

PARK & RECREATION FIELDS ORDINANCE

An Ordinance regulating the use of the Fair Haven Town Park and the Recreation Fields behind the Grade School; providing definitions; setting conditions and limitations; and providing enforcement and penalties.

Section 1. Authority

Pursuant to 24 VSA Section 1791(a) and 2291(14) & (15), the Selectboard of the Town of Fair Haven, hereby adopts the following ordinance to regulate the use of the Town Park and the Recreation Fields behind the Grade School.

This ordinance is designed as a civil ordinance pursuant to 24 VSA Section 171(b).

Section 2. Purpose

It is the purpose of this ordinance to regulate the conduct of persons within the Fair Haven Town Park and within the Recreation Fields behind the Grade School in order to promote public health, safety, and welfare throughout the Town of Fair Haven.

Section 3. Definitions

For the purposes of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.

"Park" shall mean a 6.4-acre area of land designated as parcel 24.51.25 on the Fair Haven Tax Map, inclusive of the areas known as the War Memorial Triangle, Information Booth, and Park & Ride (Free Parking) and is more clearly shown on the map attached hereto.

"Recreation Fields" shall mean the 18.0 acre parcel of land designated as parcel 24.51.14 on the Fair Haven Tax Map, inclusive of the open space, recreation facilities, and the parking areas east of the Grade School Building.

Section 4. Conditions and Limitations

No person(s) in the Park or the Recreation Fields shall:

1. Dig or remove any soil, trees, shrubs or plants, or do any excavation with any equipment without prior approval of the Fair Haven Selectboard.
2. Dig in or disturb any grass areas without the prior approval of the Fair Haven Selectboard.
3. Bathe or otherwise enter waters of the fountain in the Park.
4. Willfully deface, disfigure, remove, mark, injure any structure, bench, signs, or any other equipment or Park/Recreation Fields property.
5. Dump, deposit or leave any solid waste (trash and recyclables) in the Park/Recreation Fields or lands contiguous to the Park/Recreation Fields. All such items shall be placed in the proper receptacles where provided.

6. Dump, deposit or leave any household solid waste of any type in any provided receptacles.
7. Operate a motorized vehicle upon any area of the Park/Recreation Fields except as provided by the Fair Haven Selectboard.
8. Engage in loud, boisterous, threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to a breach of the public peace, nor remain in any gathering, group or as a single individual, once ordered to leave the Park/Recreation Fields and the immediate area by a law enforcement officer. The Park shall be closed to all gatherings, group or single, between the hours of 9:00 PM and 7:00 AM except when permitted by the Fair Haven Selectboard. This is in no way meant to prevent or hamper those persons walking through the park going to other destinations.
9. Sit on, stand on, climb on or cling to any portion of the Park fence, gazebo, cannon, fountain, trees, signs, poles or any other structure located in the Park. This is in no way meant to prevent or hamper the use of the gazebo for planned or scheduled activities.
10. Be in violation of the Town's *Animal Control Ordinance*, as may be amended from time to time. Pet owners (or other persons charged with the responsibility of) bringing pets to the Park shall adhere to said ordinance, especially related to proper disposal of pet waste and control of their dog(s) with a leash. Pets other than dogs shall be properly controlled such that the General Public Health and Safety is protected for all persons using the Park.

The Recreation Fields shall be closed to all gatherings, group or single, between dusk and dawn except when permitted by the Fair Haven Selectboard.

The Recreation Fields are a drug and alcohol free zone. Thus, any and all illegal drugs, smoking, and the use of smokeless tobacco products are strictly prohibited.

Pets are prohibited from the Recreation Fields.

Law enforcement officers shall have the authority to issue notice against trespass on the Park/Recreation Fields property with or without civil citations.

Section 5. Enforcement

The law enforcement officers of the Town of Fair Haven will be the chief enforcement and issuing officials of this ordinance. The law enforcement officers shall have the authority to eject, from the Park/Recreation Fields, any person or groups of persons acting in violation of this ordinance. The enforcement body of this ordinance shall have the authority to seize and confiscate any property, thing or device in the park or used in violation of this ordinance.

To aid in the enforcement of this Ordinance, especially related to violations related to property damage and illegal drug behavior, the law enforcement officers of the Town of Fair Haven are authorized to use various means of surveillance (e.g., high resolution security cameras), as applicable.

Section 6. Penalties

Any person found in violation of the provisions of this ordinance shall be fined according to the following amount or as permitted by Vermont law, whichever is greater:

1 st Offense	\$50.00
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2 nd Offense	\$100.00
3 rd Offense	\$100.00
Subsequent Offense	\$100.00

Section 7. Severability

If any provision of this ordinance is found by a court of competent jurisdiction to be invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is found to be invalid or unconstitutional such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

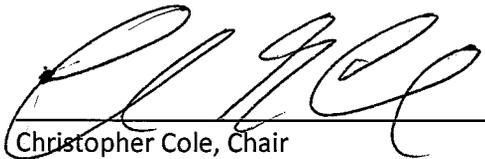
Section 8. Amendments

This ordinance may be amended by a majority vote of the Selectboard at any duly constituted meeting in accordance with 24 VSA Section 1972.

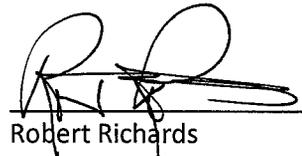
Section 9. Effective Date

This ordinance shall become effective sixty (60) days after its adoption by the Fair Haven Selectboard unless a petition requesting voter approval is submitted within forty-five (45) days following adoption as provided in 24 VSA Section 1973, that statute shall govern the taking effect of this ordinance.

Adopted this 4th day of August, 2014 by the Fair Haven Selectboard.



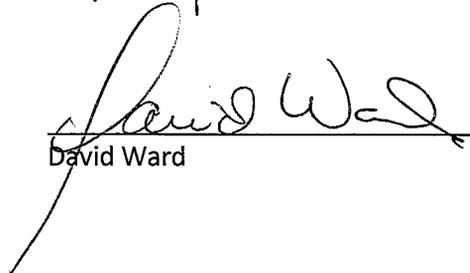
Christopher Cole, Chair



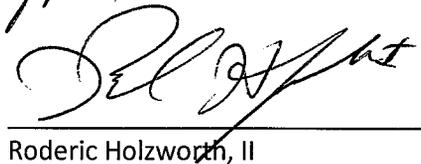
Robert Richards



Jeffrey Sheldon, Clerk



David Ward



Roderic Holzworth, II

Adoption/Amendment History:

Adopted – October 21, 1997

Amended – November 4, 1997

Amended – June 27, 2004

Amended – November 2, 2010

Amended – January 11, 2011

Amended – August 4, 2014 (with technical deficiency correction 11/24/2014)