



TO: Parks Commission
FROM: Cindi Wight, Director
DATE: July 28, 2020
RE: Municipal violations
CC: Erin Moreau, Waterfront Superintendent

Background

It has been a challenging year with our Parks including our parking lots regarding disregard for our rules. In past years, we have reached out to Burlington Police Department (BPD) during the summer months to ask their Beach and Park Patrol to assist. Due to budget cuts, BPD did not have a Beach and Parks Patrol this summer, and we have noticed their absence.

Starting with staff concerns, Attorney St. James and I looked at what is in our ordinances and the “penalties” for disregarding rules. Combining our combing of the ordinances and the absence of Beach and Parks Patrol has led to our understanding of the enforcement capabilities we have at our Parks and Beaches.

Chapter 22 of the City Ordinances

Chapter 22 of the City Ordinances covers Parks. It is quite comprehensive covering everything from a listing of our Parks to consumption of alcohol. Some of the information is dated (hitching horses to trees is prohibited) but most is relevant.

<https://www.codepublishing.com/VT/Burlington/#!/Burlington22/Burlington22.html>

Beyond Chapter 22 is Appendix D of the ordinances that gets into the details on Rules and Regulations of our Department. <https://www.codepublishing.com/VT/Burlington/#!/BurlingtonAxD/BurlingtonAxD.html>

In Chapter 22 is section 23 which covers penalties for violating 15 of the sections of Chapter 22.

A violation of the following sections of this chapter shall be deemed a civil offense:

[Listed sections]

In addition, a violation of any provision of the rules and regulations of the parks and recreation department contained in Appendix D of this Code of Ordinances shall be deemed a civil offense. A violation of these sections or the rules and regulations shall be punishable by a civil penalty of from fifty dollars (\$50.00) to five hundred dollars (\$500.00). The waiver penalty for such offenses for purposes of the municipal complaint (civil ticket) shall be fifty dollars (\$50.00). Each day’s continued violation shall be a separate offense. The superintendent of parks, waterfront manager, city arborist, seasonal operations supervisors and all law enforcement officers are authorized to issue a municipal complaint for a violation of this chapter.



Next Steps

We will meet with the Attorney this fall to fully understand the steps involved to be authorized to issue a civil ticket. We will also explore taking ownership of the Parks and Beach Patrol where we anticipate standing up this expanded function. We see the potential for managing the many, many challenges at our parks including fireworks, beach fires, glass on beaches, dogs at beaches, off-leash dogs, etc. In addition, BPRW overseeing a Parks and Beach Patrol, takes out the need to bring a fully armed police officer into our parks for municipal violations.