

## CHAPTER SIX

### STREETS, SIDEWALKS, AND PARKS

#### SECTION 1. STREETS AND SIDEWALKS

1. No person shall, by himself or agents, set up, erect, construct, establish or maintain any gasoline or filling station, or apparatus for supplying gasoline, kerosene or oil, in such manner that the same or any part thereof shall extend into or be over or under the same or any part thereof shall extend into or be over or under the following named streets: Green Street, between Main Street and School Street; Maple Street, between Main Street and School Street; provided, however, that nothing herein contained shall apply to filling station apparatus now in place.
2. No article of merchandise shall be exposed for sale or display within the limits of the highway or traveled portions of the sidewalks of the City of Vergennes, without the expressed written permission of the City Council.

#### SECTION 2. PARKS AND PARKWAYS

**PURPOSE** - To preserve and protect public property from willful or malicious destruction or defacement; to protect theft of public property; and 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.

No person shall destroy or injure any of the shrubbery or property on or appertaining to the Public Park: provided, however, that nothing in this regulation contained shall prevent small children from indulging in innocent play on the Public Park after the ground becomes settled in the spring.

That portion of Main Street lying northerly of the Norton House property and between the sidewalk on the southerly side of the street and the gutter on the southerly side of the improved and commonly traveled part of said street, and extending to said hollow is hereby designated and set apart as a Public Square or Parkway.

No person shall drive any vehicle upon or across said Parkway or Square except to cross the same in and upon the established driveways leading to the various properties adjacent to said Main Street.

**DEFINITIONS** – “City Park” means any one of the following:

1. **The Vergennes City Green**, so called, lying northerly of Main Street/Route 22A, being all

lands owned by or under the control of the City northerly of Main Street, westerly of Park Street, southerly of North Street, easterly of Green Street and including all roadways and parking areas incidental to such park.

2. **The MacDonough Park**, so called, lying southerly of MacDonough Drive, being all lands owned by or under the control of the City southerly of MacDonough Drive, easterly of lands of 57 MacDonough Drive owned by Matthew Daniels, westerly of lands of L.F. Benton & Co., northerly of Otter Creek and including all roadways and parking areas incidental to such park.
2. **The Vergennes Falls Park**, so called, lying southerly of Otter Creek, being all lands owned by or under the control of the city westerly of lands of Green Mountain Power, easterly of lands of Eriksen's Crow's Nest Marina, northerly of lands under the control of the Vergennes Department of Public Works and Wastewater Treatment Plant and including all roadways and parking areas incidental to such recreation park.
3. **The Fisher Memorial Park**, so called, lying easterly of Maple Street, being all lands owned by or under the control of the City northerly of Maple Manor Development, southerly of Sunset Drive Development, southerly of lands of Aubert Hamel located at 163 South Maple Street, westerly of lands of Collette, Estey and Walter and including all roadways and parking areas incidental to such park.
4. **The MacIntosh Memorial Park**, so called, lying westerly of Comfort Hill, being all lands owned by or under the control of the City southerly of lands of the State of Vermont, northerly of lands of Robert and Gloria Williams and including all roadways and parking areas incidental to such park.

### **RESTRICTIONS**

1. The Vergennes City Green shall be closed to public use at 11:00 P.M. and shall reopen at sunrise.
2. All City Parks other than the Vergennes City Green shall be closed to public use at sunset and shall reopen at sunrise.
3. A person shall not enter onto a city park during a period when it is closed to public use unless permitted to do so under the Exceptions of this ordinance.

### **EXCEPTIONS**

1. Those persons moored at either the Vergennes Falls Park or the MacDonough Park pursuant to Chapter Six, Section 3 of the Charter of the City of Vergennes or for those people launching or removing boats at the Vergennes Fall Park..
2. Those persons who obtain a waiver for special events or group activities under the following provisions:

- a. A person seeking authority for a special event or group activity within a City Park during a time when it is closed to the public's use shall file with the City Manager a letter of request containing the name, address and phone number of the applicant; the hours; date and estimated duration of such use of the City Park property; the proposed location of 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 person to be present and the prevention of damage to City Park property.
3. The City Manager shall determine whether the person or group seeking a waiver has met the conditions for a waiver as stated in Section IV (2).
4. The City Manager or the City Council 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.

### **PENALTIES**

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 \$1,000 for each violation.

### **SEVERABILITY**

If any part of this Ordinance shall be held to 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.

### **SECTION 3. MUNICIPAL DOCKS**

~~This Section 3 shall be known as the City of Vergennes Municipal Docks Ordinance. This Ordinance is adopted pursuant to the authority granted in 24 V.S.A. § 1971. This Ordinance is hereby designated a civil ordinance.~~

1. The Municipal Docks are defined as the areas located on Otter Creek at the northerly side of MacDonough Drive and the dock area within the so-called Vergennes Falls Park in the City of Vergennes which are maintained by the City for use of navigators of Otter Creek who wish to visit the City of Vergennes. The Municipal Docks include both permanent docks and temporary floating docks.
2. No boat may tie up at the Municipal Docks for more than 48 consecutive hours or 96 hours in any calendar year. The Municipal Docks shall not be used as a permanent

docking facility by any person.

3. Any person who docks a boat for more than 48 consecutive hours or more than 96 hours in any calendar year will be in violation of this Ordinance and will be subject to impoundment by the City and will be responsible to reimburse the City for all costs of impoundment and storage.
4. The City Council shall have the right to close or restrict public use of all or any portion of the Municipal Docks for any purpose with or without public notice.
5. Upon application to the City Council, permission may be granted to a person, partnership, or corporation to reserve for use (which may be exclusive or nonexclusive use) a specified section of the Municipal Docks whereby use by such person, partnership, or corporation would not be subject to #2, and or #3 above.
6. Penalty - The civil penalty for a violation of this Ordinance shall be \$50.00 Each day the violation continues shall constitute a separate violation. Enforcement of this Ordinance shall be brought pursuant to 24 V.S.A. § 1974(a).
7. If any provision of this Ordinance shall be declared void and unenforceable, the validity of the remaining provisions shall not be affected.

