

## ORDINANCE REGULATING CONDUCT IN SOUTH BURLINGTON PARKS

### SECTION 1. General Provisions

(a). The purpose of this Article is to insure all citizens of South Burlington that the parks of the City will be clean, safe and enjoyable places for people to engage in the recreation pursuits of their choice.

(b). The term “parks” as used herein, is defined to include all recreation facilities and lands regarding which the City of South Burlington holds a legal interest for open space and recreation use, whether such lands are developed or undeveloped. “Park” includes, but is not limited to, playgrounds, open spaces, conservation areas, recreation and bicycle paths, trails, beaches, pathways, as well as public parks. “Park” shall also include property regarding which the South Burlington School District holds a legal interest at such time as the District provides the City Council with written authority to regulate conduct on such property and the Council by resolution accepts said authority. Recreation and bicycle paths shall not include roadways identified by the City as “bicycle routes” where a bicycle path or lane is not specifically defined on such roadway.

(c). City Parks will be operated, maintained and supervised by the South Burlington Recreation Department.

(d). Visitors use the South Burlington parks at their own risk. The City is not responsible for theft, personal injury, property damage or any other loss. Such losses, however, should be reported to the City Recreation and Police Department.

(e). This Article controls activities in South Burlington parks unless specific modifications are made through the enactment of Ordinances relating to individual parks.

### SECTION 2. Conduct

(a). It shall be unlawful to post bills, cut, deface, write upon, remove or destroy any tree, shrub, rock, signs, buildings, tables, benches, fireplaces, grills or other structures or equipment, facilities or park property, or appurtenances whatsoever.

(b). No person shall engage or participate in, aid, form, or organize any assembly or group, or make speeches, or conduct programs of entertainment in any City park unless a permit has been issued pursuant to Section 9 herein and said permit is carried by the person directing or leading such activity. This subdivision does not apply to educational activities or students under school direction, or to government agency activity within the scope of the functions of such agency.

(c). No person shall disturb the peace, endanger the public safety, use obscene or profane language or prevent the use of City parks by others.

(d). Drinking of alcoholic beverages in City parks is strictly forbidden, unless the individual is a member of a group that has been issued a permit by the Recreation Department pursuant to Section 9 hereof, and such permit specifically sanctions the drinking of alcoholic beverages.

(e). Firearms of any description, air rifles, gas weapons, slingshots, bows and arrows, firecrackers, and explosives are prohibited and shall not be displayed or discharged in City parks. Fireworks displays may be permitted by permit.

### SECTION 3. Camping, Boating, Fishing and Bathing

(a). Overnight camping is prohibited unless such activity is confined to areas specifically designated by the Recreation Department for that purpose.

(b). Boating and fishing are not permitted in any area designated for swimming use.

(c). Bathing and swimming are allowed only in areas designated, and all persons swimming or bathing do so at their own risk. Changing clothes except in bathhouses provided by the Recreation Department is prohibited. Use of inflatable or other types of swimming aids is prohibited except in areas designated for such purpose by the Recreation Department.

### SECTION 4. Fires

(a). Fires shall be built in outdoor fireplaces provided by the City or in grills in designated picnic areas. There will be no fires on the trail system.

(b). Portable stoves may be used only in designated picnic areas. Such stoves, when in use, shall be placed on charcoal grills or outdoor fireplaces, and not upon the ground, adjacent woods, refuse receptacles, picnic tables or benches.

(c). Fires shall not be left unattended.

### SECTION 5. Refuse

(a). Refuse, rubbish, garbage or other trash of any nature shall not be left in City parks except in receptacles where provided.

(b). No glass containers are permitted within Park boundaries.

(c). No person shall pollute the waters of any City park through the deposit of any foreign material therein.

### SECTION 6. Traffic

(a). Pedestrians have the right of way on all park roads.

(b). All persons driving motorized vehicles shall obey all traffic signs and directions of park employees and shall park only in areas designated for the purpose.

(c). The speed limit on all park roads is 15 m. p. h. unless otherwise designated.

(d). Where an entrance grate and attendant's booth has been provided at any City park, operators of motor vehicles entering such parks shall pay the requested fee and retain the ticket received from the attendant as a receipt.

(e). Motor vehicles, including motorcycles and motorbikes, are prohibited on foot trails and other areas other than on roads maintained for public vehicular traffic. Bicycles may be used only on designated trails at designated times.

(f). All terrain vehicles (ATV) and snowmobiles are not permitted within the boundaries of the City parks, except within areas designated for such use by the City Recreation Department.

#### SECTION 7. Recreation Paths

(a). All motorized vehicles of every kind and description are prohibited from driving on the South Burlington Recreation Path, except as follows:

- (1) emergency response vehicles and authorized city maintenance and enforcement vehicles:
- (2) vehicles crossing the path at designated crossing points such as intersections and driveways:
- (3) vehicles traveling on Lindenwood Drive, to the extent necessary to avoid potential conflicts with other vehicles: and
- (4) motorized wheelchairs.

(b). Skateboards and horses are prohibited from the recreation path. In-line skaters are prohibited from using hand-held poles.

(c). Racing of bicycles is prohibited on the recreation path, unless approved by the Director of the Recreation Department.

(d). Pedestrians have the right of way on the Recreation Path.

(e). Users of the recreation path shall observe and obey the following rules:

- (1) All users shall stay to the right side of the path except when passing.

- (2) Passing shall be done on the left of the person(s) being passed. Users shall warn others prior to passing them by announcing “passing to your left” or some other suitable warning.
- (3) Users shall travel single file when necessary for safety.
- (4) Users shall obey all applicable traffic rules and regulations, including coming to a complete stop at all stop signs.
- (5) Bicyclists shall stop at all stop signs, and shall walk their bicycles in any area posted for walking only.
- (6) All users shall travel only at such speeds and in such a manner as is safe under the circumstances, including current weather conditions and the condition of the path surface.
- (7) All dogs must be leashed on a maximum 6’ leash. Dog droppings shall be removed from the path and the right-of-way by the person responsible for the dog.
- (8) No person shall have use of the recreation path for commercial purposes unless first receiving the express approval of the City Council.
- (9) No person shall litter on or adjacent to the recreation path.
- (10) Violations of Section 7 (a) shall carry a maximum fine of no more that \$500 for each violation, each violation shall constitute a separate offense. Other violations are enforced under Section 11(a) of this Ordinance.

#### SECTION 8. Domesticated Animals, Plants, and Wildlife

- (a). Except where prohibited under subsection (e) below, domestic animals are permitted within park boundaries when under control of the owner. Amended (7/20/87)
- (b). Horseback riding is prohibited, except in areas specifically designated for such purpose by the Recreation Department.
- (c). Within the boundaries of any park, trees, shrubs, flowers, ferns or other plants shall not be lifted or picked by park visitors. No stones, rocks, birds, or animals shall be removed. Removal of bark from trees by any means whatsoever is prohibited. Cutting and removal of firewood is prohibited unless specifically authorized in writing by the Recreation Director of City Manager. Axes, hatchets, shovels, chain saws, picks, handsaws, and all other tools used to dig, cut or build are specifically prohibited within City parks except where expressly authorized by any way of a permit issued pursuant to Section 9.

(d). No person shall disturb or injure an animal within the confines of a City Park, nor disturb any animal habitat.

(e). Domestic animals shall be prohibited at all times from the beach area at Red Rocks Park and the adjoining waters of Lake Champlain. Added 7/20/87

#### SECTION 9. Hours and Fees

(a). City parks, including roads and parking areas, shall be open only during the times indicated at park entrances or as otherwise established by the Recreation Department.

(b). Cars and other types of motor vehicles left in City parks after hours, or in authorized areas will be towed away at the owner's expense.

(c). Reasonable fees may be assessed by the Recreation Department for the entry of vehicles onto park lands and for the use of City parks by individuals. The Recreation Department shall establish a schedule of such fees and post said schedule at park entrances.

#### SECTION 10. Permit System

(a). A permit must be obtained through the system outlined in this section before any person engages in the activity described in Section 2 (b).

(b). Application shall be made to the Recreation Department prior to the proposed activity date.

(c). Application shall be made on a form provided by the Recreation Department, specifying 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 park which has been requested, the estimated attendance, and the hours during which the activity is to be conducted.

(d). The Recreation Director or his designee shall issue a permit if the applicant's use will not materially interfere with the enjoyment and use of City parks by the general public based on consideration of whether the applicant's activity:

- (1) Will detract from residents' entitlement to recreation;
- (2) Will unreasonably infringe on public health, safety or welfare;
- (3) Will interfere 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;
- (6) Is for the primary purpose of advertising products, goods or events, or for purely private profit.

(e). The Recreation Director may impose reasonable conditions upon the issuance of a permit.

(f). A fee may be imposed by the Recreation Director as a condition to the issuance of a permit in relation to fund raising activity or for the purpose of defraying the costs of cleanup, either before or after the proposed activity.

(g). As a condition of the issuance of a permit, the Recreation Director may, at his discretion, require the posting of a bond to cover possible damages to any City property and may require the individual or group to have in attendance a law enforcement officer.

(h). The Recreation Director shall act on an application within five business days of the receipt thereof. Denial of an application shall be accompanied by a statement of reasons for such denial. An applicant may appeal the action of the Recreation Director to the City Manager or City Council.

(i). Any permit is revocable for violation of this Article or for breach of the conditions attached to the permit.

#### SECTION 11. Enforcement

(a). Any person who violates any of the provisions of this Article may be fined not more than \$100 for each violation. Each violation shall constitute a separate offense.

(b). The City Council on behalf of the City of South Burlington may seek to enjoin any violation of these regulations by instituting an appropriate action in Superior Court, but the election of the City Council to proceed under this section shall not bar prosecutions under Section 10 (a), or any other relief available under the laws of the State of Vermont.

(c). Park attendants shall have the authority to eject from the park any person acting in violation of any provisions of this Article or in violation of any permit issued pursuant to this Article.

AMENDMENT TO SOUTH BURLINGTON  
Use of Parks Ordinance

The City Council of South Burlington ordains:

Section 1: The South Burlington Ordinance Regulating Conduct in South Burlington Parks, as adopted June 4, 1979 and as amended from time to time hereafter, is further amended to amend Section 7: Recreation Paths as follows:


Section 7:

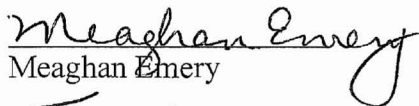
(b) ~~Skateboards and Horses~~ are prohibited from the recreation path. ~~In-line skaters are prohibited from using hand held poles.~~

Section 2: This Ordinance shall take effect immediately upon passage.

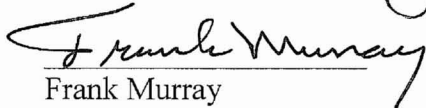
South Burlington, Vermont, this the 20<sup>th</sup> day of July, 2009.

  
Mark Boucher

  
Sandra Dooley

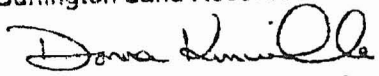
  
Meaghan Emery

  
James Knapp

  
Frank Murray

Received and Recorded this 27 day of July, 2009.

  
Donna Kinville, City Clerk

**CITY CLERK'S OFFICE**  
Received July 27 2009 at 1:55 P  
Recorded in Vol. 376 on page 557  
Of So. Burlington Land Records  
Attest:   
Donna S. Kinville, City Clerk

**END OF DOCUMENT**