

## ORDINANCE REGULATING SIDEWALKS, RECREATION AND BICYCLE PATHS

The Selectboard of the Town of Williston hereby ordains:

### SECTION 1. General Provisions

- (a) Purpose. It is the purpose of this ordinance to regulate the use of sidewalks, (hereinafter “sidewalks”) and recreation and bicycle paths (hereinafter “recreation paths”) in the Town of Williston to promote the public health, safety and welfare of users of such sidewalks and paths.
- (b) Definition – Sidewalks are generally six (6) feet wide or less. Recreation Paths are generally six (6) feet wide or greater.
- (c) Authority. This ordinance is adopted pursuant to the authority contained in 24 V.S.A. §2291(1) and (15). This ordinance shall constitute a civil ordinance within the meaning of 24 V.S.A., Chapter 59.
- (d) Sidewalks and Recreation paths will be operated, maintained and supervised by the Williston Public Works Department.
- (e) Users of the sidewalks and recreation paths do so at their own risk. The Town of Williston is not responsible for theft, personal injury, property damage or any other loss.
- (f) The Town of Williston expressly reserves the right to close all or a portion of the recreation paths at the direction of the Williston Public Works Department should such closure be necessary to promote the public health, safety and welfare.

### SECTION 2. Use of Sidewalks/Recreation/Bicycle Paths

- (a) All motorized vehicles of every kind and description are prohibited from the Town of Williston sidewalks and recreation paths, except for wheelchairs, scooters and other motorized devices used by persons with recognized disabilities, emergency response vehicles, and authorized Williston maintenance and enforcement vehicles.
- (b) Racing of bicycles is prohibited on sidewalks and recreation paths except as otherwise provided herein. Racing of bicycles on recreation paths may be allowed

if sponsored, organized and administered by the Williston Public Works Department, and or permitted by the Williston Public Works Department.

(c) Pedestrians have the right of way on the sidewalks and recreation paths.

(d) Users of the sidewalks and recreation paths shall observe and obey the following rules:

1. All users shall stay to the right side of the sidewalk or recreation path except when passing.
2. Passing shall be done on the left of the person(s) being passed. Users shall warn others prior to passing them by announcing "passing to your left" or some other suitable warning.
3. Users shall travel single file when necessary for safety.
4. Users shall obey all applicable traffic rules and regulations, including coming to a complete stop at all stop signs.
5. All users shall travel only at such speeds and in such a manner as is safe under the circumstances, including current weather conditions and the condition of the path surface.

(e) All dogs must be leashed on a maximum 6' leash. Dog droppings shall be removed from the sidewalks or recreation path and the right of way, by the person responsible for the dog.

(f) No person shall have use of the sidewalks or recreation paths for commercial purposes unless first receiving the express approval of the Williston Selectboard.

(g) No person shall litter on or adjacent to the sidewalks or recreation paths.

(h) No excavation of the sidewalks or recreation paths shall occur without the prior written approval of the Williston Public Works Department.

(i) No snow shall be deposited in the traveled portion of the sidewalks or recreation paths by property owners whose property adjoins the sidewalks or recreation paths.

### SECTION 3. Enforcement and Penalties

(a) Any person who violates a provision of this civil ordinance shall be subject to a

civil penalty for each day that such violation continues. The Administrative Officer or any Law Enforcement Officer of the Town of Williston shall be authorized to act as an Issuing Municipal Official to issue and pursue violations before the Judicial Bureau a municipal complaint.

- (b) Waiver Fee. An Issuing Municipal Official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amounts, for any person who declines to contest a municipal complaint and pay the waiver fee:

	<u>Individual</u>
First Offense:	\$ 25.00
Second Offense:	\$ 50.00
Subsequent Offenses:	\$100.00

Offenses shall be counted on a calendar-year basis.

- (c) Civil Penalties. An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation:

	<u>Individual</u>
First Offense:	\$ 50.00
Second Offense:	\$ 75.00
Subsequent Offenses:	\$125.00

Offenses shall be counted on a calendar-year basis.

- (d) Other Relief. In addition to the enforcement procedures available before the Judicial Bureau, the Town Manager is authorized to commence a civil action to obtain injunctive relief authorized by the Williston Selectboard or to pursue any other remedy authorized by law.

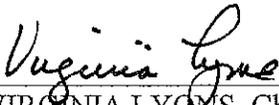
#### SECTION 4. Severability

Any part or provision of this ordinance shall be considered severable, and if any provision of this ordinance or the application thereto to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provisions of application, and to this end the provisions of this ordinance are declared severable.

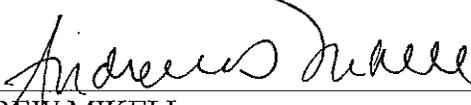
This ordinance shall be effective upon adoption.

Executed at Williston, Vermont, this 2<sup>nd</sup> day of May 2005.

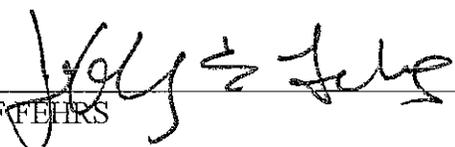
WILLISTON SELECTBOARD:

  
\_\_\_\_\_  
VIRGINIA LYONS, Chair

  
\_\_\_\_\_  
EDWARD KENNEY

  
\_\_\_\_\_  
ANDREW MIKELL

  
\_\_\_\_\_  
TERRY MACAIG

  
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JEFF FEHRS