

**ORDINANCE FOR THE OPERATION AND REGULATION OF PARKS AND RECREATION
AREAS AND ACTIVITIES**

Pursuant to Title 24, Chapter 59, of the Vermont Statutes Annotated and the Charter of the Town of Milton, the Selectboard of the Town of Milton hereby ordains the following Ordinance.

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Section 1 Purpose and Authority

The purpose of this Ordinance is to ensure all Milton residents that the Town parks will be clean, safe and enjoyable places for people to engage in the recreation pursuits of their choice, and to protect the peace, order, health, safety, comfort, morality, and general welfare of the Town and of its citizens. Because “recreation” means different things to different people, the following regulations have been developed to facilitate the use of parks for active and passive, scheduled and spontaneous, group and individual recreational activities. This Ordinance is adopted pursuant to 24 V.S.A. Ch. 61 and 24 App. V.S.A. Ch. 129, §129-103(b) and §129-104 of the Town of Milton Charter.

Section 2 Definitions.

As used in the Ordinance, the following terms shall have the following meanings ascribed to them:

- (a) Town: Town of Milton, Vermont
- (b) Department: Milton Parks and Recreation Department
- (c) Director: The Director of the Milton Recreation Department, or their designee
- (d) Fireworks: The term "fireworks" means any combustible or explosive composition, or any substance or combination of substances, or material prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, including

blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, balloons that are propelled by explosives, firecrackers, torpedoes, sky rockets, Roman candles, cherry bombs, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance, except sparklers.

- (e) Manager: Town of Milton Town Manager, or their designee
- (f) Motor Vehicle: Any wheeled conveyance (except a motorized wheelchair used by a person with a disability) for transportation of persons or materials whether powered or drawn by motor such as an automobile, truck, golf cart, recreational vehicle, motorcycle or scooter. "Vehicle" does not include any Town of Milton fleet or emergency vehicles operating in the course of public safety or official Town of Milton business.
- (g) Park/Park Property: May include, but is not limited to, parks, open space, greenspace, natural areas, cultural and historic sites, playgrounds, ball fields, pools, pavilions, greenways, wetlands, floodplains, lakes, rivers, beaches or water areas, and buildings and structures which are under the ownership and control of the Town, or assigned for inspection, upkeep, maintenance or operation by the Department.
- (h) Permit: A document provided by the Department granting permission for use of reserved park property and which sets forth terms and conditions applicable thereto.
- (i) Person: Any individual, firm, association, joint venture, partnership, company, corporation, entity or organization of any kind
- (j) Pet: Any domesticated animal kept for pleasure rather than utility
- (k) Plant: Any tree, vine, shrub, flower, grass, moss, fungi or related living organism within the Kingdom Plantae
- (l) Special Event - Any organized activity open to the public, taking place on park property and having as its purpose entertainment, recreation and/or education, such as a festival or celebration, foot or vehicle race, parade or concert

Section 3 Park Hours and Closures

- (a) All parks shall be open to the public during designated hours. The opening and closing hours shall be posted at each park in order to give notice to the public. The Town reserves the right to open and close the park as needed for any reason regardless of notice.
- (b) No person shall enter or remain on park property during hours when the park is closed. The provisions of this section shall not apply to emergency personnel or Department employees while in the discharge of their duties, or to any person having permission from the Director to be or remain in any part of the parks between such hours.
- (c) In the interest of public safety, the Director may close parks or areas within parks to public entry or otherwise restrict use until such time as the area can be made available for safe public use. Except in emergency circumstances, notice of closure shall be posted, and only authorized persons shall enter closed or restricted areas.

Section 4 Buildings and Other Property

- (a) No person shall willfully mark, destroy, deface, vandalize or otherwise damage any building or other property belonging to or used by Town of Milton in any park.
- (b) No person shall construct or erect on park property any building or structure of whatever kind, whether permanent or temporary in character, except as part of a Department program or permitted event.
- (c) No person shall use town buildings, structures or equipment other than for its intended use or in a manner that has a reasonable potential to damage the same.

Section 5 Park Usage

- (a) No person shall enter or use any park for which an entrance or user fee has been established unless the fee is first paid or the person is otherwise authorized to enter.
- (b) The Director may establish reasonable rules for the proper use of park amenities, such as playgrounds, swim areas, skate parks, tennis courts, band shells, pavilions, and other areas under Recreation Department jurisdiction, which shall be enforceable by park personnel or enforcement officers named in this ordinance.

Section 6 Use of Cameras and Recording Devices

No person shall use any type of camera or similar device to record or produce a visual image in any park restroom, locker room, bath house, shower facility or other area used for dressing or changing clothes.

Section 7 Authority to Rent or Lease Parks and Equipment

The Town Manager and/or Director is authorized to rent or lease the use of park equipment and to charge a fee for the use of park facilities to individuals and private or public organizations.

Section 8 Fees

Reasonable fees may be assessed by the Selectboard for the use of parks by individuals. The town shall establish a schedule of such fees as approved by the Selectboard.

Section 9 Reserved Areas

- (a) Parks and park property shall be reserved only by permit made in accordance with the Recreation Department's reservation policy. Said reserved park areas may include athletic fields, group picnic shelters and associated amenities, recreation facility spaces, and those areas requested for the use of special events.
- (b) No person shall use or occupy a reserved space except the person or party for whom the space is reserved and their guests.
- (c) Any person having a permit issued by the Department must comply with all applicable rules and regulations. Upon request, confirmation of the reservation must be displayed to department employees charged with supervision or patrolling of parks. Violations of permit requirements

may result in immediate suspension or revocation of the permit.

- (d) Department employees, in the course of authorized business, shall have the right to enter the premises of any building, structure or enclosure on park property, including those rented or set aside for the private or exclusive use of any individual or group.

Section 10 Permit System

- (a) Application for any permit or permission issued pursuant to this Ordinance shall be made to the Recreation Department.
- (b) Requests for group use of a park spaces shall be made on an application form provided by the Recreation Department and in accordance with current Department policy and fee schedule.
- (c) The organization of any assembly or group to conduct programs or entertainment in any park is allowed by permit from the Parks and Recreation Department. Said permits shall be carried by the person directing or leading such activity. Failure to follow the conditions of the permit shall void the permit.
- (d) The Recreation Director, or their designee, shall issue a permit if the applicant's use will not unreasonably interfere with the enjoyment and use of the park by Milton residents and visitors, based on consideration of whether the applicant's activity or conduct:
 - a. Will unreasonably detract from or negatively impact other users' reasonable use of the park and/or recreational experience;
 - b. Will unreasonably infringe on public health, safety or welfare;
 - c. Will unreasonably conflict or interfere with the use of facilities reserved for or by other uses;
 - d. Will unreasonably create, or interfere with, traffic or burden police or public safety services; or
 - e. Is likely to cause personal injury, property damage, incite violence, or result in criminal and/or disorderly conduct.
- (e) The Recreation Director may impose reasonable conditions upon the issuance of a permit.
- (f) A fee may be imposed by the Selectboard as a condition to the issuance of a permit.
- (g) As a condition of the issuance of a permit, the Recreation Director may, at his or her discretion, require the individual/group to have in attendance a law enforcement officer, fire officer or rescue officer
- (h) Denial of an application shall be accompanied by a statement of reasons for such a denial. An applicant may appeal the action of the Recreation Director to the Town Manager, within thirty (30) days of notification of a denial.
- (i) Any permit is revocable for violation of any Ordinance or for breach of the conditions attached to the permit.

Section 11 Picketing and Demonstrations

Any person, group or organization engaged in any picketing, demonstrations, assembly, gathering, procession or other activity protected by the U.S. Constitution shall be prohibited from blocking the ingress and egress of any park or park property, from disrupting or interfering with scheduled events, or engaging in activities or conduct that prevents or is inconsistent with the intended use of the park at the proposed site of assembly.

Section 12 Commercial Activities

- (a) No person shall conduct the commercial sale of, or offer to sell any goods, ware, drinks, food or similar items, nor render or offer to render any service for hire, at any park except as authorized by contract or permit issued by the Director.
- (b) Commercial vendors interested in doing business on Town property/parks shall contact the Recreation Director to complete the proper permit application.
- (c) No person shall place any stand, cart or vehicle for the transportation, sale, trade or display of any article, material or service within any park area, unless first approved by the Director in conjunction with a permitted use of a reserved park area.

Section 14 Noise and Amplified Sounds

- (a) Patrons shall preserve the peace and quiet enjoyment of the parks by observing all state laws governing noise and amplified sound while on park property.
- (b) All unreasonably loud noise is hereby prohibited in Town parks. Noise shall be deemed to be unreasonable when it disturbs, injures, or endangers the peace or health of another or when it endangers the health, safety, or welfare of park users. A determination of unreasonable shall be made by enforcement personnel based on time, place, and density of park usage and other relevant factors.

Section 15 Fireworks and Explosives

No person shall possess or use any kind of firework or other explosive material or system, except by permit, in any park, except as otherwise indicated in Section 21 of this Ordinance.

Section 16 Litter

- (a) No person shall dump, deposit, place or throw any garbage, glass, coals, ashes, paper, boxes, cans, dirt, waste or other trash in any park except in proper receptacles where provided. Where receptacles are not provided, litter shall be carried away from park property by the person or persons responsible for its presence.
- (b) No glass containers are permitted within park boundaries.
- (c) No personal and/or household trash shall be dumped in the parks or in any municipal owned properties or receptacles.

Section 17 Motor Vehicles and Bicycles

- (a) All relevant state and local motor vehicle, traffic and parking laws shall apply and be enforceable within parks.
- (b) To the extent authorized by law, Milton Police Officers may enforce all applicable state and local motor vehicle, traffic and parking laws, and other applicable provisions of this Ordinance, within park property.
- (c) All vehicles operated on park roads must be street legal by state and local vehicle laws.
- (d) All motorized vehicles of every kind and description are prohibited from driving on Milton Recreation paths, except as follows:
 - a. Emergency response vehicles and authorized town maintenance and enforcement vehicles;
 - b. Vehicles crossing a path at designated crossing points such as intersections and driveways;
 - c. Vehicles travelling on public roads which share road surface with designated recreation paths;
 - d. Motorized wheelchairs; and
 - e. Segway or similar motorized personal transporter, with prior permission of Recreation Director.
- (e) Racing of bicycles is prohibited in recreation areas unless approved by the Recreation Director.
- (f) Pedestrians have the right of way on recreation paths.
- (g) Users of the recreation paths shall observe and obey the following
 - a. All users shall stay to the right side of the path except when passing
 - b. Passing shall be done on the left of the person(s) being passed. Users shall warn others prior to passing them by announcing “passing on your left” or some other suitable warning.
 - c. Users shall travel single file when necessary for safety
 - d. Users shall obey all applicable traffic rules and regulations, including coming to a complete stop at all stop signs, and shall walk their bicycle in any area posted for walking only
 - e. 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
 - f. All dogs must be leashed on a maximum six-foot leash.
 - g. Pet waste shall be removed by the person responsible for the dog.
- (h) Bicycles are allowed on natural surface trails unless expressly prohibited and posted.
- (i) All-terrain vehicles (ATV) and snowmobiles are not permitted within the boundaries of parks, except with prior written permission from the Recreation Director.

Section 18 Parking

- (a) No person shall park a vehicle on park property at any place other than in the expressly designed space provided for that particular type of vehicle, unless directed otherwise by an enforcement officer or department employee, or by official signs or markings.
- (b) No driver or operator of any vehicle shall leave a vehicle parked on park property after posted closing hours without permission of the Director. Such permission shall be posted in a conspicuous location while the vehicle is parked after hours. If there is no permission vehicle will be towed at owner's expense.
- (c) Vehicles parked in unauthorized areas that pose a threat to patron safety may be towed at the owner's expense.
- (d) No vehicle shall be parked on park property when the vehicle is parked for the purpose of sale, re-sale, display or repair.

Section 19 Aircraft and Radio-Controlled Devices

- (a) No person shall operate, direct or be responsible for any aircraft, helicopter, glider, balloon, parachute, UAV, drone or other aerial apparatus that shall take off from, operate within, or land within park property except in emergency and/or law enforcement situations or when permission has been obtained from the Director.
- (b) No person shall launch or operate any radio-controlled model rocket, airplane, glider, boat, car or similar vehicle without permission from the Director.

Section 20 Firearms and Other Weapons

- (a) No person shall shoot or otherwise discharge a firearm, pellet gun, projectile weapon, bow, arrow or similar device from within a park, or into any park from beyond the boundaries of such park.
- (b) Subject to the requirements of applicable state law, the Director may permit the use of weapons in a park for recreational, educational, wildlife or natural resource management purposes, or other departmental special events under supervision, written guidelines or agreements.

Section 21 Metal Detectors

No person shall use a metal detector in any park unless authorized by the Recreation Director.

Section 22 Abandoned Property

No person shall abandon a vehicle or other personal property in any park. Abandoned property shall be removed, impounded and sold in conformance to Town of Milton policies.

Section 23 Pets

- (a) Any person bringing a domestic pet within park boundaries or on multipurpose paths shall keep the pet on a physical leash, or under the immediate personal supervision and control of the owner. “Under the immediate supervision and control of the owner” means that the pet will obey the commands of the owner and that the pet is at all times prevented from causing injury, damage, disturbance or annoyance to park property or other park users. Police K-9 animals are not considered pets and are exempt from the provisions of this Section. Similarly, qualified service animals under the Americans with Disabilities Act are exempt from the provisions of this Section.
- (b) No exotic animals are permitted at any park unless as part of an authorized event or program.
- (c) No person shall bring a pet into an enclosed park building except with the express permission of the Recreation Director or as part of an authorized program or event.
- (d) Any pet not under the immediate personal supervision and control of a responsible person or any pet creating a disturbance or nuisance, may be restrained, confiscated or removed from the park by authorized personnel.
- (e) Animals are not permitted within fenced baseball fields, softball fields, and tennis courts.
- (f) No person shall permit a pet for which he or she is responsible to be in the water of a swimming area or designated water play area, and no such person shall permit a pet to be within the land area or beach area adjacent to the water of a swimming area or designated water play area. Pets are not permitted to enter any natural or constructed body of water except in areas dedicated for such purpose.
- (g) Persons bringing pets onto park property are required to carry appropriate material and remove any waste left by their pets.
- (h) All posted Dog Park rules and regulations must be followed to when using town owned dog parks.
- (i) Horseback riding shall not be permitted in the parks unless approved by the Recreation Director.
- (j) No pets shall be unattended.
- (k) Current rabies and appropriate inoculation and registration tags must be displayed on pets at all times.

Section 24 Swimming and Wading

- (a) No person shall swim, wade or play in any natural or built water area within a park except where specifically designated, and in compliance with such rules and regulations set by the Director. All persons swimming in the public parks do so at their own risk.

Section 25 Camping and Overnight Use

No person may erect a tent or related shelter at any time to camp, sleep or park a vehicle overnight at any park or open space, except as authorized by permit, and only in areas designated or marked for such purpose or as otherwise authorized by the Recreation Director.

Section 26 Fires and Firewood

- (a) No person may light, build or maintain a fire in any park except in a device provided, maintained or designated for such purposes, or as authorized by the Director.
- (b) Grills are provided throughout the parks for patron use; use of any other grill or cooking equipment is prohibited unless otherwise authorized by the Director.
- (c) No person may cut, gather or collect wood or other combustible material at any park for use as firewood or fuel, unless authorized by the Director.
- (d) Fires or lighted grills shall not be left unattended, and any person starting a fire shall not leave the area without extinguishing said fire.
- (e) During periods when a fire hazard has been declared “high” or greater by the State of Vermont or similar agency, the Director may prohibit or restrict fires in park areas.

Section 27 Personal Risk in Natural Areas

Personal risks associated with the natural environment are inherent in parks. Native wild animals, poisonous plants, rough terrain and other natural conditions presenting potential risks are considered a part of the park visitor’s experience and should be anticipated. Park users are responsible for their own health and welfare regarding natural elements and other environmental conditions when they elect to enter such areas.

Section 28 Natural Resource Protection and Preservation

- (a) No person shall dig, cut, break, move, excavate, disturb, remove, destroy, harm or tamper with, nor carry within, any soil, rocks, trees, shrubs, plants, fungi/mushrooms, down-timber or other wood or materials without authorization from the Director.
- (b) Subject to state regulations and proper posting, if required, no person shall harm, harass, disturb the breeding grounds or habitat of, hunt, trap or remove any animal, including mammals, fish, insects, birds, reptiles, amphibians or any other living creature, including eggs and nests, from any park except upon authorization of the Director. This sub-section shall not apply to fish caught by an individual in possession of a valid Vermont fishing license fishing in an area designated for this activity, in accordance with state fishing regulations.
- (c) No person shall feed any non-domesticated animal in any park unless authorized by the Recreation Director.
- (d) Park properties that are primarily in their natural state, yet provide some means of access for visitors, shall be maintained to protect the environment as well as the user.

Section 29 Pollution of Waters

- (a) No person shall throw, discharge, disturb or otherwise place or cause to be placed in the waters of any lake, river, stream, or other body of water within park property any substance, matter or thing, liquid or solid, which will or may result in the contamination or pollution of said waters.

- (b) No person shall bury, discharge or intentionally dispose of a toxic or hazardous substance in parks or on park property, or the State waters found therein.

Section 30 Smoking

In recognition of the hazards that tobacco, second hand smoke, and other combustibles pose to the health of residents and visitors, use of any form of tobacco, including electronic cigarette, is prohibited in and around all publicly-owned infrastructure, offices, and enclosed areas.

Section 31 Drug and Alcohol Use

- (a) It is unlawful to use, possess or sell any controlled substance in violation of state statutes.
- (b) It is unlawful to serve, possess, consume or bring beer, wine or other alcoholic beverages into a park without authorization of the Selectboard.

Section 33 Enforcement

- (a) This Ordinance is a civil ordinance and shall be enforced in the Vermont Judicial Bureau or in the Vermont Superior Court, Civil Division, Chittenden Unit, at the election of the enforcing official, in accordance with 24 V.S.A. §§ 1974a et seq.
- (b) Violations of this Ordinance are punishable by a civil penalty of not more than \$500 per violation, with each week a violation continues constituting a separate offense. The Selectboard may adopt a separate Schedule of Fines relative to this Ordinance.
- (c) The enforcing official may choose to file an enforcement action in the Vermont Superior Court, Civil Division, Chittenden Unit, to seek injunctive relief, and fines as appropriate. Any enforcing official shall have the authority to eject from any of the parks any person acting in violation of any provisions of this Ordinance or in violation of any permit issued pursuant to this Ordinance and may issue a notice against trespass on behalf of the Town of Milton.
- (d) Waiver Fee: an issuing Municipal Official shall have the authority to recover a waiver fee, in lieu of a civil penalty, in the amount set forth in the schedule of fines adopted by Selectboard.
- (e) Enforcement Officials: for the purpose of enforcement, any Town of Milton Police Officer, the Recreation Director, or their designee, and any person(s) duly appointed by the Selectboard shall have the authority to act as issuing Municipal Officials to issue and pursue relief under this Ordinance before the Judicial Bureau or Superior Court, as the case may be, in connection with a municipal complaint.

Section		Maximum	1st Offense	Subsequent Offenses	Waiver Fee
Park Hours and Closures	3	\$ 500	\$ 100	\$ 200	50%
Buildings and Other Property	4	\$ 500	\$ 100	\$ 200	50%
Park Usage	5	\$ 500	\$ 100	\$ 200	50%
Use of Cameras and Recording Devices	6	\$ 500	\$ 500	\$ 500	50%
Authority to Rent or Lease Parks and Equipment	7	\$ 500	\$ 100	\$ 200	50%
Fees	8	\$ 500	\$ 150	\$ 300	50%
Reserved Areas	9	\$ 500	\$ 150	\$ 300	50%
Permit System	10	\$ 500	\$ 150	\$ 300	50%
Picketing or Demonstrations	11	\$ 500	\$ 100	\$ 200	50%
Commercial Activities	12	\$ 500	\$ 400	\$ 500	50%
Noise and Amplified Sound	14	\$ 500	\$ 200	\$ 400	50%
Fireworks and Explosives	15	\$ 500	\$ 400	\$ 500	50%
Litter	16	\$ 500	\$ 500	\$ 500	50%
Motor Vehicles and Bicycles	17	\$ 500	\$ 200	\$ 400	50%
Parking	18	\$ 500	\$ 100	\$ 100	50%
Aircraft and Radio-Controlled Devices	19	\$ 500	\$ 100	\$ 100	50%
Firearms and Other Weapons	20	\$ 500	\$ 200	\$ 400	50%
Metal Detectors	21	\$ 500	\$ 100	\$ 200	50%
Pets	23	\$ 500	\$ 100	\$ 200	50%
Swimming and Wading	24	\$ 500	\$ 100	\$ 200	50%
Camping and Overnight Use	25	\$ 500	\$ 200	\$ 400	50%
Fires and Firewood	26	\$ 500	\$ 400	\$ 500	50%
Natural Resource Protection and Preservation	28	\$ 500	\$ 500	\$ 500	50%
Pollution of Waters	29	\$ 500	\$ 500	\$ 500	50%
Smoking	30	\$ 500	\$ 100	\$ 200	50%
Alcoholic Beverages	31	\$ 500	\$ 200	\$ 400	50%

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