

Chapter 9.04

PARKS

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9.04.010 Parks defined.

The term “parks” as used in this chapter is defined to include all recreational facilities and land owned by the town of Essex and used for open space and recreation. It includes, but is not limited to, playgrounds, ballfields, tennis courts, trails, pathways, picnic areas, pools, drives and parking lots, whether such public grounds are developed or undeveloped. (Ord. passed 5/18/98 (part): § 1(a) of Ord. passed 8/29/88)

9.04.020 Administration and operation.

All town parks will be operated, maintained and administered under the direct control and supervision of the director of the parks and recreation department (hereinafter “director”). (Ord. passed 5/18/98 (part): § 1(b) of Ord. passed 8/29/88)

9.04.030 Permit—Required when—Application and fees.

A. Permits shall be acquired by any group totaling thirty or more persons, including organizations and teams, who desire to use the various areas of the town parks. These areas must be reserved in advance through the director, and reasonable fees may be charged in accord with the rules and regulations as established by the select-board.

B. Application for permits must be signed by an authorized representative of the group, who will be accountable for any damage or loss of property arising from such use.

C. Groups or teams may also be required to post a deposit in advance if the director deems it advisable. (Ord. passed 5/18/98 (part): § 2(a)—(c) of Ord. passed 8/29/88)

9.04.040 Groups may not impose use charges.

No group or team may impose charges on persons or parties using the park or recreation facilities. (§ 2(e) of Ord. passed 8/29/88)

9.04.050 Permit a binding contract—Liability limitations.

A. No person to whom a permit is issued shall be released from any personal liability because of the issuing of a permit, and shall hold and save the Town of Essex and its employees free and harmless thereby.

B. Any permit issued shall be a binding agreement or contract between the persons to whom it was issued and the parks and recreation department.

C. Whenever such permit is revoked for cause, no part of the fee paid therefor shall be returned. (Ord. passed 5/18/98 (part): § 7(b) of Ord. passed 8/29/88)

9.04.060 Permit—Cancellation conditions.

Permits may be canceled by the director or town manager if the intent of the permit is violated or if the permit holders/users violate any of the park rules and regulations. (Ord. passed 5/18/98 (part): § 2(d) of Ord. passed 8/29/88)

9.04.070 Motor vehicle restrictions.

A. All state statutes regulating motor vehicle operation shall be applicable within the confines of any park.

B. The director may allow vehicles in prohibited areas for special events occurring in such areas.

C. Posted handicapped parking areas are so designed for use only by vehicles with handicapped registration or other appropriate identification.

D. Parking is allowed only in designated areas or as directed by town personnel. Violators may be towed at the owner's expense.

E. The maximum motor vehicle speed within any park shall be fifteen miles per hour. (Ord. passed 5/18/98 (part): § 4 of Ord. passed 8/29/88)

9.04.080 Hours of operation—Trespassing and camping prohibited.

A. All parks and recreation areas shall be closed and off limits between nine p.m. and seven a.m. unless a permit for other hours is obtained in advance from the parks and recreation department. Trespassing signs shall be posted at each park in accordance with state statutes.

B. Motorized vehicles of any type are allowed only within the areas provided for public parking. No vehicle shall be parked in any public park between nine p.m. and seven a.m. and may be towed away at the owner's expense.

C. No camping shall be allowed within park boundaries except as provided in subsection B of Section 9.08.010. (Ord. passed 5/18/98 (part): § 5 of Ord. passed 8/29/88)

9.04.090 Indian Brook Park rules and regulations.

These subsections are covered in various sections of Chapter 9.08, Indian Brook Park. (Ord. passed 5/18/98 (part): § 6 of Ord. passed 8/29/88)

9.04.100 Prohibited activities designated.

A. No alcoholic beverages or other controlled substances shall be permitted within park boundaries.

B. No glass bottles shall be permitted within park boundaries.

C. No unruly person will be permitted to remain within the parks, and no person shall disturb the peace, endanger the public safety, use obscene or profane language, or prevent the use of the park by others.

D. No products of any kind may be sold within park boundaries without a special permit secured in advance.

E. No area of any park may be roped off without prior approval from the director.

F. Posting bills without permission of the director, cutting, peeling, defacing, writing upon, destroying or damaging any building, sign, tree, plant, rock or other natural or manmade structure or object is prohibited.

G. No plant may be uprooted or cut without a written permit from the director.

H. Removing bathing apparel or swimwear in public view is prohibited. “Bathing apparel or clothing” includes bathing suits or clothing worn for bathing purposes including, but not limited to shorts, cutoffs, or swim trunks.

I. Fires shall only be built in a properly cared for cooking unit or in grills provided in the picnic areas. No fire shall be left unattended.

J. All town parks, with the exception of Indian Brook Park, the Ray Unsworth Parcel (Tax Map 10, Parcel 57), Myers Natural Area (Tax Map 8, Parcel 18-2), and the Horton property (Tax Map 12, Parcel 2), fall within the area where discharge of firearms is prohibited. Indian Brook Park has restrictions on firearms discharge as outlined in Chapter 6.08 of these Ordinances.

K. A person who intends to set a trap for any animal on any Essex town park property shall, prior to setting the trap, notify the selectboard of the prospective location of the trap. The selectboard may, at any time, refuse to grant permission to set a trap or revoke the permission if previously granted as outlined in Vermont Statutes Annotated 1997 Section 4707 Traps; notice.

L. Discharge of firearms for the purpose of target shooting is prohibited within park boundaries. (Ord. passed 5/18/98 (part): § 3 of Ord. passed 8/29/88. Ord. passed 10/7/19)