

AN ORDINANCE TO REGULATE USES AND ACTIVITIES AT
WATERBURY RECREATION FACILITIES

Section 1. Authority

This ordinance is enacted pursuant to authority granted the Select board pursuant To 24 V.S.A. Sec. 872, 24 V.S.A. Sec. 1971, 24 V.S.A. Sec. 2291, and 31 V.S.A. CHAPTER 5. This ordinance is designated as civil ordinance

Section 2. Definitions

- A. Enforcement Officer shall mean any Police Officer, the Pool Director of the Town of Waterbury, and the Assistant Pool Director of the Town of Waterbury, the Recreation Program Director of Waterbury, the Assistant Recreation Program Director of the Town of Waterbury, the Recreation Activities Director of the Town of Waterbury.
- B. Basketball Court Area shall mean any basketball court and all public land within a distance of 100 feet of the playing surface.
- C. Pool Area shall mean the swimming pool, the area within the fence which surrounds the pool, and all public land within 100 feet of the fence which surrounds the pool.
- D. Impermissible Conduct shall mean behavior which is not permitted at Recreation Facilities.
- E. Impermissible Uses shall mean activities prohibited at Recreation Facilities.
- F. Nudity, as defined in the Public Indecency Ordinance of the Town of Waterbury.
- G. Public Indecency, as defined in the Public Indecency Ordinance of the Town of Waterbury.
- H. Recreation Facilities shall mean all land, improvements, and equipment owned by the Town of Waterbury used for active and passive recreation activities. It includes, but is not limited to playgrounds, ball fields, courts, outdoor ice rinks, trails, pathways, picnic areas, pools, driveways, and parking lots whether such public grounds are developed or undeveloped.
- I. Board of Selectmen shall mean the legislative body of the Town of Waterbury.
- J. Tennis Courts shall mean within the fenced area which surrounds the Tennis Courts.

- K. Wheeled Motorized Vehicles shall mean any self-propelled vehicle or machine, which rolls on wheels. This definition shall not include lawn mowers, rollers, trucks or other maintenance vehicles owned, leased, or provided under contract to the Town of Waterbury or the Village of Waterbury.

Section 3. Impermissible Conduct

- a. Fighting or violent behavior
- b. Spitting, urinating or defecating except in designated facilities
- c. Littering
- d. Nudity
- e. Public Indecency
- f. Threatening and or obscene language
- g. Altering or adjusting any fence, playing surface, or piece of equipment without the prior written consent of the Board of Selectmen.
- h. Smoking in the following locations:
 1. The Pool Area
 2. Any Basketball Area
 3. The Tennis Court
- i. Possessing firearms or knives
- j. Building fires except in designated areas
- k. Possessing glass containers of any kind
- l. Drinking alcoholic beverages unless in possession of a permit issued by the Board of Selectmen
- m. Use of any artificial methods of illumination, unless provided by the Town
- n. Be present at a Recreation Facility between 12:00 midnight and sunrise, or 6:00AM, whichever is earlier, except as otherwise provided in this section.
 1. Be present at basketball courts between 9:00PM and 8:00AM
 2. Be present at the tennis courts between 10:00PM and 7:00AM
 3. Be present at lighted fields at Rowe Park between 11:00PM and 8:00AM. No innings are to begin after 10:30PM.
- o. Be present at a Recreation Facility when it is closed

Section 4. Impermissible Uses

- a. Operating a motorized vehicle except on driveways or parking lots, whether permanent or temporary as designated by the Board of Selectmen.
- b. Camping
- c. Hunting

Section 5. Expulsion from Recreation Facilities

If an enforcement officer, as named in the definitions section, determines that a person has violated any section of this ordinance, except sections 3(k)(l) and 4(a), he or she may:

First offense: Cause the offender to be removed from all Recreation Facilities for the balance of the day on which the violation occurred and for two (2) additional days immediately following the date of the second offense.

Second offense: Cause the offender to be removed from all Recreation Facilities for the balance of the day on which the violation occurred and for two (2) additional days immediately following the date of the second offense.

Third offense; Cause the offender to be removed from all Recreation Facilities for the balance of the day on which the violation occurred and issue to such offender a Notice of Trespass prohibiting the offender from entering a Recreation Facility for the balance of the calendar year in which the third violation occurred.

If an enforcement officer, as named in the definitions section, determines that a person has violated section 3(k) or 3(l) of this ordinance he or she shall cause the offender to be removed from the Recreation Facility for the balance of the day on which the violation occurred.

If an enforcement officer, as named in the definitions section, determines that a person has violated section 4(a) of this ordinance he or she shall cause the offender to be removed from the Recreation facility for the balance of the day on which the violation occurred.

Section 6. Enforcement and Civil Penalties

Enforcement Officers, as defined in the Definition Section, shall be authorized to act as Issuing Municipal Officials to issue and pursue before the Traffic and Municipal Ordinance Bureau a municipal complaint. An Issuing Municipal Official is authorized to recover civil penalties for violations of Sections 3(k) and 3(l) of \$50 per violation. An Issuing Municipal Official is authorized to recover civil penalties for violations of Section 4(a) in the amount of \$250 per violation. An Issuing Municipal Official is authorized to recover a waiver fee, in lieu of a civil penalty, equal to one-half the amount of the civil penalty, for the violation from any person who declines to contest a municipal complaint and pays the waiver fee.

Section 7. Other Relief

In addition to the enforcement procedure available in Section 5 and 6 above, 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.

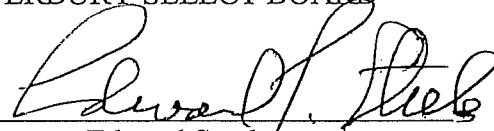
Section 8. Severability & Repeal

Any part or provision of this ordinance shall be considered severable, and the invalidity of any part or section will not be held to invalidate any other part or provision of this ordinance.

Any ordinance regulating uses or activities on Waterbury Recreation Facilities previously adopted by the Town of Waterbury is hereby amended by deleting such ordinance in its entirety upon the effective date of this ordinance as set forth below pursuant to 24 V.S.A. 1971 et seq., as amended.

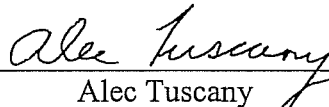
Adopted at Waterbury, Vermont this 17th day of June 2002, and to be effective 60 (sixty) days from this date.

WATERBURY SELECT BOARD



Edward Steele

Chris Palermo



Alec Tuscany



Charles Sayah

Carol Miller



Donna Centonze, Town Clerk

WATERBURY NOTICE

On June 3, 2002 the Waterbury Select Board amended the ordinance to regulate Uses and Activities at Waterbury Recreation Facilities.

The purpose of this ordinance is to promote the public health, safety, welfare, and convenience contained in 24 V.S.A. Sec. 2291. This ordinance shall be a civil ordinance within the meaning of 24 V.S.A. Chapter 59. A listing of the sections of the ordinance follows below. The full text of the ordinance may be read or obtained at the Office of the Town Clerk at 51 South Main Street in Waterbury between the hours of 8:00AM and 4:30PM Monday through Friday. Questions about the ordinance may be directed to:

Donna Centonze, Town Clerk
51 So. Main Street
Waterbury VT 05676
Phone 244-8447

Following is a list of the section headings:

Section 1:	Authority
Section 2:	Definitions
Section 3:	Impermissible Conduct
Section 4:	Impermissible Uses
Section 5:	Expulsion from Recreation Facilities
Section 6:	Enforcement & Civil Penalties
Section 7:	Other Relief
Section 8:	Severability & Repeal

Copies of the Ordinance are posted in the following location:

Office of the Town Clerk
Northfield Savings Bank
Banknorth
I'Deal Market
Library
TJ's General Store

By order of the Waterbury Select Board

Adopted: June 17, 2002

Published in the Times-Argus: June 26, 2002

Effective: 60 days from adoption date