

PARK & RECREATION FIELDS ORDINANCE

#97 1021

Amended 10/8/2019

Effective 12/7/2019

An Ordinance regulating the use of the Fair Haven Town Park located on Main Street, South Park Place, West Park Place and North Park Place, the Louie Faryniarz Playground, Mary A. Canfield Memorial Softball field, the Pavilion and little league ball fields, tennis courts and Babe Ruth ball field located at the North Easterly end of Cottage Street and the Eagles Field at 12 Academy St. providing definitions; setting conditions and limitations; and providing enforcement and penalties. (Added 2014) (Amended 2019)

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 located on Main Street, South Park Place, West Park Place and North Park Plate, the Louie Faryniarz Playground, Mary A. Canfield Memorial Softball field, the Pavilion and little league ball fields; tennis courts and Babe Ruth ball field located at the North Easterly end of Cottage Street and the Eagles Field at 12 Academy Street (Added 2014) (Amended 2019)

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 located on Main Street, South Park Place, West Park Place and North Park Place, the Louie Faryniarz Playground, Mary A. Canfield Memorial Softball field, the Pavilion, little league ball fields, tennis courts and Babe Ruth ball field located at the North Easterly end of Cottage Street and the Eagles field at 12 Academy Street in order to promote public health, safety, and welfare throughout the Town of Fair Haven. (Added 2014) (Amended 2019)

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, bus stop, Park & Ride (Free Parking) and West Park Place and is more clearly shown on the map attached hereto. (Amended 2019) See Maps A & B Attached

"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, the Mary A. Canfield Memorial Softball field, Louie Faryniarz Playground, Recreation facilities, ball fields, walking trails and the parking areas at the North Easterly end of Cottage Street. (Added 2014) (Amended 2019) See Maps C & D attached.

"Recreation field" shall also mean the 2.87 acre parcel of land designated as parcels 27.01.50 and 27.01.55.02 located at 12 Academy Street including the ball field and wooded area. (Added 2019) See Maps E & F attached.

Section 4. Conditions and Limitations

No-person(s) in the Park or the Recreation Fields shall: (Added 21014)

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, or injure any structure, bench, signs, or any other equipment or Park/Recreation Fields property. (Amended 2014)
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. (Amended 2014)
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.(Added 2010) (Amended 2014) ·
EXCEPTION: ADA motorized vehicles shall be allowed. (Amended 2019)
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 order d to leave the Park/Recreation Fields and the immediate area by a law enforcement officer. (Added 2004) (Amended 2014)
9. 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: (Added 2004)·(Added 2010) (Amended 2014)

This is in no way meant to prevent or hamper those persons walking through the park going to other destinations. (Added 2004)

10. 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. (Added 2014)

11. 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.
12. Pets other than dogs shall be properly controlled such that the General Public Health and Safety is protected-for all persons using the 'Park. (Added 2014)
13. The Recreation Fields known the Louie Faryniarz Playground, Mary A. Canfield Memorial.Softball field, the Pavilion, little league ballfields, tennis courts and Babe Ruth ball field located at the North Easterly end of

Cottage Street and the Eagles field at 12 Academy Street shall be closed to all gatherings, group or single, between dusk and dawn except when permitted by the Fair Haven Selectboard. (Added 2014)(Amended 2019)

14. The Fair Haven Town Park located on Main Street, South Park Place, West Park Place and North Park Place including Veterans Park, the bus stop and Park and Ride, the Louie Faryniarz Playground, Mary A. Canfield Memorial Softball field, the Pavilion and little league ball fields, tennis courts and Babe Ruth ball field located at the North Easterly end of Cottage Street and the Eagles Field at 12 Academy St. shall be drug and alcohol free zones. Any and all illegal drugs, smoking, vaping and the use of smokeless tobacco products are strictly prohibited. (Added 2014) (Amended 2019)
15. Pets are prohibited from the Louie Faryniarz Playground, Mary A. Canfield Memorial Softball field, the Pavilion and little league ball fields, tennis courts and Babe Ruth ball field located at the North Easterly end of Cottage Street and the Eagles Field at 12 Academy St. (Added 2014) (Amended 2019)
16. Law enforcement officers shall have the authority to issue notice against trespass on the Park/Recreation Fields property, as described in this ordinance, with or without civil citation . {Amended 2019}

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.

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
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

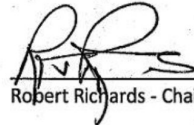
This ordinance may be amended by a majority vote of the Selectboard at any duly constituted meeting in accordance with 24 VSA Section 1972.

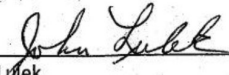
Section 9. Effective Date

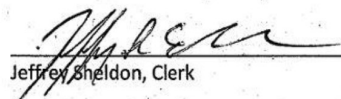
This ordinance shall become effective sixty (60) days after its adoption by the Fair Haven Selectboard unless a petition requesting voter approval is submitted within forty-five (45) days following adoption as provided in 24 VSA Section 1973, that statute shall govern the taking effect of this ordinance.

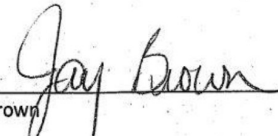
Adopted this 8th day of October, 2019 by the Fair Haven Selectboard

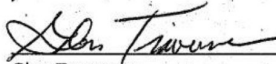
Adopted this 8th day of October, 2019 by the Fair Haven Selectboard.


Robert Richards - Chair


John Lufek


Jeffrey Sheldon, Clerk


Jay Brown


Glen Traverse

Adoption/Amendment History:

Adopted – October 21, 1997

Amended – November 4, 1997

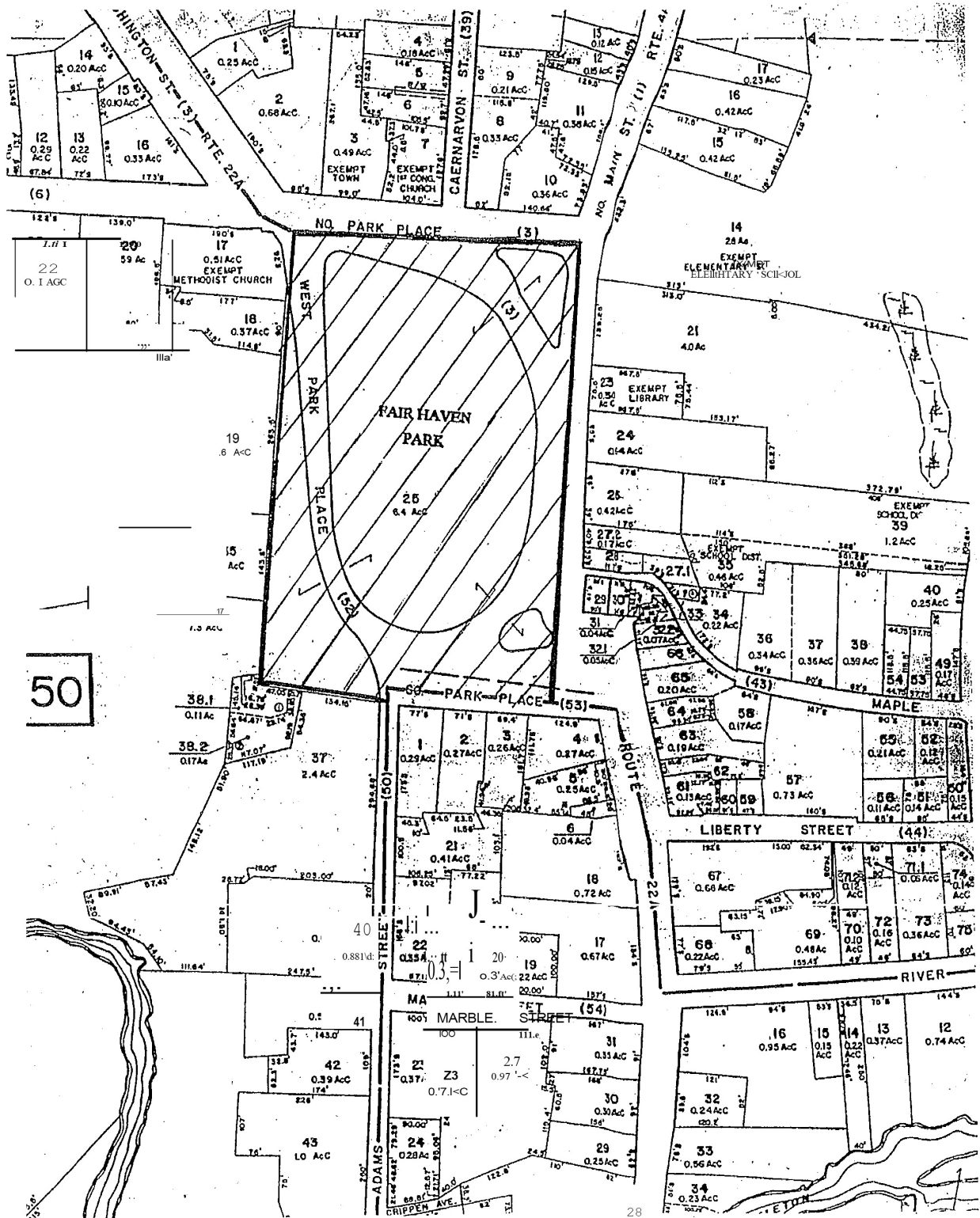
Amended – June 27, 2004

Amended – November 2, 2010

Amended – January 11, 2011

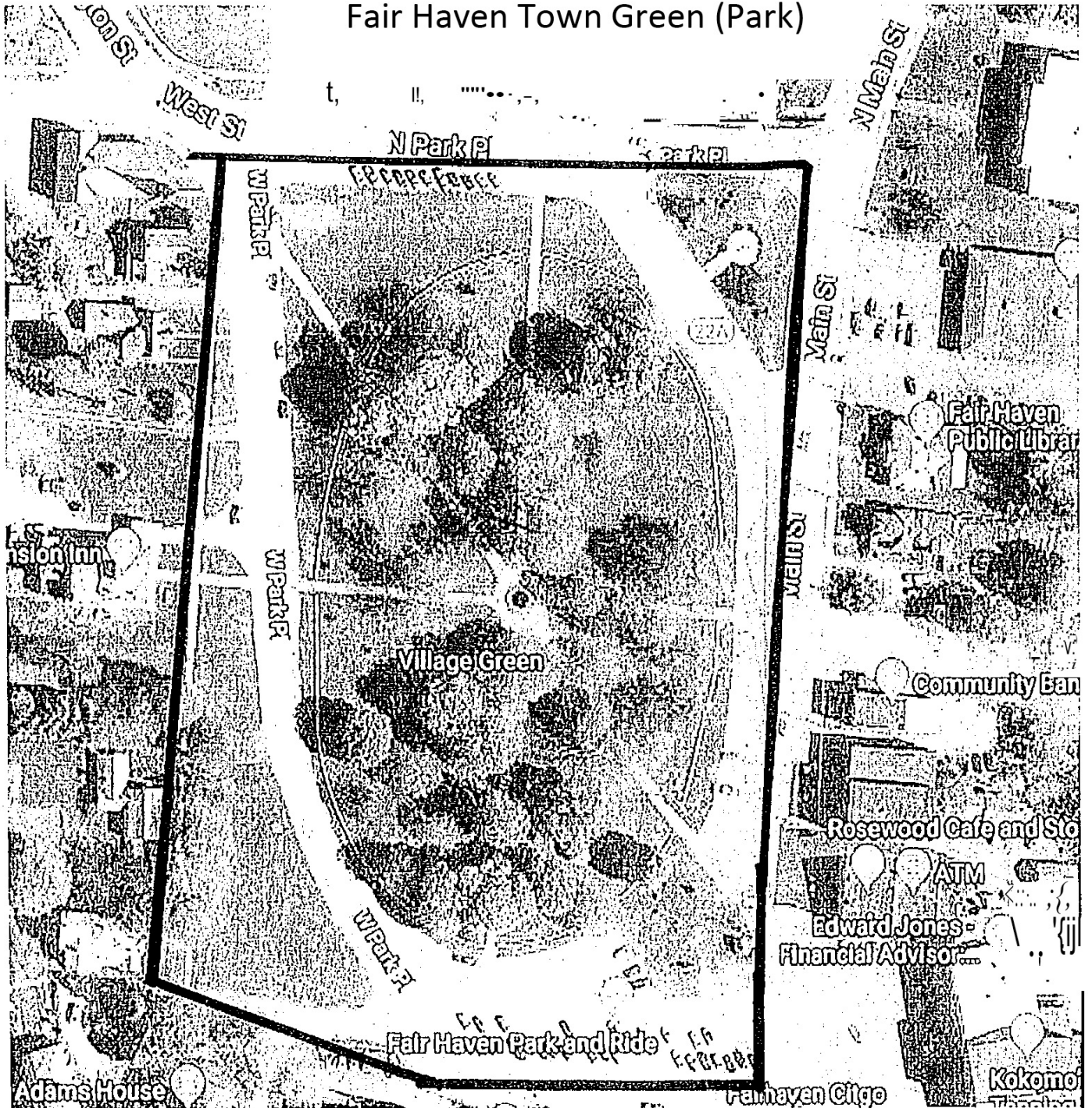
Amended – August 4, 2014

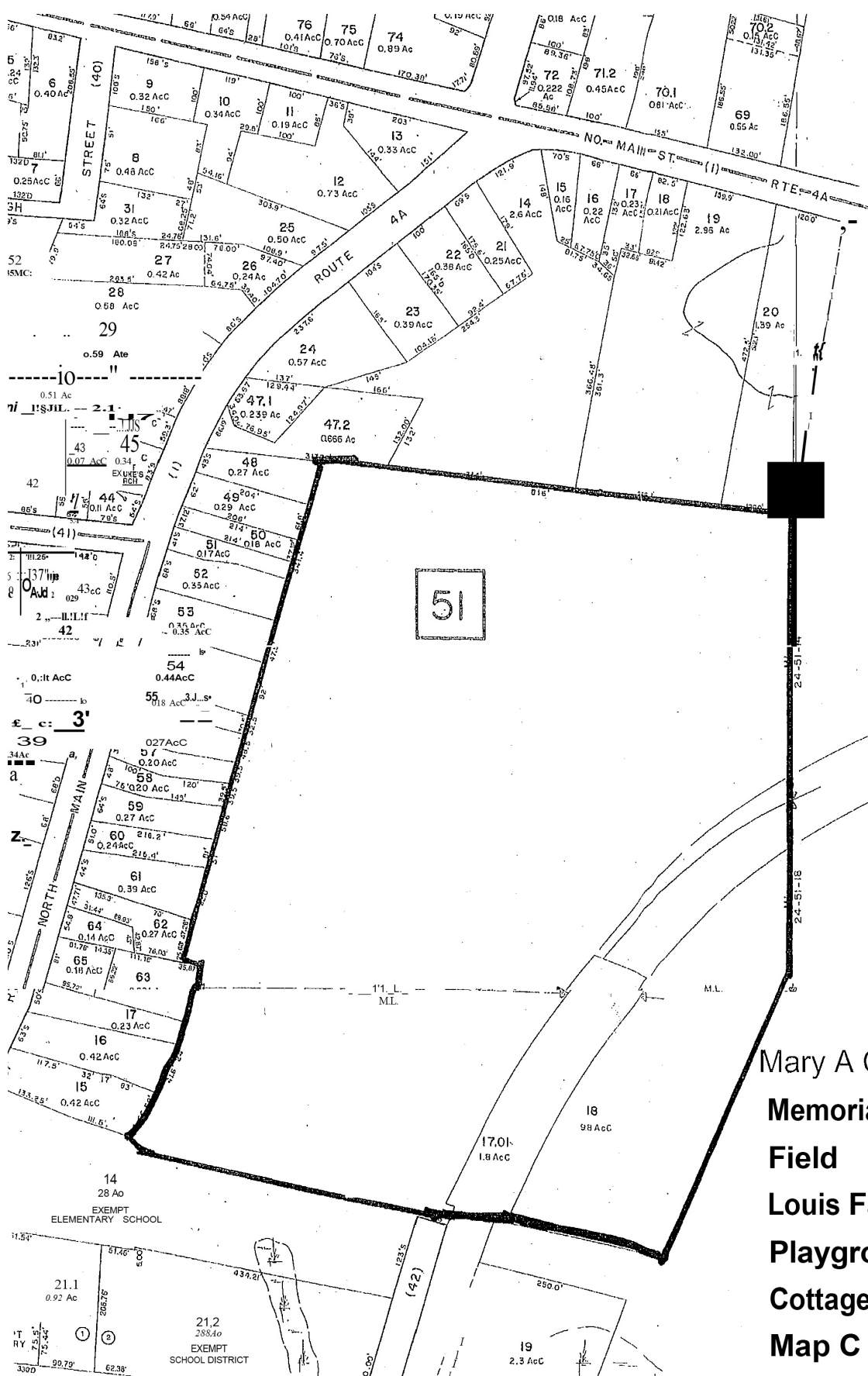
Map A



Map B

Fair Haven Town Green (Park)





Mary A Canfield
Memorial Softball
Field
Louis Faryniarz
Playground
Cottage Street
Map C

Mary A Canfield Memorial Softball Field and Louis Faryniarz Playground

Cottage Street Fields

Map D



