

**TOWN OF WESTMORE, VERMONT  
NORTH BEACH ORDINANCE**

**SECTION 1. AUTHORITY.** This ordinance is adopted by the Selectboard of the Town of Westmore, Vermont under authority granted in 24 V.S.A. Chapter 59, 24 V.S.A. § 2291(10), (14), and (15).

**SECTION 2. PURPOSE.** The purpose of this ordinance is to regulate the use of North Beach in the Town of Westmore in order to protect the public health, safety and general welfare and to ensure for all citizens of Westmore that North Beach will be a clean, safe, and enjoyable place for their recreation.

The term North Beach, as used herein, shall mean all property owned or controlled by the Town of Westmore at the northern end of Willoughby Lake in the Town of Westmore, including all parking areas, said property being identified as Parcel No. 200-0564 on the Town of Westmore tax parcel maps.

**SECTION 3. LIMITATION OF LIABILITY.** All persons shall use the North Beach at their own risk. The Town of Westmore shall not be responsible for theft, personal injury, property damage or any other loss or damage of any type, however arising or occurring at North Beach.

**SECTION 4. FEES.** Reasonable fees may be assessed by the Town for the parking of vehicles, for the use of North Beach by individuals, and for permitted assemblies. The Westmore selectboard may from time to time establish a schedule of such fees, which shall be posted at the North Beach property.

**SECTION 5. HOURS OF OPERATION.** North Beach shall be open for public use from daylight to 11:00 p.m. daily or during such other times established by resolution of the Westmore selectboard.

**SECTION 6. GENERAL PROHIBITIONS.** The following conduct and activities shall be prohibited at North Beach:

- A. Overnight camping;
- B. Starting or making open fires;
- C. Operating portable cooking devices including charcoal barbecues and gas grills;
- D. Cutting, defacing, writing upon, removing or destroying any tree, shrub, rock, sign, building, table, bench, structure, equipment, facility or property whatsoever;
- E. Defecating or urinating except in facilities provided for that purpose;
- F. Being present on the North Beach property outside of the hours of operation set forth in Section 5.

**SECTION 7. DOGS AND OTHER DOMESTIC PETS.** Dogs and other domestic pets shall be prohibited from the Saturday preceding Memorial Day to Labor Day. At all other times, the person in control of a dog or domestic pet that defecates shall immediately remove the fecal material and dispose of it in a sanitary manner.

**SECTION 8. ASSEMBLIES.** No person shall engage or participate in, aid, form, or organize any assembly or group or conduct any program or entertainment at North Beach except in

accordance with a permit issued by the Westmore selectboard. Application for an assembly permit shall be made on a form provided by the Town specifying the name, address, and contact information of the applicant, the name of any sponsoring organization, the date and type of the proposed assembly, the estimated attendance, and the hours during which the activity will be conducted.

The Westmore selectboard may issue a permit if it finds the applicant's use of North Beach will not materially interfere with enjoyment and use of North Beach by the general public, based on consideration of whether the applicant's activity:

- A. Will detract from residents' opportunities of recreation;
- B. Will unreasonably infringe on the public health, safety, and welfare;
- C. Will interfere with traffic or burden police services;
- D. Is likely to result in personal injury or property damage, invite violence, crime, or disorderly conduct;
- E. Is for the primary purpose of advertising products, goods or services or for purely private profit.

The Westmore selectboard may impose reasonable conditions upon the issuance of a permit, including, but not limited to, requiring a bond to cover possible damage to Town property, maintaining adequate liability insurance, and procuring law enforcement coverage. Any permit issued hereunder may be revoked for violation of this ordinance or breach of permit conditions. As set forth in Section 4, a fee may be imposed as a condition of issuance of a permit.

**SECTION 9. ENFORCEMENT.** The violation of this ordinance shall be a civil offense. All actions for violation of this ordinance shall be brought before the Vermont Judicial Bureau, unless the penalty for all continuing violations is greater than \$800.00 or injunctive relief is sought, in which case the action shall be brought in the Criminal Division of Superior Court. Any law enforcement officer may act as an issuing municipal official and issue and pursue a municipal complaint for violation of this ordinance before the Judicial Bureau.

**SECTION 10. PENALTY AND WAIVER FEE.** A civil penalty of not more than \$800.00 per violation may be imposed for violation of this ordinance. The waiver fee shall be \$50.00 for the first offense, \$250.00 for the second offense, and \$800.00 for each subsequent offense, except that the waiver fee for failure to obtain an assembly permit under Section 8 of this ordinance, or adhere to any conditions of an assembly permit, shall be \$500.00. Each day that a violation continues shall constitute a separate violation of this ordinance.

**SECTION 11. EFFECTIVE DATE.** This ordinance shall become effective 60 days after its adoption by the Westmore selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

**SECTION 12. OTHER LAWS.** This ordinance is in addition to all other ordinances of the Town of Westmore and all applicable laws of the State of Vermont.

**SECTION 13. SEVERABILITY.** If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

**SECTION 14. REPEAL OF PRIOR PARKING ORDINANCES.** The Town of Westmore Ordinance Regulating Conduct in Public Parks, dated March 31, 1980 is hereby repealed.

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\_\_\_\_\_  
DATE

**Adoption History**

1. Agenda item at regular selectboard meeting held on \_\_\_\_\_.
2. Read and approved at regular selectboard meeting on \_\_\_\_\_ and entered in the minutes of that meeting which were approved on \_\_\_\_\_.
3. Posted in public places on \_\_\_\_\_.
4. Notice of adoption published in the \_\_\_\_\_ newspaper on \_\_\_\_\_ with a notice of the right to petition.
5. Other actions [petitions, etc.]