

## ORDINANCE

Concerning the Regulation of the Village Parks.

Be it ordained that on this 7<sup>th</sup> day of November, A.D., 1983, by the Board of Trustees of Swanton Village:

### SECTION 1: Definitions

- A. The word "persons" shall include any individual, individuals, firm, partnership or corporation.
- B. The words "motor vehicle" shall include automobiles, tractors, trucks, trailers, motorcycles, motor bicycles, mopeds, motor scooters, all terrain vehicles, buses, snowmobiles, and all other motor driven vehicles used for transportation in any manner.
- C. The following shall constitute the parks of Swanton Village to be used and enjoyed as such by the public under the rules and regulations hereinafter set forth:
  1. Flat Iron Park, being a triangular shaped parcel of land bounded on the northwest by the southeasterly edge of the right of way of Second Street; on the easterly by the westerly edge of the right of way of York Street; and on the southwesterly by the northeasterly edge of the right of way of Grand Avenue.
  2. Village Green Park, being a rectangular shaped parcel of land bounded on the northwest by the southeasterly edge of the right of way of the extension of Canada Street; on the southwesterly by the northeasterly edge of the right of way of Church Street; on the southeasterly by the northwesterly edge of the right of way of Academy Street; and on the northeasterly by the southwesterly edge of the right of way of Grand Avenue.
  3. Marble Mill Park, being an irregularly shaped parcel of land more particularly described as follows: Beginning at a point in the centerline of the Missisquoi River, which said point marks the northwesterly corner of lands and premises now or formerly owned by Arthur Godfrey; thence proceeding S13°23'E in a straight line to a reinforced concrete monument set in the bank of the said Missisquoi River; thence continuing on the same bearing a distance of an additional 64 feet to a reinforced concrete monument; thence turning and proceeding N75°37'E a distance of 80.5 feet to a point in the northeasterly sideline of unpaved Marble Road, so-called, which said point and proceeding in and along the northeasterly sideline of Marble Road, so-called, S18°23'E a distance of 14.5 feet to a reinforced concrete monument; thence turning and proceeding S71°37'W a distance of 145 feet to a reinforced concrete monument; thence turning and proceeding S06°03'E a distance of 102.6 feet to an unmarked point, which said point marks the northeasterly corner of lands and premises now or formerly owned by Thomas Bruyette; thence proceeding S84°33'W a total distance of 250.4 feet along the northerly boundary lines of lands and premises now or formerly owned by Thomas Bruyette, Wesley Kidder and Gerard Daniel to a reinforced concrete monument; thence turning and proceeding S05°37'E a distance of 8.3 feet to a metal tee stake; thence turning and proceeding S84°33'W a total distance of 175.9 feet along lands and premises now or formerly owned by Maurice Bevins and the Chittenden Trust Company to an unmarked corner; thence turning and proceeding S03°30'E a distance of 37.3 feet to a reinforced concrete monument; thence turning and proceeding in a generally southwesterly direction an unmeasured distance in and along the top of the bank to a point in the northerly boundary of lands now or formerly owned by Robert Hakey, which said point is located 80 feet southeasterly of the northwesterly corner of the said Hakey's land; thence proceeding N05°51'W a distance of 80 feet to a reinforced concrete monument; thence turning and proceeding S70°57'W a distance of 150 feet to a reinforced concrete monument in the northerly edge of the right of way of Vermont Route 78; thence turning a proceeding N21°31'W a distance of 170.5 feet to a point; thence proceeding on the same bearing an unmeasured distance to a metal tee stake; thence proceeding on the same bearing to a point in the centerline of the Missisquoi River; thence turning an angle and proceeding in a generally northeasterly direction in and along the centerline of the Missisquoi River as it meanders a distance of 1,000 feet, more or less, to the point or place of beginning.
  4. John Raleigh III Memorial Field-designated ball field, being an irregularly shaped parcel of land located on the northwesterly side of Jewett Street in the Town and Village of Swanton and being bounded on the southeasterly by Jewett Street; on the southwesterly by lands and premises of Swanton Limestone; on the northeasterly by lands and premises of George E. Spear, II and Donald W. Brown and lands and premises of Steven Osborne and wife; and on the northwesterly by lands and premises of John MacDonald and Swanton Packing and the extension of Blake Street. This area is a designated ball field.
  5. Tacquahunga Park, being an irregularly shaped parcel of land located on the northerly side of Canada Street and being more particularly described as follows:

Beginning at a point in the northerly edge of the concrete sidewalk, which said point marks the southwesterly corner of a driveway and parking area owned by Swanton Village and serving Prouty's Market and other businesses; thence proceeding in a northwesterly direction in and along the southwesterly edge of the said driveway and parking area in a straight line along the lawn area to

the sidewalk serving the Swanton Village Memorial Auditorium; thence turning an angle and proceeding in a northerly direction in and along the northeasterly edge of the said sidewalk to a point, which said point marks the intersection of another sidewalk which runs in a generally east-west direction; thence turning a 90° angle and proceeding across the said sidewalk which runs in an east-west direction to a point in the northerly side of the said sidewalk; thence turning an angle and proceeding in a westerly direction in and along the northerly side of the said sidewalk in a straight line to a point in the northeasterly sideline of a paved driveway; thence turning an angle and proceeding in a southerly and southwesterly direction in and along the easterly and southeasterly sidelines of the said paved driveway to a point in the northerly edge of the concrete sidewalk which parallels Merchants Row and Canada Street; thence turning an angle and proceeding in a generally southeasterly direction in and along the northerly edge of the said sidewalk to the point or place of beginning.

#### 6.) Goose Point Park

Being a triangular shaped parcel of land containing 12 acres, more or less, with the buildings located thereon, located on the northeasterly section of Goose Island, so-called, in said Town of Swanton and described as follows:

Commencing in the westerly line of Foundry Street and running westerly in a straight line to Forge Brook, which line is 20 feet northeasterly from the buildings formerly owned by Milo W. Barney; thence turning and running in a northeasterly direction along the northeasterly bank of Forge Brook to the Missisquoi River; thence turning and running in a general southerly direction along the northwesterly bank of the River to the southeast corner of land of the grantor; thence turning and running northwesterly to the northwest corner of land formerly owned by Rodney Waterhouse and wife; thence turning and running westerly to the northeast corner of land formerly owned by Howard A. Roy; thence turning and running northwesterly to the northwest corner of said Roy's land; thence turning and running southerly along the westerly line of said Roy's land to Foundry Street; thence turning and running westerly along the westerly line of Foundry Street 20 feet to the point of beginning.

Being a portion of the land and premises conveyed to John Z. Leavitt and Alma P. Leavitt by Warranty Deed of Milo W. Barney dated May 5, 1954 and recorded in Book 69 at Page 192 of the Swanton Land Records

Also included in this conveyance is a right of way of ingress and egress over the existing driveway approximately 22 feet wide from Foundry Street to the conveyed land across land conveyed to said John Z. Leavitt and Alma P. Leavitt by Warranty Deed of Alfred Hakey and Florence Hakey dated September 18, 1941 and recorded in Book 54 at Page 510 of the Swanton Land Records.

#### SECTION 2: Damage to Parks

No person shall pick any flowers, fruit or foliage, or cut, break, dig up, or in any way mutilate or injure any tree, shrub, plant, grass, turf, railing, seat, fence, structure or any other item in any of the Village parks set forth in Section 1C above, or cut, carve, paint, mark or paste to any tree, stone, fence, wall, building, monument or other object therein, any bill, advertisement, or inscription whatsoever in any of the Village parks set forth in Section 1C above, without special order or license of the Village Trustees.

***First Offense will be \$25.00***

***Second Offense will be \$50.00***

***Third Offense will be \$100.00***

***The trustees grant the Police Department the ability to issue letters of trespass covering Village Parks set forth in Section 1C for a period of 90 days for violations of this section.***

#### SECTION 3: Digging or Blasting Prohibited

No person shall dig up or remove any dirt, stones, rock or other thing whatever, make any excavation, quarry any stone or lay or set off any blast from any source, or cause or assist in doing any of such things, within any of the Village parks as set forth in Section 1C above without special order or license of the Village Trustees.

***First Offense will be \$25.00***

***Second Offense will be \$50.00***

***Third Offense will be \$100.00***

***The trustees grant the Police Department the ability to issue letters of trespass covering Village Parks set forth in Section 1C for a period of 90 days for violations of this section.***

#### SECTION 4: Littering

No bottles, broken glass, ashes, wastepaper or other waste or rubbish of any kind shall be left in any of the Village parks as set forth in Section 1C above, except at such place or places as may be specially designated by the Village Trustees.

***First Offense will be \$25.00***

***Second Offense will be \$50.00***

***Third Offense will be \$100.00***

***The trustees grant the Police Department the ability to issue letters of trespass covering Village Parks set forth in Section 1C for a period of 90 days for violations of this section.***

#### SECTION 5: Glass Bottles Prohibited

No person shall possess glass beverage bottles in any Village park as set forth in Section 1C above without a special order or license of the Village Trustees.

***First Offense will be a verbal warning***

***Second Offense will be \$25.00***

***Third Offense will be \$50.00***

#### SECTION 6: Throwing Stones or Other Objects Prohibited; Exception

No stone or other missile shall be thrown or rolled from, into, within or upon any of the Village parks, except in such places as the Village Trustees may designate as a ball field in playing games in which a ball is used. The Marble Mill Park and the Swanton Alumni Athletic Field as set forth in Section 1C3 and 1C4 above are hereby designated ball fields. Other parks or areas within parks may be designated ball fields by special order or license of the Village Trustees who may identify which ball games are allowed in any designated ball field.

***First Offense will be a verbal warning***

***Second Offense will be written warning***

***Third Offense will be \$10.00***

#### SECTION 7: Threatening or Abusive Speech; Public Demonstrations

No loud, threatening, abusive, boisterous, insulting or indecent language or gesture shall be used or made in any of the Village parks set forth in Section 1C above. By special order or license of the Village Trustees may provide an exception for the use of loudspeakers and voice amplifying equipment.

***First Offense will be \$25.00***

***Second Offense will be \$50.00***

***Third Offense will be \$100.00***

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#### SECTION 8: Selling Prohibited

No person shall expose any article or thing for sale in any of the Village parks set forth in Section 1C above unless licensed therefore by the Village Trustees.

***First Offense will be a verbal warning***

***Second Offense will be written warning***

***Third Offense will be \$10.00***

SECTION 9: Fires Prohibited

No person shall light, kindle or use any fire in any of the Village parks set forth in Section 1C above, except by special order or license from the Village Trustees.

***First Offense will be \$25.00***  
***Second Offense will be \$50.00***  
***Third Offense will be \$100.00***

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SECTION 10: Discharge Fireworks Prohibited

No person shall discharge or set off, on or within any of the Village parks, any firecrackers, torpedoes, sparklers, rockets or other fireworks, except by special order or license of the Village Trustees.

***First Offense will be \$25.00***  
***Second Offense will be \$50.00***  
***Third Offense will be \$100.00***

***The trustees grant the Police Department the ability to issue letters of trespass covering Village Parks set forth in Section 1C for a period of 90 days for violations of this section.***

SECTION 11: (repealed)

SECTION 12: Animals Prohibited

No dogs, cats or other domestic animals shall be permitted in any of the Village parks set forth in Section 1C above unless held in leash by their owners, except by special license or order of the Village Trustees.

***First Offense will be \$25.00 or written warning***  
***Second Offense will be \$50.00***  
***Third Offense will be \$100.00***

SECTION 13: Disturbing Birds, Nests, Eggs or Animals Prohibited

No person shall disturb or injure any bird, bird's nest or eggs, or any squirrel or other animals within any of the Village parks set forth in Section 1C above, except by special license or order from the Village Trustees.

SECTION 14: Motor Vehicles Subject to Park Regulations

No automobiles, motor vehicles, or trailer, shall be taken into or driven upon any of the Village parks set forth in Section 1C above, except by special license or order of the Village Trustees. (excluding normal use of Goose Point boat launch )

***First Offense will be \$25.00***  
***Second Offense will be \$50.00***  
***Third Offense will be \$100.00***

***The trustees grant the Police Department the ability to issue letters of trespass covering Village Parks set forth in Section 1C for a period of 90 days for violations of this section.***

#### SECTION 15: Driving on Grass

No person shall ride or drive upon the grass, turf or lawns of any of the Village parks set forth in Section 1C above, except by special license or order of the Village Trustees.

***First Offense will be \$25.00***

***Second Offense will be \$50.00***

***Third Offense will be \$100.00***

***The trustees grant the Police Department the ability to issue letters of trespass covering Village Parks set forth in Section 1C for a period of 90 days for violations of this section.***

#### SECTION 16: Bathing Prohibited

No person shall bathe in any waters or fountains in or adjacent to any of the Village parks, except by special order or license of the Village Trustees.

***First Offense will be \$25.00***

***Second Offense will be \$50.00***

***Third Offense will be \$100.00***

***The trustees grant the Police Department the ability to issue letters of trespass covering Village Parks set forth in Section 1C for a period of 90 days for violations of this section.***

#### SECTION 17: Nudity Prohibited

No person shall go about nude or naked within any of the Village parks set forth in Section 1C above.

***First Offense will be \$25.00***

***Second Offense will be \$50.00***

***Third Offense will be \$100.00***

***The trustees grant the Police Department the ability to issue letters of trespass covering Village Parks set forth in Section 1C for a period of 90 days for violations of this section.***

#### SECTION 18: Permitted Time of Use

No person shall go upon, trespass or use of any of the Village parks set forth in Section 1C above after Eleven o'clock (11:00) P.M. or before Six o'clock (6:00) A.M., except by special order or license of the Village Trustees. Signs shall be posted in places visible to the public at all parks advising them of the times when the parks are closed.

***First Offense will be \$25.00***

***Second Offense will be \$50.00***

***Third Offense will be \$100.00***

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#### SECTION 19: Penalties

Any person who violates any provision of this Ordinance shall be subject to being arrested by any temporarily or permanently appointed Town Constable or Police Officer or by any State Police Officer or other person authorized to make such arrests by the State of Vermont on said Officer's or Person's Complaint, and said person so arrested shall be given the appropriate citation, summons or ticket, as prescribed by the Statutes or Regulations of the State of Vermont., and shall be brought before Vermont District Court or other judicial body as may be specified by the appropriate Vermont Statutes of appropriate action and fine.

SECTION 20:

At their sole discretion the Village Trustees may upon application and after due consideration issue special orders or licenses which allow specific individuals or classes of individuals access or use of the Village parks as set forth in Section 1C above which are contrary to the terms and provisions of this Ordinance. All such special orders or licenses shall be for a specified period of time not to exceed one year and for a specified purpose. The Trustees may set such conditions or regulations on any such license or special order as they deem necessary and appropriate without the necessity of affording the person so holding such license or order a hearing or reason for the revocation. The Trustees may prescribe a form to be used for any special order or license applications.

SECTION 21:

This Ordinance is made pursuant to and in conformity with the Charter of Swanton Village, as amended, and in accordance with the Statutes of the State of Vermont, and all prior ordinances regarding parks are hereby revoked.

DATED AT Swanton, Vermont, this \_\_\_\_ day of \_\_\_\_\_, A.D., 2008.

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SWANTON VILLAGE TRUSTEES