

TOWN OF WEST FAIRLEE
TOWN PROPERTIES ORDINANCE
Town Parks, Forest, & Cemeteries

An ordinance in relation to the use of all municipal lands located in and belonging to the Town of West Fairlee, Vermont. This includes, but is not limited to, the Town Green in West Fairlee Village, Southworth Park, Brushwood Community Forest, Cemeteries, and any other properties or easements held in trust by the Town or under its jurisdiction.

It is hereby ordained by the West Fairlee Selectboard, pursuant to 24 V.S.A. § 1971, 24 V.S.A. § 2291, 24 V.S.A. § 2202a, and other applicable statutory authority, that the following ordinance is approved and adopted:

Section 1. Requirements concerning use of grounds and facilities.

- A. Any person (meaning a person or organization) who utilizes or enters a municipal park or other property shall comply with all provisions of this Ordinance.
- B. Each person shall clean up all debris and leave the premises in good order.
- C. **Dogs:** In accordance with West Fairlee's Animal Control Ordinance, dogs must be on a leash in Town Parks or on the Town Green. In Brushwood Forest, dogs may be off leash if under the owner's control but must be leashed in marked sensitive wildlife areas. Dogs are prohibited in Town Cemeteries.

Section 2. Operating Policy.

- A. **Hours:** Town Green, parks and cemeteries shall be open daily to the public all year round during the hours of 6:00 a.m. to 8:30 p.m. of any one day.

Brushwood Forest shall be open year round from 1/2 hour before sunrise to 1/2 hour after sunset. Sunrise/sunset tables are available from VT Fish & Wildlife.

It shall be unlawful for any person or persons (other than Town personnel conducting Town business therein), to occupy or be present in said property any hours in which the park is not open to the public.
- B. Individuals or groups wishing to hold an organized event in Town parks or forest such as a sporting event, tournament, entertainment, demonstration, etc. must obtain written permission secured in advance from the West Fairlee Selectboard. A Certificate of Insurance or other restrictions may be required.
- C. Any section or part of Town properties may be declared closed to the public by the Selectboard at any time and for intervals of time, either temporarily or at regular or stated intervals.

Section 3: Prohibition of motorized vehicles

- A. No person shall operate a motorized vehicle in within Town Parks, Forest or other lands without written permission secured in advance from the West Fairlee Selectboard. Note that under Vermont law, personal motorized assistive mobility devices designed to carry an individual who is unable to walk or has walking difficulties are not classified as motorized vehicles and are therefore exempt from this Ordinance.
- B. Prohibited motorized vehicles including but not limited to dirt bikes, motorcycles, all-terrain vehicles and snowmobiles. However, the Selectboard may authorize and regulate motorized access, travel, and operation times for Vermont Association of Snow Travelers or Vermont ATV Sportsmen's Association corridors in Brushwood Forest if trails are maintained to the satisfaction of the County Forester.
- C. **Parking:** Vehicles may park in the designated areas provided at Southworth Park; and in designated "trail head" parking lots established by the Conservation Commission for Brushwood Forest. Vermont law prohibits obstruction of gateways, barways, and other rights of way with motor vehicles.
- D. The Selectboard, at its discretion, may grant limited access by motorized vehicles to Town parks or forest for purposes including, but not limited to, trail maintenance, stewardship activities, logging, special community events. Request for such access must be presented and approved by a majority of the Selectboard at a warned meeting.

Section 4. Prohibited Acts

It shall be unlawful for any person, firm or corporation using such property to either perform or permit to be performed any of the following acts:

- A. Willfully mark, deface, disfigure, injure, tamper with, or displace or remove, any building, tables, benches, railings, paving or paving material, trees, waterlines or other public utilities or parts or appurtenances thereof; signs, notices or placards whether temporary or permanent; stakes, posts, stone walls or other boundary markers; or other structures or equipment.
- B. Throw, discharge, or otherwise place or cause to be placed in any body of water in or adjacent to the property, storm, sewer, or drain flowing into such waters, any substance matter or thing liquid or solid, which will or may result in the pollution of said waters.
- C. Bring in or dump, deposit, or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or other trash. No such refuse or trash shall be left anywhere on the property thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not provided, all such rubbish or waste shall be carried away by the person responsible for its presence, and properly disposed of.
- D. Disturb the peace, or use any profane or obscene language.
- E. Endanger the safety of any person by any conduct or act.
- F. Commit any assault, battery, or engage in fighting.

- G. Carry, possess, or consume cannabis, alcoholic beverages, or other regulated substances in or on the Town grounds or property.
- H. Violate any rule or policy for the use of the property enacted by the Selectboard.
- I. Prevent any person from using the property, or any of its facilities, or interfere with such use in compliance with this ordinance and the rules applicable to such use.

Section 5. Penalty.

- A. This is a civil ordinance. Any law enforcement officer is designated as an issuing official who may issue complaints for violations of this ordinance.
- B. The following civil penalties are hereby imposed for violation of this ordinance:
 - a. First violation of this ordinance \$ 100.00
 - b. Second violation of this ordinance \$ 200.00
 - c. Third and subsequent violations of this ordinance \$ 300.00
- C. The oldest violation will be deleted for purposes of calculating the foregoing penalties and the waiver penalties set forth below if the person completes twelve (12) violation free months.
- D. Each day a violation continues shall constitute a separate violation.
- E. In cases where violations of this ordinance are brought to the Vermont Judicial Bureau, and where the violation is admitted or not contested, in lieu of the above, the following waiver penalties are imposed:
 - a. First violation of this ordinance \$ 50.00
 - b. Second violation of this ordinance \$ 100.00
 - c. Third and subsequent violations of this ordinance \$ 150.00

Section 6: Severability

If any provision of this Ordinance is still declared to be invalid or unenforceable the remaining provisions of this Ordinance shall not be affected.

Adopted this 7th day of June, 2021 by the Town of West Fairlee Selectboard.

Delsie Hoyt, Chair
Beverly Ash
Fred Cook
Bruce Durkee
Steve Malinoski