

CHAPTER IV

TOWN PARKS

- 4-1 Authority to Enact Chapter
- 4-2 Purpose of Chapter
- 4-3 Definitions
- 4-4 Facility Use Permits
- 4-5 Applejack Field
- 4-6 User Fees and Program Fees
- 4-7 Unpaid Parks and Recreation Department Fees
- 4-8 Evading Parks and Recreation Department Fees
- 4-9 Hours of Operation for Parks
- 4-10 Smoking at Town Parks - prohibition
- 4-11 Drug Use at Town parks - prohibition
- 4-12 Dogs, Domestic Animals and Livestock at Town Parks
- 4-13 Discharge of Weapons at Town parks - prohibition
- 4-14 Overnight Parking - prohibition
- 4-15 Overnight Camping - prohibition
- 4-16 Fireworks and Camp Fires - prohibition
- 4-17 Other Prohibited Activities at Town Parks
- 4-18 Motor Vehicles - speed limit on Recreation Park Road
- 4-19 Motor Vehicles - not permitted on paths and grassed areas and fields
- 4-20 Motor Vehicles - weight limit on Recreation Park Road
- 4-21 Vandalism of Town Parks
- 4-22 Vending at Town Parks - regulations
- 4-23 Town Swimming Pool - regulations
- 4-24 Miscellaneous Provisions
- 4-25 Enforcement

4-1 Authority to Enact Chapter

This Chapter was duly adopted by the Legislative Body of the Town, the Selectboard, in accordance with 24 V.S.A. §2291 (3).

4-2 Purpose of Chapter

This Chapter has been adopted for the purpose of protecting and maintaining the park system of the Town of Manchester and provide for the safety and comfort of park users.

4-3 Definitions

Adams Park shall mean the park located at the intersection of Main Street and Center Hill Road and referred to as 32-51-16 on the Town's tax maps.

Dana L. Thompson Memorial Park shall mean the park located off of Bonnet Street/Route 30 and referred to as 15-20-27 and 15-20-23 on the Town's tax maps.

Factory Point Town Green shall mean the park located on Depot Street, near the intersection of Main Street, and referred to as 32-52-25 on the Town's tax maps.

Immediate family member shall mean a spouse, son, daughter, step-son, step-daughter, dependent for tax purposes, and ward of a legal guardian that is a resident of the Town of Manchester.

Non-resident shall mean any person who does not qualify as a "resident" under the definition entitled "Resident".

Organized users shall mean any youth leagues, sports league, schools, not-for-profit organizations, educational institutions, for-profit corporations, day camps, day care providers, or other similar entities; or groups that conduct registration activities, schedule practices or games, provide equipment or uniforms, require a fee or insurance waiver to participate in an activities sport or program; or employ employees, or the sport or program is supervised or directed by a coach, administrator or coordinator.

Parks and Recreation Director shall mean a person appointed by the Town Manager to assist in the administration of recreation programs and maintenance of Town parks.

Proof of Residency shall include (1) the person is listed on the current voter checklist, (2) the person appears on the current Grand List, (3) the person can provide a current utility bill with their name and a physical

address in the Town of Manchester, (4) the person has a valid driver's license or state issued identification card with a physical address in the Town of Manchester, (5) the person produces a current tax bill from the Town of Manchester with the person's name on the tax bill, (6) the person produces a Town of Manchester employee I.D. badge or pay stub, (7) the person produces a signed and current copy of a lease, valid for at least six months at a physical address in the Town of Manchester, or (8) the person produces other proof of residency acceptable to the Parks and Recreation Director.

Resident shall mean a person who (1) lives in the Town of Manchester or Village of Manchester, more than 180 days per year, or (2) owns property (commercial or residential) and pays property taxes to the Town of Manchester, or (3) is an active registered voter in the Town of Manchester, or (4) owns a business with a valid tax identification number and is physically located in the Town of Manchester, or (5) is an employee of the municipality (Town of Manchester); and can provide "Proof of Residency" as defined herein.

Immediate family members, as defined herein, shall be considered residents for the purpose of this Chapter.

Town parks or *parks* shall collectively mean the Dana L. Thompson Memorial Park, Adams Park and the Factory Point Town Green as defined herein.

4-4 Facility Use Permits

- (1) All requests to use facilities shall be submitted to the Parks and Recreation Department on a permit application form approved by the Town Manager.
- (2) Any person filing the facility use permit application shall be at least 21 years old and be present during the event. The Parks and Recreation Department may require the applicant to provide a valid government picture identification card.
- (3) Before any facility use permit application may be considered, all fees and deposits must be paid in full, and the individual or group requesting use of any facility must be in good standing with the Town, and the Parks and Recreation Department and its fees and its policies.
- (4) Permit applications may be filed for a period of time not to exceed four months in duration. Permit applications may be filed not more than 30 days and not less than seven days before an event or the start of a sports season, unless otherwise waived by the Director of Parks and Recreation.

- (5) Facility fees for the Parks and Recreation Department shall be established in Addendum B. All fees not otherwise established in this Ordinance may be established by the Parks and Recreation Department Director, subject to approval by the Town Manager; provided, that whenever practical, non-resident fees shall be one and one-half times greater than resident fees. Facility use fees are based on reservations not on actual usage.
- (6) All organized users, as defined herein, shall file a facility use permit application with the Parks and Recreation Department for all scheduled games, practices and events and shall pay all facility fees required by this Chapter and Addendum B prior to a permit being issued for the scheduled games, practices, events or the beginning of the sports season. No refunds shall be provided for games, practices or events canceled by the organized user. A violation of this subsection shall be considered a Third Degree civil violation.
- (7) Nothing in this section shall prohibit users not defined as organized users from filing a facility use permit application or for the Parks and Recreation Director issuing a facility use permit to a user that is not an organized user.
- (8) The following facilities shall be used only by permit and fee: Applejack Field; the large baseball field in the southwest corner of the Dana L. Thompson Memorial Park; the Town swimming pool; the Activity Room in the Park House; athletic fields located north of Applejack Field.
- (9) Programs operated by the Parks and Recreation Department, for the benefit of the Parks and Recreation Department, and the Town of Manchester are exempt from facility fees.
- (10) The Town Manager may waive facility fees for the Manchester School District.
- (11) The Town reserves the right to cancel, postpone or reschedule permitted events, at its sole discretion, due to unforeseen circumstances. When the event is canceled by the Parks and Recreation Department, the Town shall refund or credit the account of the user of the facility use fee.
- (12) Whenever a permit is issued by the Parks and Recreation Department to any person or organization, that person or organization shall be entitled to use the facility if the facility is being used by a person or organization without a permit.
- (13) With the exception of Applejack Field, organized users of all fields shall be responsible for lining fields; provided, that the Parks and Recreation Director may restrict or regulate the lining of fields. No

person or organization shall perform field or facility maintenance without prior written permission by the Parks and Recreation Director.

(14) Facility users shall be responsible for damage to facilities that is above and beyond normal wear and tear, or for damages that result from violations of this Ordinance or the policies of the Parks and Recreation Department.

(15) The Parks and Recreation Director, at his or her sole discretion, may require a certificate of insurance from users in an amount to be determined by the Director of Parks and Recreation.

(16) The Parks and Recreation Director may require a deposit, established in Addendum A, for cleaning, damage and the return of equipment (including keys and passes). After the facility has been inspected, the Town shall return the deposit to the user within 14 days of use, minus any withholding for cleaning, damages or equipment that is not returned to the Town. Any cleaning that is done by Town staff shall be billed at a rate of not less than \$50 per hour, and the minimum charge for any cleaning shall be not less than \$25.

(17) The Parks and Recreation Department shall make efforts to ensure that facility use is distributed equitably among users; provided, that Town-sponsored programs and events shall take precedence over all other functions, and residents and local youth organizations shall have preference over non-residents.

4-5 Applejack Field

(1) Applejack Field shall be used for athletic events approved by the Director of Parks and Recreation and for Town-sponsored community events that do not damage the playing surface, including but not limited to community celebrations, outdoor movies and concerts.

(2) Athletic events shall take precedent over other activities. Non-athletic events that are not sponsored by the Town shall be prohibited on Applejack Field.

(3) The Parks and Recreation Director shall manage use of Applejack Field to ensure that the playing surface is not damaged, and may limit use at his or her sole discretion, including postponing or cancelling games or events.

(4) Unauthorized use of Applejack Field shall be considered a First Degree civil violation.

4-6 User Fees and Program Fees

- (1) User fees and program fees for the Parks and Recreation Department shall be established in Addendum B.
- (2) All fees not otherwise established in this Ordinance may be established by the Parks and Recreation Department Director, subject to approval by the Town Manager; provided, that non-resident fees shall be one and one-half times greater than resident fees.

4-7 Unpaid Parks and Recreation Department Fees

Any portion of Parks and Recreation Department user fees, program fees or facilities fees unpaid within seven days of the due date shall be subject to the interest and penalties provided for in Chapter I of this Ordinance.

4-8 Evading Parks and Recreation Department Fees

- (1) It shall be unlawful for any person to intentionally evade a gate or entrance fee, user fee, program fee or facility fee, or for a non-resident, as defined herein, to provide false information in order to receive a resident rate.
- (2) The first violation of this section shall be considered a civil violation and punishable by a penalty equal to the fee otherwise due, plus \$50; provided that the penalty, not including the fee, shall not exceed \$800 per violation.
- (3) The second violation of this section within a two year period shall be considered a civil violation and punishable by a penalty equal to the fee otherwise due, plus \$100; provided that the penalty, not including the fee, shall not exceed \$800 per violation.
- (4) The third and subsequent violations of this section within a two-year period shall be considered a civil violation and punishable by a penalty equal to the fee otherwise due, plus \$250; provided that the penalty, not including the fee, shall not exceed \$800 per violation.

4-9 Hours of Operation for Parks

- (1) Town parks shall be open to the public from 5:00 AM to 10:00 PM daily. No person shall use Town parks between the hours of 10:00 PM and 5:00 AM daily.

(2) Notwithstanding subsection 1 of this section, the Director of Parks and Recreation may modify Town park hours from time-to-time for special events, or as reasonably necessary for maintenance or public safety.

(3) A violation of paragraph 1 of this section shall be punishable as a Third Degree civil violation.

4-10 Smoking and Tobacco at Town Parks - prohibition

(1) It shall be unlawful to smoke tobacco, use tobacco products or tobacco substitutes in Town parks.

(2) A violation of this paragraph shall be punishable as a Third Degree civil violation.

4-11 Drug use at Town Parks - prohibition

(1) It shall be unlawful to possess, ingest or smoke marijuana or marijuana-related products in Town parks. A violation of this subsection shall be punishable as a Second Degree criminal violation.

(2) It shall be unlawful to possess or use any controlled substances in Town parks unless otherwise prescribed by a physician. A violation of this subsection shall be punishable as a First Degree criminal violation.

4-12 Dogs, Domestic Animals and Livestock at Town Parks

(1) Notwithstanding any other chapter of this Ordinance to the contrary, all dogs shall be on leashes at all times and under the control of a responsible person in the Factory Point Town Green, Adams Park and the Dana L. Thompson Memorial Park, except inside the fenced area in the northeast corner of the Dana L. Thompson Memorial Park that is designated as a dog park.

(2) No other domestic animals or livestock shall be permitted at Town parks, except as authorized in writing by the Director of Parks and Recreation for special events.

(3) No dogs and other domestic animals and livestock, except service animals, shall be allowed inside the Park House, inside Applejack Field, on the fields north of Applejack Field (Eckhardt Field and McClellan Field), within the fencing of the three baseball fields and in the fenced in area of the swimming pool.

(4) A violation of this section shall be considered a Third Degree civil violation.

4-13 Discharge of Weapons at Town Parks - prohibition

- (1) The discharge of firearms, air guns, bows, crossbows and other similar weapons and projectiles at Town parks is prohibited.
- (2) A violation of this section shall be considered a Second Degree criminal violation.

4-14 Overnight Parking - prohibition

- (1) It shall be unlawful to park vehicles at the Dana L. Thompson Memorial Park between the hours of 10:00 PM and 5:00 AM.
- (2) The Manchester Police Department may remove the vehicle from the park by towing the vehicle. The owner or operator of the vehicle shall be responsible for all costs associated with the removal of the vehicle.
- (3) A violation of this section shall be considered a Third Degree civil violation.

4-15 Overnight Camping - prohibition

- (1) It shall be unlawful to camp or sleep in Town parks without prior written permission from the Parks and Recreation Director.
- (2) A violation of this section shall be considered a Third Degree civil violation.

4-16 Fireworks and Camp Fires - prohibition

- (1) Fireworks and camp fires and other fires not specifically contained within barbecue grills shall be prohibited in Town parks without prior written permission from the Fire Chief of the Manchester Fire Department.
- (2) A violation of this section shall be considered a Third Degree civil violation.

4-17 Other Prohibited Activities at Town Parks

- (1) It shall be unlawful to play golf, operate remote control aircraft or engage in any other activities at Town parks that present a clear danger to the public.

(2) It shall be unlawful to play loud music at Town parks so as to annoy or impact other park users; provided, Town-sponsored events and games shall be exempt from this section.

(3) A violation of this section shall be considered a Third Degree civil violation.

4-18 Motor Vehicles - speed limit on Recreation Park Road and parking lots

(1) It shall be unlawful to operate any vehicle in excess of 15 miles per hour on Recreation Park Road or on any parking lot at the Dana L. Thompson Memorial Park.

(2) A violation of this section shall be considered a Second Degree civil violation.

4-19 Motor Vehicles - not permitted on paths and grassed areas and fields

(1) It shall be unlawful to operate motor vehicles at Town Parks on walking paths, sidewalks, grassed areas and fields and other areas not designated for motor vehicle use without the permission of the Parks and Recreation Director. Vehicles operated by Town employees and engaged in Town-related functions shall be exempt from this section.

(2) In addition to penalties established herein, violators shall be responsible for paying the cost of restoring any damage caused by motor vehicles.

(3) A violation of this section shall be considered a Second Degree civil violation.

4-20 Motor Vehicles - weight limit on Recreation Park Road

(1) Unless otherwise permitted in writing by the Director of Public Works, vehicles shall not exceed five tons in weight or two axles on Recreation Park Road. Town-owned vehicles, authorized service vehicles, buses associated with athletic events and emergency vehicles shall be exempt from this section.

(2) A violation of this section shall be considered a Second Degree civil violation.

4-21 Vandalism of Town Parks

(1) It shall be unlawful to intentionally damage, destroy or deface any facilities, equipment or grounds of Town parks.

(2) In addition to penalties established herein, violators shall be responsible for paying the cost of repairing any damage caused by vandalism.

(3) A violation of this section shall be considered a Second Degree criminal violation.

4-22 Vending at Town Parks - regulations

(1) Vending of food, beverages, merchandise, other related items and commercial activities at Town parks shall be prohibited; provided, that the Town Manager may approve temporary vending at the Dana L. Thompson Memorial Park for special events, games and tournaments as authorized in Chapter IX of this Ordinance. Each separate organization or separately owned business shall constitute a separate vendor.

(2) Any vendor approved under Chapter IX of this Ordinance may be permitted to vend at the Dana L. Thompson Memorial Park for Town-sponsored events, tournaments administered by the Town of Manchester, and games and events at Applejack Field upon the written approval of the Director of Parks and Recreation.

(3) Vending operated by the Parks and Recreation Department, for the benefit of the Parks and Recreation Department, shall be exempt from this section.

(4) A violation of this section shall be considered a First Degree civil violation.

4-23 Town Swimming Pool - regulations

(1) The Parks and Recreation Director shall post the rules and regulations related to the use of the Town-owned swimming pool at the Dana L. Thompson Memorial Park. All swimming pool users and guests shall adhere to the rules and regulations, and shall follow the directions of Town lifeguards and staff.

(2) The Town may cap the total cost of a season swimming pass for a household headed by a Manchester resident, as defined herein; provided that this cap shall only apply to immediate family members, as defined in this Chapter. The cap for a Manchester household shall be established in Addendum B of this Ordinance.

(3) No person under 12 years of age shall be admitted to the swimming pool without a parent, guardian or responsible adult 18 years of age or older, who shall be responsible for supervising the person under 12 years of age at all times while at the Town swimming pool. The parent, guardian, or responsible adult shall

be responsible for the general welfare of the child and ensuring that the child adheres to the rules and regulations of the swimming pool.

- (4) The Town shall not charge anyone under three years old to enter the swimming pool if the child is accompanied and supervised by an adult 18 years of age or older who has a valid day or season swimming pass; provided, that this section shall not apply to daycare providers, institutions and educational institutions.
- (5) The Parks and Recreation Director may, at his or her sole discretion, suspend or terminate a pool pass without refund or credit when a pool pass is used fraudulently to gain admission to the swimming pool or for misconduct.
- (6) The Parks and Recreation Director, at his or her sole discretion, may provide a twenty percent discount of day admission to the Town swimming pool to groups larger than fifteen people, provided that full payment shall be received before admission is allowed.
- (7) Unauthorized use of the Town swimming pool shall be considered a Second Degree civil violation.
- (8) Notwithstanding subsection 7 of this section, a violation of this section shall be considered a Third Degree civil violation.

4-24 Miscellaneous Provisions

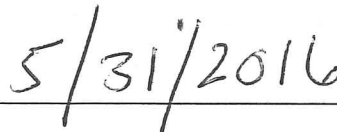
- (1) The Selectboard designates the Factory Point Town Green as a place suitable for public gatherings and assemblies; provided, that the organizers of any event otherwise comply with this Chapter and Chapter X (Special Events).
- (2) All signs and banners erected at Town parks and not otherwise prohibited or regulated by other Town ordinances or regulations may be approved, in writing, by the Town Manager for a period not to exceed one year.
- (3) Nothing in this Chapter shall otherwise limit the Town Manager and Parks and Recreation Director from promulgating reasonable rules, regulations and policies that provide for the safe and effective management of the Town's park system; provided, such rules, regulations and policies do not conflict with this Chapter.

4-25 Enforcement

For violations of this Chapter that are considered criminal violations, the enforcing authority for this Chapter shall be any sworn officer of the Manchester Police Department; for violations of this Chapter that are considered civil violations, the enforcing authority shall be any sworn officer of the Manchester Police Department and the Municipal Compliance Officer.



Chair of the Selectboard



Date of Enactment by Selectboard

Attested, Town of Manchester Town Clerk:



Town Clerk