

VILLAGE OF ENOSBURG FALLS

USE OF PUBLIC PARKS

Section 1007

The code of Ordinances of the Village of Enosburg Falls is hereby amended by adding the following ordinance:

Use of Public Parks

The purpose of this section is to govern the use of Parks in the Village of Enosburg Falls (herein referred to as the "Park") by individuals, groups, and/or organizations that are not directly associated with the Village of Enosburg Falls (i.e., not employees or offices or departments of the Village of Enosburg Falls.)

The following rules and regulations have been adopted with the intent to better serve those who have occasion to use the facilities while protecting the public's interest.

Section 1 – Permit Required.

Any individual and/or organization that desires to conduct or sponsor a public assembly or other event at a Village-owned Park in which (a) it could reasonably be anticipated that twenty (20) or more persons might gather or participate; (b) it will involve the creation or emission of amplified sound; (c) it will involve the dissemination to the public of information in the form of leaflets, brochures or other written materials; or (d) it will involve the erection of any temporary tent, booth, display or other such structure, shall first apply for and obtain a permit.

All activities requiring Village permits must comply with the Park application and use conditions outlined in this policy. No permanent or semi-permanent structure of any kind may be erected for any purpose. All activities, programs or events hosted by any Department of the Village of Enosburg Falls are exempt from those conditions and regulations outlined in this policy.

Section 2 - Application Process

The application must be submitted to the Village Manager or designee no less than seven (7) calendar days prior to a regularly scheduled Board of Trustees Meeting before the event occurs.

The application shall state:

- A. The full name and contact information of the individual completing the application form;
- B. The name and address of the person, corporation or association sponsoring and/or conducting the activity;
- C. The dates and hours for which the permit is desired;
- D. An estimate of the anticipated attendance or patronage;
- E. The nature and scope of the proposed use; and
- F. Any other information that the Board of Trustees or Village Manager finds reasonably necessary to a determination of whether a permit should be issued under this policy.

- G. A defined start and stop date for the permit application. Permits will not run continuously through the course of a full year, nor will they be approved to run through multiple years.

All inquiries concerning the Parks should be directed to the attention of the Village Manager, 16 Village Drive, Enosburg Falls, VT 05450, Tel.: 802-933-4443. Requests to attach temporary banners or signs to the Dough Boy Statue fence should be directed to the American Legion Post 42.

Section 3 - Parks Use Review

Since the Park is a public facility, the Village of Enosburg Falls is concerned that it be used in a manner consistent with the public interest.

All applications for the use of a Park shall be reviewed by the Board of Trustees. Upon review the following action may be taken on a permit:

- A. Approve it;
- B. Conditionally approve it.
- C. Disapprove it; or
- D. Refer it to the Village Department for further review.

The Village Manager shall then notify an applicant of the disposition of the application. In the event that an application is denied or conditionally approved, it shall state in writing the reasons for the denial or conditions.

Section 4 - Criteria for Approval of Use Applications

The Trustees or the Village Manager may deny the application if they find:

- A. The proposed event or activity would present an unreasonable danger to the health or safety of the applicant, or other users of the Park, Village employees or the public.
- B. Adequate Parking facilities do not exist and are not available to accommodate the proposed event or activity in the Park, based upon recognized standards for provision of adequate Parking facilities;
- C. Adequate sanitary facilities do not exist and are not available to accommodate the proposed event, based upon recognized standards for provision of sanitary facilities;
- D. The event or activity shall cause damage from destruction or overuse of the grounds, equipment, vegetation, buildings, fences or other amenities in the Park;
- E. The proposed event or activity would unreasonably disturb persons who occupy land which is adjacent to such Park;

- F. The Park has been reserved for other use at the day and hour required in the application or the use or activity intended by the applicant would conflict with programs organized and conducted by the Village and scheduled for the same time and place.
- G. The applicant or the person on whose behalf the application is made has on prior occasions made material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms or conditions of prior permits issued to or on behalf of the applicant.
- H. The application for permit, including any attachments and submissions, is not fully completed and executed.
- I. The applicant has not tendered the required application fee, or the required user fee, indemnification agreement, insurance certificate, or security deposit within the times prescribed.
- J. The application contains a material falsehood or misrepresentation.
- K. The applicant is legally incompetent to contract or to sue or be sued.
- L. The applicant or the person on whose behalf the application for permit was made has on prior occasions damaged Village property and has not paid in full for such damage or has other outstanding and unpaid debts to the Village.
- O. The applicant has not complied or cannot comply with applicable licensure requirements, ordinances or regulations of the Village concerning the sale or offering for sale of any goods or services.
- P. The proposed use or activity intended by the applicant is prohibited by law, by this policy or Village ordinance, or by other regulations of the Village.

Section 5 - Conditional Approval

Large Groups and Special Activities: The following conditions shall be imposed upon the issuance of a permit for events involving large groups (100 or more people) or groups with special activities (e.g. inflatables, tents, special equipment):

- A. A requirement that the permittee pay in advance an estimate of all Village's costs that result directly from the permittee's use, event or activity under the permit, and that the permittee reimburse the Village for any such costs which exceed the estimate.
- B. A requirement that the permittee either provide an insurance policy naming the Village of Enosburg Falls as an additional insured, or a security deposit or performance bond, to cover damages that may result from permittee's use, event or activity.

Permittees will be required to sign a Fee Agreement which sets forth all conditions, prior to final approval.

The Dairy Festival shall be exempt from this Park Use Policy pursuant to the Village of Enosburg Falls Peddlers & Festivals Ordinance.

Section 6 – Permittee Privileges and Responsibilities

- A. No person shall camp or maintain a campsite, tent or mobile recreational vehicle, whether self-propelled or not, or camp on any street or property owned, leased, maintained or controlled by the Village unless specifically approved by the Village Manager or Board of Trustees. Such property shall include but not be limited to Village streets, Parks or municipal lots.
- B. No person shall post or affix any placard, bill notice or other paper upon any structure, fence or enclosure in any public Park. Any person or organizations wishing to attach signage to the Dough Boy Statue fence in Lincoln Park must seek permission from the owner of the fence.
- C. Any physical alteration of any building, structure, facility, or appurtenance thereof, without the prior written approval of the Village is prohibited.
- D. The permittee agrees to abide by Village Ordinances that apply to noise, malicious activity, crowd control, individual and group behavior.
- E. The permittee must comply with all applicable Village, State, and Federal laws and regulations.
 - 1. If the permittee plans to handle food of any kind for any reason when utilizing the facilities, it is its responsibility to contact the Vermont Department of Health to obtain the proper permit(s). This permit must be displayed in a prominent place in the facility during the event or program.
 - 2. The permittee shall be responsible for all other licenses, permits, and/or approvals required by the State of Vermont and the Village of Enosburg Falls. Failure to obtain said licenses and permits shall be cause for cancellation of the event or program and withholding of any deposits or fees collected by the Village of Enosburg Falls.
- F. The permittee agrees not to use the premises or allow the premises to be used for any illegal purposes.
- G. Park use permits are not transferable and are revocable and may be revoked at the discretion of a Village of Enosburg Falls representative immediately if the safety and health of the public is threatened, notwithstanding any other terms or conditions of the permit to the contrary.
- H. No person, group, or association shall be excluded from use of a Village facility because of race, color, creed, religion or national origin. No organization which discriminates on the basis of race, color, creed, religion or national origin shall be authorized use of any Village facility.

Section 7 - Liability

- A. The permittee shall be liable for any damages to the Park or to any contents owned by the Village during the period of use, whether such damage is caused by permittee or its agents, servants or employees, or by any invitees, permittees, or trespassers.

- B. The Village of Enosburg Falls shall not be liable for any damage or loss to any property of the permittee or any other person from any cause whatsoever while said property is located on the premises for storage purposes or for any other purpose, nor shall the Village be liable for any injuries resulting from the use of the Park.
- C. The permittee agrees to defend, indemnify, and hold harmless the Village of Enosburg Falls, its departments and their representatives, officers, agents or employees from and against all legal actions, complaints, and/or claims of any nature whatsoever for damages, including damages or loss to personal property personal injuries and death, resulting there from the use of the Park in connection with the event for which the permit is granted.
- D. The Village of Enosburg Falls does not, expressly or by implication, endorse or support any activities of, or information disseminated by, any permittee. A permittee must display a disclaimer to that effect when requested to do so by the Village Manager or Trustees
- E. When a permittee provides a certificate of insurance pursuant to this policy, the permittee shall provide comprehensive general liability insurance with minimum limits of liability for bodily injury in the amount of \$1,000,000 for each occurrence and minimum limits of liability for property damage in the amount of \$1,000,000 for each occurrence. The Village shall be named insured additionally under the policy. Additional coverage may be requested when deemed necessary due to the risks posed by the permitted activity.

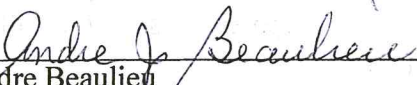
Section 8 – Clean-up

Upon completion of the activity, the Park and adjacent area must be clear, orderly, and free of any obstruction or litter. The Park must be left in the same condition it was when the permittee took occupancy. Area must be clear of all chairs, tables, booths, decorations, debris, etc., according to a schedule set by the Village Manager or Board of Trustees. If additional personnel are needed to clean up after an event, in order to prepare the Park for the next day's use, the permittee will be responsible for the extra cost involved.


Section 9 - No Smoking or Vaping.

There shall be no smoking or vaping permitted at Lincoln and Maple parks per Village of Enosburg Falls Ordinance Section 809.


Adopted this 14th day of May 2020.



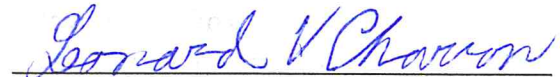
Andre Beaulieu
Village Clerk



Sam Vaillancourt

Chair



Heather Moore
Vice-Chair



Leonard Charron



Jason Larose



Cindi Miner