

**General Regulations
Memorial Park
Town of Stowe, VT**

The Selectboard of the Town of Stowe hereby ordains:

Section I. Authority:

This ordinance is enacted pursuant to the authority granted the Town to promote the health, safety, welfare, and convenience contained in 24 VSA §2291 and Section 203 of the Town of Stowe Charter. This ordinance shall be a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

Section II. General Provisions:

- a. It is the purpose of this ordinance to regulate the use of Memorial Park in order to protect the public health, safety and general welfare.
- b. Visitors use Memorial Park at their own risk. The town is not responsible for theft, personal injury, property damage or other loss. Such losses, however, should be reported to the town.
- c. The term "Memorial Park" as used herein shall mean property owned or controlled by the Town of Stowe, located in the former village at the end of Park Street, including, but not limited to a playground, an ice arena, a basketball court, tennis courts, ball fields, parking areas, and associated structures, facilities and open space.

Section III. Conduct:

- a. The following conduct shall be prohibited within the Park, except as part of a Town sponsored recreation program or as specifically allowed under a permit issued pursuant to Section IV:
 1. The possession of glass containers, including bottles;
 2. The operation or parking of motorized vehicles outside of designated roadways and parking areas, other than for emergency, enforcement or maintenance purposes;
 3. In line skating or skateboarding on the tennis/basketball courts;
 4. Overnight camping;
 5. The discharge of firearms of any description, air rifles, gas weapons, slingshots, bows and arrows, firecrackers, and explosives is prohibited in Memorial Park, except by law enforcement officers in the performance of a legal duty;
 6. Starting or making open fires;
 7. The operation of remote controlled airplanes or similar flying devices;
 8. The hitting of golf balls;
 9. Riding, pasturing or walking horses on field space;
 10. The sale of goods, products or wares of any kind.
- b. Refuse, rubbish, garbage or other trash of any nature shall not be left in Memorial Park except in receptacles where provided.
- c. Dogs and other domesticated animals shall be leashed at all times.
- d. Animal waste must be picked up and properly disposed of in a trash container.
- e. No substantive changes or alterations to the park land or any facility may be made without approval from the Selectboard and after having obtained necessary permit approvals.
- f. Only public notice signs, directional signs, signs of sponsorship or announcing events, approved by the Parks and Recreation Departments and as allowed by the Stowe Zoning Ordinance are permitted within the Park. Signs may be no larger than 4' by 8' and banners no larger than 3' by 16'.
- g. No person shall disturb the peace, endanger the public safety or prevent the use of Memorial Park by others.

Section IV. Permission System:

- a. Permission must be obtained to reserve park facilities or before any person engages in the activity described in Section III.a.
- b. The Selectboard is responsible for issuing special events permits for any event over 300 people. Small events that desire to reserve facilities are required to obtain permission from the Parks Department for the Jackson Arena and the Recreation Department for other facilities
- c. Applications shall be made to Town Manager's Office for a special events permit, the Parks Department for the Jackson Arena and to the Recreation Department for all other facilities or uses described in Section III a
- d. Applications shall specify the name, address, and phone number of the applicant, the name of the sponsoring organization, if any, the date and the type of proposed activity, the estimated attendance, and the hours during which the activity is to be conducted.
- e. The Parks Department for the Jackson Arena and the Recreation Department for all other facilities shall enter into a contract or otherwise provide permission if the applicant's use will not materially interfere with the enjoyment and use of Memorial Park by the general public based on considerations of whether the applicant's activity:
 1. Will detract from residents' use and enjoyment of public recreational facilities and land;
 2. Will unreasonably infringe on the public health, safety or welfare;
 3. Will conflict with facilities reserved for other uses;
 4. Will interfere with traffic or burden police services;
 5. Is likely to cause personal or property injury, incite violence, crime, or disorderly conduct; or
 6. Is for the primary purpose of advertising products, goods or events, or for purely private profit.
- f. The Parks Department for the Jackson Arena and the Recreation Department for all other facilities may impose reasonable conditions, including requiring applicants to present proof of adequate insurance.
- g. Reasonable fees may be charged in accordance with the rules and fee schedule established by the Selectboard.
- h. Denial of an application shall be accompanied by a statement of reasons for such denial.
- i. Any permission is revocable for violation of this ordinance or for breach of the conditions.

Section V. Hours of Operation:

- a. The park shall be open for activity from 5:30 AM to 11:30 PM daily.

Section VI. Enforcement:

- a. A violation of this ordinance shall be deemed a civil offense, enforceable pursuant to 24 V.S.A. §1974a and §1977 et seq.
- b. Violations of this ordinance shall be punishable as follows:
 1. The first violation shall be punishable by a fine of one hundred dollars (\$100.00). The waiver penalty, for the purposes of the municipal complaint (civil ticket), for the first violation shall be fifty dollars (\$50.00).
 2. The second violation within a six (6) month period after the first violation shall be punishable by a fine of one hundred fifty dollars (\$150.00). The waiver penalty, for the purposes of the municipal complaint (civil ticket), for the second violation shall be seventy-five dollars (\$75.00).
 3. The third and subsequent violations within a six (6) month period after the first violation shall be punishable by a fine of two hundred fifty dollars (\$200.00). The waiver penalty, for the

purposes of the municipal complaint (civil ticket), for the third and subsequent violations shall be one hundred dollars (\$100.00).

- 4. Each day the violation continues shall constitute a separate violation.
 - c. Depending on the severity of the violation or the number of incidents the individual has received, the Police may issue a notice of restriction or trespass as a municipal agent. The Police may rescind such notice on their own discretion or as directed by the Town Manager.
 - d. All law enforcement officers are authorized to issue a municipal complaint for a violation of this ordinance.
 - e. The Town Manager is authorized to commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law.

Section VII. Severability:

- a. In the event any portion of this Ordinance is found to be invalid or void by a court of competent jurisdiction, the remaining provisions shall continue to be in full force and effect.
- b. This Ordinance may be rescinded by a Town Meeting vote in accordance with the provisions of section 204 (d) of the Charter of the Town of Stowe.

Adopted at Stowe, Vermont this 25th day of August, 2008, and to be effective upon adoption.

Stowe SELECTBOARD

Francis X. Demarest III
H. E. M.
Paul Chen

Received and Recorded
this 17th day of September, 2008. at 2:15 pm.

1st reading 7/28/08
 2nd reading &
 Public Hearing 8/25/08
 Public Notice 8/14/08

A. S. O. T. S. M. Town Clerk