

**TOWN OF MARSHFIELD
CIVIL ORDINANCE #3**

REGULATING USE OF EXTERNAL FACILITIES

Old Schoolhouse Common and Other Town Lands and Buildings owned by the town of
Marshfield

WHEREAS, the Town of Marshfield has by virtue of 24 V.S.A. 872, 24 V.S.A. 1971, V.S.A. 2291 (17 (18)), the authority to adopt, amend, repeal and enforce ordinances and to regulate all aspects of the use of municipally owned facilities,

NOW THEREFORE, to provide for the reasonable use and enjoyment of the external recreational facilities at the Old Schoolhouse Common (OSC), the adjacent municipal land, and all other lands and buildings owned by the Town of Marshfield, and to place restrictions on their uses to try to prevent damage that is costly to the Town and prevents enjoyment by all. The Selectboard of the Town of Marshfield hereby enacts this ordinance:

**ARTICLE I
PROVISIONS**

- 1) All provisions of this ordinance apply to all lands and buildings owned by the Town of Marshfield.
- 2) It shall be unlawful to drive motor vehicles off the gravel parking areas and driveways except for maintenance or other activities approved by the Selectboard.
- 3) It shall be unlawful to drive a motorized vehicle, except registered snowmobiles traveling on a marked snowmobile trail, on any town owned land, unless for maintenance purposes.
- 4) It shall be unlawful to be on any Town land or in any Town building between the hours of 10:00 p.m. and 6:00 a.m. except for attending a town associated meeting, unless pre-approved by the Selectboard.
- 5) It shall be unlawful to possess unsealed alcoholic beverage containers or to drink alcoholic beverages on Town land or in Town buildings.
- 6) It shall be unlawful to deface, destroy, mark, leave trash, damage, or break anything in Town owned building or on Town owned land.
- 7) It shall be unlawful to smoke in any Town owned building or the land adjacent to the Old Schoolhouse Common.

- 8) Any individual or group may use Town land or building as long as the activity serves the good of the people or the needs of the people of Marshfield, is open to the public, and doesn't interfere with the intended use of the land or building. The Selectboard shall approve or deny permission to Applicants who want to use the Town land or Buildings on a first come first served basis, and the information given in the appropriate application form. The Selectboard shall act upon applications filed at their next regularly scheduled meeting.
(Application Forms are available at the Town Clerk's Office)

ARTICLE II PENALTIES AND CIVIL ENFORCEMENT

The enforcement of this civil ordinance shall follow the procedures described in 24 V.S.A. 1974(a)

- a) The Enforcement Officer may at his or her option issue a Notice of Violation letter notifying the violator to stop the violation, correct the damage, if applicable, and/or refrain from repeating the violation. This letter may be issued in lieu of initially imposing a penalty. Uncorrected and corrected violations may still result in penalties.
- b) A civil penalty of not more that \$500 may be imposed for a violation of this ordinance. Each day the violation continues shall be a separate violation.

Penalty Schedule:

Violations of Article I, Sections 2, 3, 4, 6, 7

\$ 50 first violation

\$100 repeat of same violation

\$500 third occurrence of same violation

Violations of Article I, Section 5

\$100 first violation

\$300 repeat of same violation

\$500 third occurrence of same violation

Regardless of an adopted penalty schedule, the Town will consider prompt correction of any damage (where appropriate) as a factor in setting the penalty amounts. For violations of minors, the Town will consider the willingness of parents/guardians to assure the damage is corrected and the violation not repeated in setting the penalty amounts.

- c) In accordance with procedures of the Traffic and Municipal Ordinances Bureau, a waiver fee of 75% of the civil penalty established using Subsection (b) of this Article shall be assessed for those violators who admit or do not contest the ordinance violation and pay the waiver fee

which amount and the date of acceptance of the waiver fee shall be affixed to the complaint or notice.

- d) Violations of this ordinance where the penalty is \$500 or less shall be brought before the Traffic and Municipal Ordinance Bureau. If the penalty is greater than \$500, or injunctive relief, other than as provided in subsection ©, is sought, the action shall be brought in Superior Court.
- e) The Municipal Ordinance Bureau hearing officer, on application of the Town of Marshfield, may order that the ordinance violation cease.

**ARTICLE III
DESIGNATION OF ENFORCEMENT PERSONNEL**

For purposes of this ordinance, the Selectboard designates the following persons as enforcement officers: members of the Selectboard, and the First and Second Constables. From these positions, the Selectboard will designate primary and backup enforcement officers and identify the issuing and appearing officials as required for the Traffic and Municipal Ordinance Bureau.

**ARTICLE IV
REPEAL OF INCONSISTENT PROVISIONS**

All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**ARTICLE V
SEVERABILITY**

This ordinance shall become effective sixty (60) calendar days after the adoption date shown below.

Adopted this 19th day of June, 2007

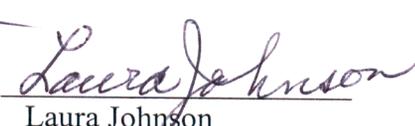
Selectmen:



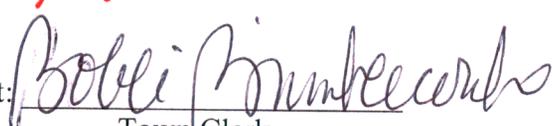
John Warshaw



Chris Martin



Laura Johnson

Attest: 

Town Clerk