

**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 Town has 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, including the Town Forest and municipal properties, 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 Enforcement Officer 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 Enforcement Officer 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 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, law enforcement officer, health officer, Town employee, Parks Supervisor, or such other person(s) appointed by the Town Manager 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 Minor: Any child/young person under the age of 18.

5.12 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.

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

5.14 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.

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

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

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

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

5.19 Tobacco Products and Tobacco Substitutes: These products shall mean cigarettes, electronic cigarettes, vapor cigarettes, cigars, cheroots, stogies, refuse scraps, clippings, cuttings, and sweepings of tobacco, and other kinds of forms of tobacco prepared in a manner suitable for smoking in a pipe or otherwise or for smoking or vaping.

5.20 Smoking: Smoking shall mean possession of lighted tobacco products or use of tobacco substitutes or electronic devices for vaping.

5.21 Municipal Properties: This shall mean all the referenced parks, the dock, publicly owned buildings, facilities, and the Town Forest.

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

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

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

Section 6 – General Parks Regulations

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 and the forest in the Town, unless otherwise noted in this Ordinance.

6.1 Opening and Closing Times: Town parks shall normally be open to the public from Memorial Day through Labor Day 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. The Town parks shall be officially closed immediately following the first snowfall and shall reopen the following spring. Vehicle access to the Forest is prohibited during the time the Forest is closed. However, the parks will be accessible to people during daylight hours for walking, snow shoeing, or skiing during the winter months. Hunting is only allowed in the Town Forest and regulated by State Statute and rules.

6.1.1 Individuals or groups may receive express written permission from the Director of Public Works 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 and prohibited 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 deposited 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 without prior Town permission.

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

6.4.8 Hunting, carrying a loaded, or discharging any firearm or explosive of any kind, including fireworks in Town parks, except as noted below in the Town Forest during the State designated hunting seasons.

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 Town Manager.

6.4.10 Camping, lodging or remaining overnight.

6.4.11 Carrying or bringing glass containers, including beer bottles into any park or the Forest.

6.4.12 Disposing of 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 Manager. Reference the Town of St. Albans “Public Festivals and Assemblages” ordinance.

6.4.15 Removing any plant, shrub, natural plant, rock, etc., from the Town properties, except for 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 selling 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 Except as otherwise provided herein, smoking, including vaping is prohibited at all municipal properties. The possession of lighted tobacco products or tobacco substitutes in any form is prohibited in the smoke free areas previously mentioned in section 5.19, Publicly owned areas.

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 rocket or like powered toy or model with the exception of drones.

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.

6.4.25 Large, domestic animals, such as cattle, equine, sheep, and goats into the Town Forest or onto any Town Forest trail. This includes horseback riding.

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. Park Uses

Bay Park and Cohen Park have large beachfronts and offer a variety of facilities. The park bathhouse/bathroom facilities are open from Memorial Day weekend through Labor Day weekend. Exclusive use, which includes any specific use by a group of 25 or more persons, of any park amenity, facility, or structure will be through a reservation and application process as described below. The picnic shelters, Stone House, softball fields, volleyball 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 and Cohen 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: Upon approval of Park Reservation Forms by the Parks Director, the Town Clerk's Office will issue a permit upon receipt of applicable fees. Due to inclement weather or other mitigating factors, the applicant may reschedule the event at a future time and date at no additional charge.

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

7.4.1 Bay Park Picnic Shelter, Stone House, or Cohen Park Picnic Shelter. 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.

7.4.4 Refunds may be granted by the Town Manager on a case by case basis as explained in the “Town of St. Albans Fee Refund Policy”.

7.4.5 Waivers will not be granted to non-profits with the exception of the Maple Run Unified School District.

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 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 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.

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.

8.4 Removable Dock Slip Rental: The Town does not offer the rental of slips for boats.

Section 9 – 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:

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

9.2 Fires: Fires of any kind are prohibited.

9.3 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.

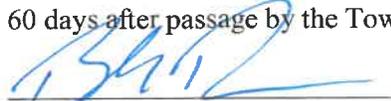
9.4 Trails: Persons using the Forest will stay on designated trails whenever possible. No person will clear brush or move any other natural object to create additional trails. Trail delineation and maintenance will only be authorized jointly by the Parks and Recreation Committee and the Director of Public Works.

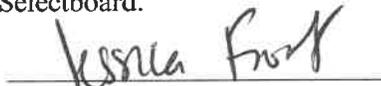
9.5 Hunting: Hunting is allowed in the Town Forest and shall be governed by State Statute and rules set forth by the Vermont Department of Fish and Wildlife. Concurrently, the Parks and Recreation Committee recommends that both hunters and Forest recreationalists wear an item of clothing that is "hunter orange" for the safety of all people in the Forest during the hunting season(s).

9.6 Horseback Riding: Horseback riding is not allowed in the Town Forest or on any Town Forest trail.

Section 10 – Effective Date

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


Brendan Deso, Chair

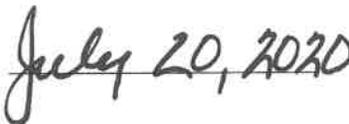

Jessica Frost, Vice Chair


Stan Dukas


Erin Creley


Jonathan Giroux

Attest By: 
Anna Bourdon, Town Clerk

Date: 

Adoption History – Town Parks Ordinance

1. Agenda item at regular Selectboard meeting on 9/6/17. Read and approved at same meeting. Entered into minutes of the same meeting and approved at the meeting of 9/18/17.
2. Posted in public places on 9/7/17.
3. Notice of adoption published in the St. Albans Messenger newspaper on 9/8/17 with a notice of the right to petition.
4. No petitions received.
5. Ordinance effective date 11/6/17.
6. Agenda item at regular Selectboard meeting on 5/20/19, 6/3/19, 7/15/19, 8/5/19, 8/19/19, and 9/3/19.
7. Read and approved at 9/3/19 meeting. Entered into minutes of the same meeting.
8. Posted in public places on 9/4/19.
9. Notice of adoption published in the St. Albans Messenger newspaper on 9/4/19 with a notice of the right to petition.
10. Ordinance effective date 11/3/19.
11. Agenda item at regular Selectboard meeting on 7/6/20 and 7/20/20. Read, approved, and entered into the minutes at the 7/20/20 meeting.
12. Posted in public places on 7/21/20.
13. Notice of adoption published in the St. Albans Messenger newspaper on 7/22/20 with a notice of the right to petition.
14. No petitions received.
15. Ordinance effective date 9/18/20.

ST. ALBANS TOWN CLERK'S OFFICE
RECEIVED FOR RECORD / DISCHARGE
September 21 A.D. 2020
at 1 o'clock 00 minutes P M
and recorded in Book 2 Pages 302-310
Attest: *[Signature]* Asst. Town Clerk