Lease Agreement, the Lessee agrees to the following additional terms and conditions:

8.4.6.1 The Lessee will tie up his/her/their boat in the space designated on the Dock.

8.4.6.2 The Lessee shall be responsible for all fastenings for the boat on the Dock.

8.4.6.3 The Lessee will provide all necessary lines and fenders for tying up the

boat to the Dock.

8.4.6.4 The Lessee shall not obstruct, in any way, the surface area of the Dock.

8.4.6.5 The Lessee shall not obstruct, use, or interfere with others using any other tie up area of the Dock except that area designated for the Lessee's use.

8.4.6.6 The Lessee agrees that the boat shall be removed from the slip no later than 7:00 p.m. on the day of fireworks each year and will not be returned to that slip until after the completion of the fireworks display. If the Lessee fails to remove the boat, the Town shall remove it and any expense incurred by the Town in so moving the boat shall be paid by the Lessee to the Town. Failure to pay shall result in termination of this Lease, and Town will be entitled to keep the rental payment in full.

8.4.6.7 In no case may flame, heating elements, flammable liquids, explosive gases, or other hazardous materials or equipment be used on the boat while it remains at the Dock, but this is not to be construed so as to prohibit the use of approved galley stoves, lamps, motors, and other equipment normally considered part of the boat.

8.4.6.8 The Lessee understands and agrees to indemnify and hold harmless the Town for any injury or damage by any person arising out of or connected with the Lessee's use of the dock.

8.4.6.9 The lessee is subject to all park rules.

8.4.6.10 Assignment: A Lease Agreement may not be assigned or transferred by the Lessee.

Section 9 – Cohen Park

Cohen Park is an open park with a shale and rocky beachfront. The park has few amenities, but does provide bathroom facilities from Memorial Day to Labor Day from 9am to dusk. Because of the openness of the park, exclusive use is not possible. However, the park can be reserved for groups of 25 persons or less, \$100.00 per day. For groups of 25 persons or more, \$200.00 per day. Town residents may receive a 50 percent discount upon proof of residency. The Town will try to ensure no other large groups are scheduled on the day of the reservation. Casual users would still be present.

Section 10 – Town Forest

The Town Forest is approximately 160 acres of undeveloped land on the northeastern side of French Hill. The Forest provides for numerous recreational opportunities to include hiking, hunting, nature walks & wildlife viewing, mountain biking, and snowshoeing and cross country skiing in the winter. To protect the Forest and the natural resources in the Forest, the activities listed below are prohibited:

10.1 Motorized Recreation Vehicles. All motorized vehicles are prohibited outside of the designated parking area at the entrance to the Forest/park.

10.2 Fires. Fires of any kind are prohibited.

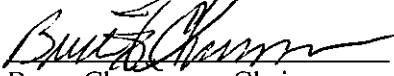
10.3 Preservation/Removal of Natural Resources. No person/persons will cut trees, cut brush, cut firewood, remove stones, pick wildflowers, or disturb any other natural resource in the Forest unless authorized by the Town. Town employees, designated volunteers, and designated contractors may be authorized to cut trees and clear trails in accordance with the Forest Management Plan.

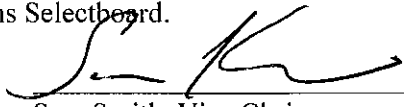
10.4 Trails. Persons using the Forest will stay on designated trails whenever possible. No person will clear brush or move any other natural object to create additional trails. Trail delineation and maintenance will only be authorized through the Forest Committee and by the Selectboard.

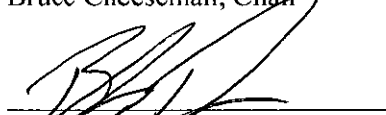
10.5 Hunting. All forms of hunting are allowed and shall be governed by Statute and rules set forth by the Vermont Department of Fish and Wildlife.


Section 11 – Effective Date

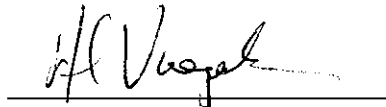
60 days after passage by the Town of St Albans Selectboard.


Bruce Cheeseman, Chair


Sam Smith, Vice Chair


Brendan Deso


William Nihan


Al Voegele

Attest By:  Date: 9/18/2017
Anna Bourdon, Town Clerk