

Title 9

STREETS, SIDEWALKS AND PUBLIC PLACES

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Chapter 9.02

HIGHWAYS

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9.02.010 Classification of highways.

All highways in the Town of Essex are classified as Class 1, 2, 3 or 4, as specified in 19 VERMONT STATUTES ANNOTATED, Section 302. The purpose of each class and the town's responsibilities thereto are as follows:

A. Class 1. Town highways are those highways which form the extension of a state highway route and which carry a state route number. Maintenance and improvement of Class 1 highways are the responsibility of the Vermont Agency of Transportation.

B. Class 2. Town highways are those highways selected as the most important highways in town. As far as practicable, they shall be selected with the purpose of securing trunk lines of improved highways from town to town and to places which, by their nature, have more than the normal amount of traffic. The Selectboard, with the approval of the Vermont Agency of Transportation, determines which highways are to be Class 2 highways.

C. Class 3. Town highways are all public highways other than Class 1 or Class 2 highways in town. The Selectboard, after conference with a representative of the Vermont Agency of Transportation, determines which highways are Class 3 highways. The minimum standards for Class 3 highways are a highway negotiable, under normal conditions, all seasons of the year by a standard manufactured pleasure car. This would include, but not be limited to, sufficient surface and base, adequate drainage and sufficient width capable to provide winter maintenance.

D. Class 4. Town highways are all highways other than Class 1, 2 or 3. The Selectboard determines which highways are Class 4 highways. (Ord. passed 2/3/92)

9.02.020 General policy.

All new highways constructed in the town shall meet the minimum standards of the public works department highway specifications. For those highways for which subdivision approval is required from the planning commission, all requirements of the zoning regulations and subdivision regulations shall be met.

To the extent any new construction involves existing town highways, all expenses (including but not limited to surveying, engineering and legal) shall be borne by the applicant in the process of upgrading

or resurveying town highways, and intersections thereto, installation of culverts, signs, et cetera. Additionally, all expenses incurred by the town in connection with these activities shall be borne by the applicant. (Ord. passed 2/3/92)

9.02.030 Maintenance of Class 4 town highways.

Under 19 VERMONT STATUTES ANNOTATED, Section 310, "...Class 4 highways may be maintained to the extent required by the necessity of the town, the public good and the convenience of the inhabitants of the town..."

It is the policy of the Town of Essex that no improvements or maintenance will be made by the town to any Class 4 roads not currently being maintained, as of the date of adoption of the ordinance codified in this chapter. This chapter is to ensure that the expense of upgrading these roads to accommodate additional development is not borne by the residents of the town. (Ord. passed 2/3/92)

9.02.040 Improvement of Class 4 town highways.

The town does not encourage residential or commercial construction utilizing a Class 4 highway as primary access, as such development leads to scattered growth, burdens on municipal services and access problems for school buses, fire trucks and other emergency vehicles. Accordingly, it is the policy of the town to prohibit development on Class 4 highways until they are upgraded by other interested parties to the public works department highway specifications. (Ord. passed 2/3/92)

9.02.050 Frontage on Class 4 town highways.

A Class 4 town highway is considered a highway for the purpose of land development and, therefore, abutting property owners have frontage on a town highway. (Ord. passed 2/3/92)

9.02.060 Upgrade of Class 4 town highways.

A person seeking to upgrade a Class 4 highway, or a portion thereof, must apply to the Selectboard for permission to improve said road, using the procedures outlined in this section. This application is in addition to any other applications for development required by subdivision or zoning regulations.

A. Applicants must submit a written request to upgrade a Class 4 town highway to the public works director. The written request must include the name and address of the individual(s) or entity requesting the upgrade, a nonrefundable processing fee of fifty dollars, a list of names of all property owners abutting the portion to be upgraded, three copies of a survey map of the town highway prepared by a Vermont licensed surveyor and based on the original recorded description and on the existing roadbed, and three copies of a plan prepared and stamped by a Vermont licensed professional engineer for the proposed upgrade showing grade line, plan and profile of road and drainage layout (location and size). Calculations substantiating the proposed drainage system shall be provided. Any deviation from the public works specifications or this chapter shall be noted on the plan and waivers requested from the director of public works where necessary. (If the town survey of the highway has not been properly recorded, if the record has not been preserved or if its termination and boundaries cannot be ascertained, the applicant may request the town to resurvey the highway pursuant to 19 VERMONT STATUTES ANNOTATED Chapter 33. Any expenses incurred by the town for any resurvey work shall be borne by the applicant. The Selectboard may require prepayment of anticipated expenses as a condition of undertaking a resurvey.)

In some cases, it may be in the best interest of the applicant and all abutting property owners to cooperate in the upgrade process. In this case, the survey based on the town survey or description may be omitted and replaced with a new survey of the proposed upgraded highway and commitments from all abutting property owners to convey the necessary land and easements to the town, free and clear of encumbrance, except existing waterline, sewer line, power line or telephone line easements which do not interfere with use or maintenance of the highway may be allowed at the discretion of the Selectboard. The conveyance shall include necessary easements for maintenance of watercourses or other drainage structures at desired locations outside the limits of the highway right of way.

The applicant (and participating property owners) shall, to the extent of land area owned by them, convey land to the town to create a road with a three-rod width.

B. At the time of application, the centerline of the highway shall be flagged at fifty-foot intervals and the location of all culverts shall be flagged.

C. If only a portion of a highway is to be upgraded by the applicant or the road is not a through highway, a turn-around (cul-de-sac or tee-shaped) must be provided at the end of the upgraded portion meeting the requirements of the public works specifications. The turn-around shall not be a portion of a driveway and shall be removed or altered if the road is further extended in the future. The party responsible for requesting the extension of the existing road shall bear the expense of removal or reconstruction of existing cul-de-sacs or turn-arounds. Upon notification of acceptance by the town, unencumbered marketable title shall be conveyed to the town by warranty deed, including a metes and bounds description of the limits of the right of way and any additional lands used in the turn-around with adequate lands to cover the slopes and drainage. The maximum length of a dead-end road shall be nine hundred feet, consistent with town subdivision regulations, with the exception that Class 4 town highways which have continuous highway right of way from one Class 3 or higher class road to another Class 3 or higher class road may exceed the nine hundred feet length.

D. In instances where the proposed upgrade will impact adversely on existing town facilities, e.g., ditches and culverts or the roadway itself, the applicant will be responsible for, and pay the costs of, any upgrade of said town facilities necessitated by the applicant's proposed design. The Selectboard shall determine which, if any, existing town facilities will require upgrade.

E. The Selectboard shall inspect the highway to be upgraded and, within forty-five days of receipt of the completed application, shall hold a public hearing to receive suggestions and recommendations on the proposed upgrade. Affected property owners will receive not less than thirty days notice of the hearing, notice shall be posted in the town clerk's office, provided to the planning commission and published in the local newspaper of record not less than ten days before the hearing.

F. A decision on the application, including findings of fact, in writing, shall be made by the Selectboard within sixty days of the last public hearing.

G. A performance bond or other security satisfactory to the town manager for the anticipated cost of construction and town inspection shall be provided prior to commencement of construction.

H. Prior to construction, the contractor shall provide to the town a certificate of comprehensive general liability insurance and/or other insurance acceptable to the Selectboard, to be in effect for the duration of the project. The minimum amount of coverage shall be one million dollars/three hundred dollars bodily injury and property damage per occurrence and aggregate. The Selectboard may require higher limits of coverage when, in their judgment, such limits are necessary.

The contractor shall also carry suitable automobile insurance and workman's compensation insurance.

I. No roads will be inspected or accepted between October 15th and May 1st.

J. Public works department specifications in effect at the time of the submission of a complete application as modified by the specifications outlined in this chapter will govern consideration of the application. It is the intent of the Selectboard to require all improved Class 4 town highways to be constructed to the following standards:

1. For the first two zoning permits issued for construction of new residences utilizing a Class 4 town highway for access after the date of adoption of the ordinance codified in this chapter, the standard shall be the same as a shared residential driveway. The standard of construction shall be as outlined in public works specifications for a Type III unpaved rural road, except that the driveway width shall be fifteen feet (see Figure 4 of the public works specifications). In this case, the requirements of Section 9.02.060(E) through (H) are waived.

2. Subsequent to issuance of two zoning permits for new residential construction utilizing a Class 4 town highway after the adoption of said ordinance, the standard shall be a Type III unpaved rural road, as set forth in the public works department specifications, Figure 4, with the following changes:

a. The width of travelled way shall be twenty feet.

b. The shoulder width shall be one foot each side.

c. The drainage ditches and other required features will be constructed within available right-of-way, but must be adequate to function properly.

3. For any development on a Class 4 town highway requiring approval by the planning commission or zoning board, the standards herein contained in subdivisions (1) and (2) of this subsection shall be considered minimum standards for a low volume road. A low volume gravel road in Essex is defined as a road with a two-way daily traffic count of one hundred or less. The planning commission/zoning board may require higher standards up to and including installation of pavement for situations which result from the daily traffic count exceeding that of a low volume road.

K. Upon completion of construction, the director of public works will cause the driveway or highway to be inspected for compliance with highway specifications and adequacy of construction.

L. The applicant shall correct any defects or deficiencies in said roadway observed within one year of completion of construction. (Ord. passed 2/3/92)

9.02.070 Upgrade of classification.

The Selectboard reserve and retain the sole right to determine the timing and conditions under which a Class 4 town highway will be accepted as a Class 3 or higher town highway. Until such time as the Class 4 town highway is accepted by the board as a higher road class, the board will require each party requesting to utilize the Class 4 town highway for access to enter into an agreement stating that:

A. Any use of the Class 4 town highway is nonexclusive;

B. The town shall incur no obligation for opening, improving, maintaining or plowing the Class 4 town highway or driveway installed within the right-of-way limits.

C. The applicant, heirs, successors and assignees shall be solely responsible for upgrading the Class 4 town highway to the standards of this chapter and for year-round maintenance along the applicant's frontage, including winter snow removal. No certificate of occupancy shall be issued, nor

shall any structure be occupied for residential purposes, until such time as the highway has been upgraded to the specified standards and inspected.

D. By acceptance of the agreement, the applicant, heirs, successors and assignees, waive any right to petition the town to upgrade the highway to Class 3, or equivalent standard, or to request maintenance or plowing services from the town. The foregoing limitation shall be included in any conveyance of the parcel of land served by the highway.

E. In the event the Class 4 town highway is discontinued as a town highway, the town will provide sufficient right of way for continuance of an access to the applicant and his assignees.

F. The applicant shall, to the extent of land area owned by the applicant, provide sufficient additional right-of-way width to the town to create a full three rod width. (Ord. passed 2/3/92)

9.02.080 Waivers.

The Selectboard, upon written request, may waive all or any portions of this chapter, for good cause shown, for the public good of the community consistent with state statutes. The board shall receive comment on waivers from the town administration prior to granting the waiver. (Ord. passed 2/3/92)

9.02.090 No liability.

The Selectboard expressly disclaims any liability of the town arising from travel on Class 4 town highways and specifically in the case where driveway access is provided within the limits of the Class 4 town highway, the town assumes no liability, real or implied, for any party utilizing the driveway within the limits of the Class 4 road right-of-way. (Ord. passed 2/3/92)

Chapter 9.04

PARKS

Sections:

- 9.04.010 Parks defined.**
- 9.04.020 Administration and operation.**
- 9.04.030 Permit—Required when—Application and fees.**
- 9.04.040 Groups may not impose use charges.**
- 9.04.050 Permit a binding contract—Liability limitations.**
- 9.04.060 Permit—Cancellation conditions.**
- 9.04.070 Motor vehicle restrictions.**
- 9.04.080 Hours of operation—Trespassing and camping prohibited.**
- 9.04.090 Indian Brook Park rules and regulations.**
- 9.04.100 Prohibited activities designated.**

*Prior ordinance history: Ordinances passed 8/29/88, 5/18/98, 10/7/19.

9.04.010 Parks defined.

The term “parks” as used in this chapter is defined to include all recreational facilities and land owned by the town of Essex and used for open space and recreation. It includes, but is not limited to, playgrounds,

ballfields, tennis courts, trails, pathways, picnic areas, pools, drives and parking lots, whether such public grounds are developed or undeveloped. (Ord. passed 5/18/98 (part): § 1(a) of Ord. passed 8/29/88)

9.04.020 Administration and operation.

All town parks will be operated, maintained and administered under the direct control and supervision of the director of the parks and recreation department (hereinafter “director”). (Ord. passed 5/18/98 (part): § 1(b) of Ord. passed 8/29/88)

9.04.030 Permit—Required when—Application and fees.

A. Permits shall be acquired by any group totaling thirty or more persons, including organizations and teams, who desire to use the various areas of the town parks. These areas must be reserved in advance through the director, and reasonable fees may be charged in accord with the rules and regulations as established by the select-board.

B. Application for permits must be signed by an authorized representative of the group, who will be accountable for any damage or loss of property arising from such use.

C. Groups or teams may also be required to post a deposit in advance if the director deems it advisable. (Ord. passed 5/18/98 (part): § 2(a)—(c) of Ord. passed 8/29/88)

9.04.040 Groups may not impose use charges.

No group or team may impose charges on persons or parties using the park or recreation facilities. (§ 2(e) of Ord. passed 8/29/88)

9.04.050 Permit a binding contract—Liability limitations.

A. No person to whom a permit is issued shall be released from any personal liability because of the issuing of a permit, and shall hold and save the Town of Essex and its employees free and harmless thereby.

B. Any permit issued shall be a binding agreement or contract between the persons to whom it was issued and the parks and recreation department.

C. Whenever such permit is revoked for cause, no part of the fee paid therefor shall be returned. (Ord. passed 5/18/98 (part): § 7(b) of Ord. passed 8/29/88)

9.04.060 Permit—Cancellation conditions.

Permits may be canceled by the director or town manager if the intent of the permit is violated or if the permit holders/users violate any of the park rules and regulations. (Ord. passed 5/18/98 (part): § 2(d) of Ord. passed 8/29/88)

9.04.070 Motor vehicle restrictions.

A. All state statutes regulating motor vehicle operation shall be applicable within the confines of any park.

B. The director may allow vehicles in prohibited areas for special events occurring in such areas.

C. Posted handicapped parking areas are so designed for use only by vehicles with handicapped registration or other appropriate identification.

D. Parking is allowed only in designated areas or as directed by town personnel. Violators may be towed at the owner’s expense.

E. The maximum motor vehicle speed within any park shall be fifteen miles per hour. (Ord. passed 5/18/98 (part): § 4 of Ord. passed 8/29/88)

9.04.080 Hours of operation—Trespassing and camping prohibited.

A. All parks and recreation areas shall be closed and off limits between nine p.m. and seven a.m. unless a permit for other hours is obtained in advance from the parks and recreation department. Trespassing signs shall be posted at each park in accordance with state statutes.

B. Motorized vehicles of any type are allowed only within the areas provided for public parking. No vehicle shall be parked in any public park between nine p.m. and seven a.m. and may be towed away at the owner's expense.

C. No camping shall be allowed within park boundaries except as provided in subsection B of Section 9.08.010. (Ord. passed 5/18/98 (part): § 5 of Ord. passed 8/29/88)

9.04.090 Indian Brook Park rules and regulations.

These subsections are covered in various sections of Chapter 9.08, Indian Brook Park. (Ord. passed 5/18/98 (part): § 6 of Ord. passed 8/29/88)

9.04.100 Prohibited activities designated.

A. No alcoholic beverages or other controlled substances shall be permitted within park boundaries.

B. No glass bottles shall be permitted within park boundaries.

C. No unruly person will be permitted to remain within the parks, and no person shall disturb the peace, endanger the public safety, use obscene or profane language, or prevent the use of the park by others.

D. No products of any kind may be sold within park boundaries without a special permit secured in advance.

E. No area of any park may be roped off without prior approval from the director.

F. Posting bills without permission of the director, cutting, peeling, defacing, writing upon, destroying or damaging any building, sign, tree, plant, rock or other natural or manmade structure or object is prohibited.

G. No plant may be uprooted or cut without a written permit from the director.

H. Removing bathing apparel or swimwear in public view is prohibited. "Bathing apparel or clothing" includes bathing suits or clothing worn for bathing purposes including, but not limited to shorts, cutoffs, or swim trunks.

I. Fires shall only be built in a properly cared for cooking unit or in grills provided in the picnic areas. No fire shall be left unattended.

J. All town parks, with the exception of Indian Brook Park, the Ray Unsworth Parcel (Tax Map 10, Parcel 57), Myers Natural Area (Tax Map 8, Parcel 18-2), and the Horton property (Tax Map 12, Parcel 2), fall within the area where discharge of firearms is prohibited. Indian Brook Park has restrictions on firearms discharge as outlined in Chapter 6.08 of these Ordinances.

K. A person who intends to set a trap for any animal on any Essex town park property shall, prior to setting the trap, notify the selectboard of the prospective location of the trap. The selectboard may, at any time, refuse to grant permission to set a trap or revoke the permission if previously granted as outlined in VERMONT STATUTES ANNOTATED 1997 Section 4707 Traps; notice.

L. Discharge of firearms for the purpose of target shooting is prohibited within park boundaries. (Ord. passed 5/18/98 (part): § 3 of Ord. passed 8/29/88. Ord. passed 10/7/19)

Chapter 9.08

INDIAN BROOK PARK

Sections:

9.08.010 Park hours.

9.08.020 Sanitation requirements.

9.08.030 Apparel for bathing and swimming.

9.08.040 Traffic regulations.

9.08.050 Vessels and aircraft.

9.08.060 Fishing and outboard motors.

9.08.070 Cutting or harvesting plants or seeds.

9.08.080 Hunting and trapping.

9.08.090 Vending and soliciting prohibited.

9.08.100 Posting bills and injuring property.

9.08.110 Disorderly conduct, drugs and alcohol possession.

9.08.120 Fire restrictions.

9.08.130 Firearms, fireworks and weapons.

9.08.140 Violation—Penalties.

9.08.010 Park hours.

A. Indian Brook Park will be open to the public from seven a.m. to nine p.m. unless a permit for other hours is obtained in advance by permission of the director of the parks and recreation department or his/her designee (hereinafter called "director"). A yearly park use permit valid January 1 through December 31 or biennial park use permit valid for a two-year period January 1 through December 31 must be purchased at the parks and recreation department.

B. Camping is allowed at Indian Brook Park at the discretion of the director. A permit must be obtained in advance from the parks and recreation department during normal business hours Monday through Friday. Individuals possessing a valid camping permit are not required to possess a season pass. (Ord. passed 1/28/02; Ord. passed 1/17/00 (part); Ord. passed 5/18/98 (part): § 7.1 of Ord. passed 12/21/87)

9.08.020 Sanitation requirements.

A. Recreation areas are to be kept in a neat, clean and sanitary condition at all times.

B. Glass containers are prohibited in all areas of the Indian Brook Park.

C. All refuse, including but not limited to bottles, cans, paper or rubbish, shall be placed in receptacles provided for that purpose. If receptacles are not available, all refuse is to be carried out of the park. (Ord. passed 5/18/98 (part): §§ 6.1—6.3 of Ord. passed 12/21/87)

9.08.030 Apparel for bathing and swimming.

Removing appropriate bathing apparel is prohibited in public view. "Bathing apparel or clothing" includes bathing suits or clothing worn for bathing purposes including, but not limited to, shorts, cutoffs, or swim trunks. (Ord. passed 5/18/98 (part): § 5.1 of Ord. passed 12/21/87)

9.08.040 Traffic regulations.

- A. All persons driving in Indian Brook Park shall obey all traffic signs and directions.
- B. Motor vehicles shall be excluded from the confines of Indian Brook Park between nine p.m. and seven a.m. except by permit in conjunction with subsection A of Section 9.08.010.
- C. All state statutes regulating motor vehicle operation shall be applicable within the confines of the park. All motor vehicles must be registered with the Vermont Department of Motor Vehicles (or in the state of the owner's residence) and display current license plates or tags.
- D. The maximum vehicle speed within the park shall be fifteen miles per hour.
- E. The director may allow vehicles in prohibited areas for special events occurring in such areas.
- F. Horseback riding shall be permitted on roadways, trails and other designated areas unless posted by the director.
- G. Posted handicapped parking areas are so designated for use only by vehicles with handicapped registration or other appropriate identification.
- H. Parking is allowed only in designated areas or as directed by town personnel. Violators may be towed at the owner's expense. (§§ 9.1, 9.2 of Ord. passed 12/21/87)

9.08.050 Vessels and aircraft.

- A. Each vessel using the reservoir shall carry for each person aboard an approved personal flotation device, as per Title 25, VERMONT STATUTES ANNOTATED, Chapter 306.
- B. Aircraft, including ultra-lights, helicopters and floatplanes, are prohibited from landing or taking off from the Indian Brook Park property or reservoir. (Ord. passed 5/18/98 (part): § 7(b) of Ord. Passed 8/29/88)

9.080.060 Fishing and outboard motors

- A. All persons interested in fishing in the Indian Brook reservoir must adhere to current fishing laws as outlined in the Vermont Digest of Hunting, Fishing and Trapping laws.
- B. Use of outboard motors, except electric trolling motors, shall be prohibited except by town employees in the official pursuit of their designated duties. (§§ 11.1-11.2 of Ord. passed 12/21/87)

9.080.070 Cutting or harvesting plants or seeds.

- A. No plant may be uprooted or cut without a written permit from the director.
- B. Wild berries, fruits, seeds, nuts or mushrooms may be collected only for personal use at the risk of the collector, and must be consumed on park property. Commercial harvesting of such items for profit is allowed only with a special permit from the director. (§§1.2-1.3 or Ord. passed 12/21/87)

9.08.080 Hunting and trapping.

A. A person who intends to set a trap for any animal on Indian Brook Park property shall, prior to setting the trap, notify the selectboard of the prospective location of the trap. The selectboard may, at any time, refuse to grant permission to set a trap or revoke the permission if previously granted as outlined in VERMONT STATUTES ANNOTATED 1997 §4707 Traps; notice.

B. A hunting safety zone of five hundred feet will be established around the high water mark of the entire reservoir. (§6 of Ord. passed 8/29/88)

9.08.090 Vending and soliciting prohibited.

Soliciting, vending, sale or rental of goods, wares or services in Indian Brook Park is prohibited. (Ord. passed 5/18/98 (part): § 8.1 of Ord. passed 12/21/87)

9.08.100 Posting bills and injuring property.

Posting bills without permission of the director, cutting, peeling, defacing, writing upon, destroying or damaging any building, sign, tree, plant, rock or other natural or manmade structure or object is prohibited. (Ord. passed 5/18/98 (part): § 1.1 of Ord. passed 12/21/87)

9.08.110 Disorderly conduct, drugs and alcohol possession.

A. Disorderly conduct is prohibited. This includes, but is not limited to, indecent, coarse language, disturbing other persons, or intoxication. Violation may mean ejection, arrest and prosecution under state law.

B. Unlawful possession of regulated drugs is prohibited.

C. Alcoholic beverages shall be prohibited at all times. (Ord. passed 5/18/98 (part): §§ 10.1—10.3 of Ord. passed 12/21/87)

9.08.120 Fire restrictions.

A. Fires shall be built only in fire pits, fireplaces or charcoal grills at picnic and camping areas except as otherwise provided in these rules and regulations or unless a permit for other areas is obtained in advance from the director.

B. All fires must be attended and under control at all times. (Ord. passed 5/18/98 (part): §§ 2.1, 2.2 of Ord. passed 12/21/87)

9.08.130 Firearms, fireworks and weapons.

A. No firecrackers or other explosive devices shall be displayed or discharged in the park.

B. Individuals wishing to hunt on Indian Brook property must adhere to current hunting laws as outlined in the Vermont Digest of Hunting, Fishing and Trapping Laws and to the hunting safety zone as outlined in subsection B of Section 9.08.080. (Ord. passed 5/18/98 (part): § 4.1 of Ord. passed 12/21/87)

9.08.140 Violation—Penalties.

A. Any person who violates a provision of this chapter shall be subject to a civil penalty of up to five hundred dollars per day for each day that such violation continues, with a mandatory minimum civil penalty that shall not be less than the civil penalty set for that offense unless the person does not

contest the municipal complaint and pays the waiver fees. Police officers of the Town of Essex shall be authorized to act as issuing municipal officials to issue and pursue before the traffic and municipal ordinance bureau a municipal complaint.

B. 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 municipal complaint and pays the following waiver amount for each violation:

First offense	\$ 25.00
Second offense	\$50.00
Third offense	\$100.00
Fourth & subsequent offenses	\$200.00

Offenses shall be counted on a calendar year basis.

C. An issuing municipal official is authorized to recover civil penalties in the following amounts for each violation:

First offense	\$ 50.00
Second offense	\$100.00
Third offense	\$200.00
Fourth & subsequent offenses	\$400.00

Offenses shall be counted on a calendar year basis.

D. In addition to the enforcement procedures available before the traffic and municipal ordinance bureau, the town manager or designee is authorized to commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law. (Ord. passed 1/17/01 (part))

Chapter 9.12

USE OF PUBLIC LAND

Sections:

9.12.010 Purpose of provisions.

9.12.020 Application of provisions.

9.12.030 Use regulations—Town Manager authority.

9.12.040 Use regulations—Additional rules—Signs.

9.12.050 Facility use fees and identification procedures.

9.12.060 Entering land or buildings—Compliance required.

9.12.070 Unlawful dumping and other activities.

9.12.080 Vandalism and tampering prohibited.

9.12.090 Firearm target limitations.

9.12.100 Enforcement authority.

9.12.110 Violation—Penalty.

9.12.010 Purpose of provisions.

In order to protect the public health, safety and welfare, and to prevent nuisances from noise, smoke and littering, and to prevent damage or loss from theft, fire or injury, the ordinance set out in this chapter is adopted by the Selectboard of the Town of Essex prescribing conduct within and upon all land owned and operated for public use. ((Part) of Ord. passed 8/7/78)

9.12.020 Application of provisions.

This chapter shall apply to all land designated as to use for “recreation” purposes, or for “facilities” such as highway garages, fire stations, sewer plants, and “service,” including all buildings, appurtenances and materials stored therein, and to service structures such as electrical, water and sewer conduits, roads, bridges, lighting, highway signs and all vehicles, whenever such property is owned, leased or controlled by the Town of Essex. ((Part) of Ord. passed 8/7/78)

9.12.030 Use regulations—Town Manager authority.

The town manager shall be authorized to provide limitations on the use of all public lands with regard to hours of operation, use by vehicles, parking, speed limits, discharge of firearms, camping, fires, use of amplification systems, and may cause the posting of signs so regulating use. ((Part) of Ord. passed 8/7/78)

9.12.040 Use regulations—Additional rules—Signs.

A. All rules and regulations promulgated by the town manager shall be in addition to and not in conflict with rules and regulations prescribed by ordinance or otherwise by the Selectboard.

B. Signs or devices for the implementation of rules and regulations or the specific provisions of this chapter may be erected where applicable. Failure to have such signs erected shall not diminish the effect of this ordinance, and persons informed of the regulation verbally by an enforcement officer or properly identified agent of the town who fail to desist immediately or to abate such violation shall be liable to prosecution. ((Part) of Ord. passed 8/7/78)

9.12.050 Facility use fees and identification procedures.

The town manager shall initiate and implement a system of identification or use of tickets, coupons or stickers, or other devices for the collection of fees, when such fees are established by the Selectboard for use of service or recreation lands or buildings; attempts to evade payment as prescribed shall be a violation of this chapter. ((Part) of Ord. passed 8/7/78)

9.12.060 Entering land or buildings—Compliance required.

No person shall enter upon or into service support land or buildings except during normal hours and for the intended purpose, and in compliance with all regulations pertaining thereto. ((Part) of Ord. passed 8/7/78)

9.12.070 Unlawful dumping and other activities.

No person shall deposit or leave any material or device then in disuse, with intent to discard, on town land except properly at the landfill, so designated, during hours and according to the rules prescribed therefor. No person shall leave in trash containers anything to be discarded, or domestic wastes, except those things which fall into disuse through the proper and lawful use of the town land. ((Part) of Ord. passed 8/7/78)

9.12.080 Vandalism and tampering prohibited.

No person shall vandalize or use or tamper with any service structure except as properly authorized. ((Part) of Ord. passed 8/7/78)

9.12.090 Firearm target limitations.

No person in the use of firearms, where designated, shall use glass containers, cans or similar devices as targets, and all targets properly in use shall thereafter be properly disposed of in trash containers. ((Part) of Ord. passed 8/7/78)

9.12.100 Enforcement authority.

This chapter shall be enforceable by any sheriff, deputy sheriff, constable, state or local police officer. ((Part) of Ord. passed 8/7/78)

9.12.110 Violation—Penalty.

Each person found to be in violation of this chapter, or the rules or regulations promulgated by its authority, shall be liable to a fine of not more than one hundred dollars, or be imprisoned for six months, or both. ((Part) of Ord. passed 8/7/78)