

# TOWN OF LUDLOW, VERMONT

## ORDINANCE REGULATING THE USE OF AND CONDUCT IN PUBLIC PARKS

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### ARTICLE 1. DEFINITIONS

As used in this ordinance, the following terms shall have the respective meanings here assigned to them:

- 1.01 “Town” is the Town and Village of Ludlow
- 1.02 “Director” means the Town of Ludlow Parks and Recreation Director
- 1.03 “Park” is any and all outdoor space(s) within the Town of Ludlow that is controlled by the Town or Village of Ludlow, exclusive of roads or highways.
- 1.04 “Person” Any natural person, whether minor, adult or senior citizen or firm, partnership, association, corporation, company or organization of any kind.
- 1.05 “Vehicle” is any conveyance, whether motor powered, animal drawn, or self propelled.
- 1.06 “Public Nuisance” Any condition which is detrimental to the public health, safety, and welfare or creates a substantial annoyance, inconvenience or injury to the public.

### ARTICLE 2. PARK PROPERTY - WITHOUT THE PRIOR WRITTEN APPROVAL OF THE DIRECTOR NO PERSON SHALL:

- 2.01 Buildings and Other Property.
  - a. (Disfigure/removal). Willfully mark, deface, disface, disfigure, injure, tamper with or displace or remove any building, bridges, tables, benches, fireplaces, railings, paving or paving materials, water lines or other public utility or parts or appurtenances thereof, signs, notices, or

placards, plants, trees, shrubs, grass or bushes whether temporary or permanent.

- b. (Rest Rooms). Fail to cooperate in maintaining restrooms in a clean, sanitary and safe condition.
- c. (Natural Resources). Dig, remove or tamper with any soil, rocks, stones, trees, shrubs, plants or grass, wood, or wood materials or make any excavations or additions by tool, equipment, or other means.
- d. (Erection of Structures or Buildings). Construct or erect any building or structure or whatever kind, whether permanent or temporary in character or run or string any public service utility into, upon or across such lands, except with special written permission or permit issued.

2.02 Trees, Shrubs, and Lawns.

- a. (Injury, Removal, Addition): Damage, cut, carve, transplant or plant, any tree, shrub or plant or injure the bark of any tree shrub or plant. Nor shall any person attach any rope, wire, cable other contrivance to any tree, shrub, or plant. A person shall not dig or otherwise disturb grass areas or in any other way injure, alter or impair the natural beauty of usefulness of any area.

2.03 Animals- Wild & Domesticated, Birds, Etc.

- a. (Hunting). Hunt, kill, trap, shoot, harass, or throw missiles at any animal.
- b. (Possession). Bring, transport or possess with them any animal except in areas designated for this purpose and except for the purposes of assistance for the disabled.

ARTICLE 3. SANITATION – NO PERSON SHALL:

3.01 (Pollution). Pollute the natural waters located in the parks.

3.02 (Refuse and Trash). Have brought in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse or other trash. No such refuse or trash shall be placed in any waters or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not provided, all such rubbish or garbage shall be removed or carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

ARTICLE 4. TRAFFIC – NO PERSON SHALL:

4.01 Motor Vehicle Laws: Fail to comply with all applicable provisions or the state motor vehicle statues or Town ordinances in regard to equipment and operation of said vehicle.

4.02 Speed: Ride or drive a vehicle at a rate of speed exceeding 10 miles an hour.

4.03 Designated Areas: Drive, park or stand on any area except the paved park road or trails or parking areas as designated by the Recreation Director.

ARTICLE 5. RECREATIONAL ACTIVITIES – NO PERSON SHALL:

- 5.01 Bathing / Swimming:
- a. Designated Areas: Swim, bath, or wade in any waters except in such waters and such places provided therefore.
  - b. Hours: Frequent any waters or places designated for the purpose of swimming, bathing or wading, or congregate thereat, except between such hours of the day as designated by the Director for such purposes for each individual area.
- 5.02 Firearms: Use, carry, posses firearms of any description, or air-rifles, spring guns, bow and arrows, sling shots or any other forms of weapons or missiles potentially dangerous to wildlife or dangerous to human safety. No person shall shoot into park areas from beyond park boundaries. Exceptions: Unloaded firearms may be brought into a park for the sole purpose of participation in a formal Recreation Department activity or approved activity, class or event; or possession or use by law enforcement personnel in the conduct of official duties.
- 5.03 Picnic Areas:
- a. Location: Picnic or lunch in an area or place other than those designated by the Director for the said purpose.
  - b. Availability: Violate the regulations that designate the use of the picnic area, fireplace or adjacent areas. Access will generally follow the rule of “first come, first served”
  - c. Fires: Leave a picnic area or fireplace area before the fire is completely extinguished and before all trash is placed in the proper receptacles provided or removed from said property if no receptacles are available.
- 5.04 Camping: Set up tents, shacks, lean-to’s or any temporary shelter for the purpose of overnight camping, nor shall any person leave after closing hours any movable structure or special vehicle used or could be used for such purposes, such as a camper, trailer, camp trailer, camp wagon or the like without permission from the Recreation Director, Reasonable noise levels shall be maintained in camp areas at all times.
- 5.05 Games: Take part in the playing of any games involving thrown or otherwise propelled objects resulting in annoyance or discomfort to others. The playing or rough, or possibly dangerous games is prohibited except on the fields and courts provided therefore.

ARTICLE 6. BEHAVIOR – NO PERSON SHALL:

- 6.01 Intoxicating Beverages.
- a. Prohibition: Bring, carry or possess alcoholic beverages nor shall any person drink alcoholic beverages at any time in the parks, except when approved by the Select Board. In situations involving alcoholic beverages, the Director may require legal identification and proof of age.
  - b. Drunkenness: Be under the influence of intoxicating liquor.
- 6.02 Illegal Drugs: Bring, carry or possess regulated drugs at any time in the parks.

- 6.03 Tobacco: No person under the age of eighteen (18) may bring, carry, or possess any tobacco product at any time in the park.
- 6.04 Boisterous Behavior: Engage in loud, boisterous, threatening, abusive, insulting, coarse or indecent language, or engage in any disorderly conduct, indecent acts, or behavior tending to breach the public peace. Reasonable noise levels shall be maintained in all park areas including, but not limited to the use of radios, CD players, and other artificially amplified sounds.
- 6.05 Indecent Exposure: Publicly make an indecent, immoral exhibition or his/her person, or of any animal or thing, nor commit any nuisance in a park, including being in a state of undress such that the person's buttocks or genitalia are exposed.
- 6.06 Disorderly Conduct: Intentionally cause public inconvenience, disturbance or annoyance or with reckless disregard of the risk thereof by engaging in fighting or violent behavior which a reasonable person would believe to be threatening.
- 6.07 Fireworks: Bring, carry or possess or sell or explode any fireworks as defined in Title 20 VSA 3132 & 3133 excepting supervised public displays for which a permit has been issued by the fire chief pursuant to 20 VSA 3132(d).

#### ARTICLE 7. PARK OPERATING POLICIES

- 7.01 Hours: The Parks shall be open to the public during the hours of operation as designated by the Select Board.
- 7.02 Closed Hours: Any park or portion thereof may be declared closed to the public by the Director as he/she may deem necessary.
- 7.03 Extended Hours: Any park or portion thereof may be declared open to the public by the Director as he/she may deem necessary.
- 7.04 Permits: A permit shall be obtained from the Director by any person wishing to organize an activity, program, entertainment, demonstration, or public gathering.

#### ARTICLE 8. ENFORCEMENT

- 8.01 Officials: The Ludlow Police Department and the Director shall, in connection with their duties imposed by law diligently enforce the provisions of this ordinance.
- 8.02 Ejection: The Ludlow Police Department and Director shall have the authority to eject from the park any person acting in violation of this ordinance.
- 8.03 Seizure of Property: The Ludlow Police Department and the Director shall have the authority to seize and confiscate any property, thing or device used in the park in violation of this ordinance.
- 8.04 Civil Violation: A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. 1974a and 1977et seq.

- 8.05 Fine: Any person who violates any provision of this Title shall be subject to a civil penalty of fifty (50.00) dollars for the first offense, one hundred and fifty (150.00) dollars for the second offense and three hundred (300.00) dollars for the third or successive offense.
- 8.06 Warning: Prior to issuing a citation to any person under the Title, The Ludlow Police Department and/or the Director shall give notice to the person that his/her conduct is in violation of the Town Ordinance and shall order the person to cease such conduct and leave the park. Upon the person's failure to comply with such order, a citation for violation of said Title may be issued and the person's refusal to comply with the order of the official shall create a presumption that the proscribed conduct was done intentionally or recklessly.
- 8.07 Waiver Fee: An issuing municipal official is authorized to recover a waiver fee, in lieu of a civil penalty, for any person who declines to contest a complaint. The waiver fee shall be fifty (50.00) dollars for each offense.

#### ARTICLE 9. SEVERABILITY

- 9.01 If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not effect the validity or effectiveness of the remaining portions hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsection, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional or ineffective.

#### ARTICLE 10. PUBLICATION AND EFFECTIVE DATE

- 10.01 No section of this ordinance shall be construed to supersede or replace any Vermont Statute.
- 10.02 This ordinance shall be entered in the minutes of the Select Board meeting, and posted in at least five conspicuous places within the Town of Ludlow and published in a newspaper circulating in the Town on a day not more than fourteen (14) days following the date when the ordinance is so adopted.
- 10.03 This ordinance shall become effective on January 15, 2000, sixty (60) days after the date of its adoption by the Select Board, unless a petition is filed within the Town Clerk by December 29, 1999, forty-four (44) days after the date of its adoption. The petition should be addressed to the Board of Selectmen, should be signed by at least five percent (5%) of the qualified voters of this municipality, and should ask for a special meeting to be called on the question of disapproving the ordinance.

Questions about the ordinance may be directed to the Municipal Manager, Ludlow, Vermont, or by calling telephone number (802) 228-2841.

The foregoing ordinance is hereby adopted by the Select Board of the Town of Ludlow, Vermont this fifteenth day of November, 1999.

TOWN OF LUDLOW, VERMONT  
SELECT BOARD

Robert Tofferi, Chair  
Howard Barton, Jr.  
Jean Morrill  
Jerry Tucker  
Joseph Tully

ARTICLE 10 above is amended to read:

- 10.04 No section of this ordinance shall be construed to supersede or replace any Vermont Statute.
- 10.05 This ordinance shall be entered in the minutes of the Select Board meeting, and posted in at least five conspicuous places within the Town of Ludlow and published in a newspaper circulating in the Town on a day not more than fourteen (14) days following the date when the ordinance is so adopted.
- 10.06 This ordinance shall become effective on April 4, 2008, sixty (60) days after the date of its adoption by the Select Board, unless a petition is filed within the Town Clerk by March 19, 2008, forty-four (44) days after the date of its adoption. The petition should be addressed to the Board of Selectmen, should be signed by at least five percent (5%) of the qualified voters of this municipality, and should ask for a special meeting to be called on the question of disapproving the ordinance.

The foregoing ordinance is hereby re-adopted by the Select Board of the Town of Ludlow, Vermont on this fourth day of February, 2008.

TOWN OF LUDLOW, VERMONT  
SELECT BOARD

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Howard Barton, Jr., Chair

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John Neal, Vice Chair

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Brett Sanderson

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Bruce Schmidt

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Earl Washburn