

TOWN OF FERRISBURGH

ORDINANCE FOR THE DAILY CLOSING OF
TOWN PARKS, BEACHES AND FOREST

The Board of Selectmen under the authority of Title 24, Vermont Statutes Annotated, Chapters 61 and 65, and such other statutes that may be applicable, hereby adopt the following ordinance:

SECTION I - PURPOSE

101. To preserve and protect public property from willful or malicious destruction or defacement; to protect public property from theft; to protect public property from damage or defacement which is not willful or malicious, but which results from the unapproved or non-legal use of said property; and, to preserve the peace and quiet of the neighboring rural community from loud and boisterous behavior.

SECTION II - DEFINITIONS

- A) "Town Park" means the Ferrisburgh Town Park, so called, as found in Long Point, being owned by the Long Point Realty Corporation, and lying southerly of Bay Road, so called, and also bounded by Lot #60 on the south and Lot #61 on the west, and by other lands owned by Long Point Corporation on the east, including all roadways and parking areas incidental to said park.
- B) Town Park at Kingsland Bay means the Ferrisburgh Town Recreation area, so called, lying northerly of Town Beach Road (T.H. 58), being all the lands owned by or under the control of the Town of Ferrisburgh, approximately 1.1 acres, more or less, as shown on a survey by Fred C. Koerner, C.E., on file in the Ferrisburgh Town Clerk's Office in Map Book 2, Page 15, lying northerly of Town Beach Road (T.H. 58), southerly of Lake Champlain, westerly of lands owned now or formerly by E. Ware Cady, Jr., and easterly of lands owned now or formerly by the State of Vermont, known as the Hurlbut property, including all roadways and parking areas incidental to such beach.
- C) "Town Forest" means the Ferrisburgh Town Forest, so called, as found lying in a south easterly direction of Robinson Road, being approximately 121 acres, more or less, as shown on a survey by Donald Hamlin, Consulting Engineers, on file in the Ferrisburgh Town Clerk's Office in Map Book 1, Page 21, and bounded on the north by lands now or formerly owned by Walter I.F. and Anneliese E. Helferich, on the east by lands now or formerly owned by August and Judith Jerger, of lands now or formerly owned by Alfred F. and Ruth C. Jerger,

and lands now or formerly owned by Raymond F. and Nancy A. Sterns, on the south by lands now or formerly owned by Maurice F. and Arlene A. Armell and lands now or formerly owned by Alan and Carole Chamberlain, and lands now or formerly owned by David H. and Ethel H. Chamberlain, and on the west by lands now or formerly owned by Lawrence F. and Elisse H. Gebo, and lands now or formerly owned by Ann Perkins Wylie, including all roadways and parking areas incidental to such forest.

SECTION III - RESTRICTIONS

- A) The Town Park, Town Beach and the Town Forest shall be closed to public use at sunset and shall be reopened at sunrise. A person shall not enter on to the Town Park, Town Beach or the Town Forest during a period when they are closed to public use unless permitted to do so under Section IV of this Ordinance.

SECTION IV - PERMITS AND PERMIT PROCEDURE

- A) Persons may obtain a waiver for special events or group activities under the following provisions: A person seeking authority for a special event or group activity within a town beach, town park or town forest during a time when it is closed to the public's use shall file with the Selectmen a letter of request containing the name, address and phone number of the applicant; the hours, dated and estimated duration of such use of town beach, town park or town forest property, the proposed location of the special event or group activity; the purpose of the special event or group activity; the applicant's proposed arrangements to insure the safety of the public and persons to be present and the prevention of damage to town property. A certificate of insurance may be required.
- B) The Board of Selectmen shall determine whether the person or group seeking a waiver has met the conditions for a waiver as stated in SECTION IV (A).
- C) The Board of Selectmen may amend or revoke any such request if it appears that the arrangements contained in the waiver will no longer prevent injury to persons or property due to a change in the circumstances under which the waiver was granted.
- D) Any permit request which contemplates the use of beverages containing alcohol shall so state in the letter of request and be accompanied by a permit request for the consumption of alcoholic beverages pursuant to the applicable town ordinance.

SECTION V - PENALTIES

- A) A person who violates a provision of this Ordinance or of any of the terms or conditions of a waiver issued under this Ordinance shall be fined not more than \$500.00 for each violation.

SECTION VI - SEVERABILITY

- A) If any part of this Ordinance shall be void, invalid or unconstitutional either under the laws or constitution of the State of Vermont or the United States by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and such portion shall be in full force and effect.

I hereby certify this Ordinance of the Town of Ferrisburgh was duly adopted by the Board of Selectmen at their regular meeting held on 7/18/89.

ADOPTED: 7/18/89

ATTEST:

EFFECTIVE: 9/16/89

POSTED: 7/18/89

ADVERTISED: 7/27/89

Paul L. Hoffman
Town Clerk
7/18/89