

TOWN OF BOLTON, VERMONT

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NOTICE OF ADOPTION OF ORDINANCE FOR USE OF THE TOWN OF BOLTON  
WATER WOODS (NEBIKPIWI) CONSERVATION AREA

On April 3, 2023, the Select Board of the Town of Bolton, Vermont, adopted the “ORDINANCE FOR USE OF THE TOWN OF BOLTON WATER WOODS (NEBIKPIWI) CONSERVATION AREA,” pursuant to 24 V.S.A. § 1972. This notice is published pursuant to 24 V.S.A. § 1972 to inform the public of this adoption and of the citizens’ rights to petition for a vote to disapprove this adoption.

THE FULL TEXT OF THE ORDINANCE IS AS FOLLOWS:

**ORDINANCE FOR USE OF**  
**THE TOWN OF BOLTON**  
**WATER WOODS (NEBIKPIWI) CONSERVATION AREA**

WHEREAS The Town of Bolton, Vermont (“Town”) owns the Water Woods (Nebikpiwi) Conservation Area on the north side of the Winooski River between said River and U.S. Route 2 (“WWCA”); and

WHEREAS the WWCA is dedicated to, and preserved for, the enjoyment of nature by the citizens of the Town of Bolton and the general public subject to reasonable and lawful limitations imposed by the Town; and

WHEREAS persons using the WWCA have parked illegally, parked in and blocked private driveways, have obstructed the adjacent public highway and right of way on Duxbury Road, have engaged in behavior that disturbs the peace and tranquility of the WWCA and its environs including engaging in loud and obnoxious social gatherings during the day and at nighttime, and there has been improper disposal of trash and human waste on and in the vicinity of the WWCA; and

WHEREAS the Town believes that the conduct described above and experienced at the WWCA is inconsistent with public health and safety, constitutes a disturbance of the peace, interferes with the privacy and rights of adjacent landowners, is a public nuisance, and imperils the traveling public and other users of the WWCA:

NOW THEREFORE the Town hereby ORDAINS as follows:

**AUTHORITY**

Pursuant to the provisions of Title 23, Vermont Statutes Annotated, Section 1008, and Title 24, Vermont Statutes Annotated Sections 1971 and 2291(14) and (15), it is hereby ordained by the Select Board of the Town that the following Ordinance is adopted as a civil ordinance.

**ARTICLE I: DEFINITIONS**

The definitions of Title 23 Vermont Statutes Annotated, Section 4 are incorporated by reference, and the definitions of Title 24 section 2291 are incorporated herein by reference.

## ARTICLE II: SCOPE AND PURPOSE

The ordinance establishes special noise and usage regulations applicable to the WWCA and public highways adjacent thereto including Duxbury Road; and regulates the time, manner, parking, and location of motor vehicles adjacent to the WWCA. Any Vermont certified law enforcement officer is authorized to enforce this Ordinance.

## ARTICLE III: TRAFFIC CONTROL DEVICES

Section 1. It shall be unlawful for any person to disobey the direction of a traffic control device except in response to specific direction from a law enforcement officer.

Section 2. It shall be unlawful for any person to intentionally remove, damage, obstruct, deface, alter, or tamper with any traffic control device.

Section 3. It shall be unlawful for any person to install any sign or device resembling or which could be mistaken for a traffic control device installed or posted by the Town, except with the prior written approval of the Select Board.

Section 4. The parking of vehicles shall be governed by the Traffic Ordinance for The Town of Bolton.

## ARTICLE IV: USE OF THE WWCA

Section 1. The WWCA shall be open to non-motorized use by the public from dawn to dusk daily. The WWCA shall be closed to the public from dusk to dawn daily. It shall not be a violation of this Ordinance if day and through hikers transit the WWCA prior to dawn or after dusk as part of a hike without stopping on said WWCA for more than 5 minutes. An unauthorized person who remains for more than 5 minutes on the WWCA while the park is closed shall be in violation of this ordinance.

Section 2. It shall be unlawful for any person to possess drugs or illicit substances or open containers of alcohol; to use alcohol and/or drugs; to ignite or discharge fireworks; to ignite, fuel, perpetuate or have a fire; to defecate or leave human or animal waste; to litter or dispose of trash; to play loud music or electronically amplify sound or to make noise that can be heard more than fifty yards from the noise source. It shall also be unlawful to traverse or travel on or across the WWCA for the purpose of engaging in or facilitating any of the prohibited activities listed in this section on property located within one hundred yards (100 yards) of any boundary of the WWCA.

## ARTICLE V: PENALTY AND ENFORCEMENT

Section 1. Any person in violation of any provision of Article IV of this Ordinance shall be subject to a civil penalty for each violation. Civil penalties shall be assessed and collected in accordance with the Vermont Statutes Annotated pertaining to civil ordinance penalties and violations. The Chair of the Select Board (or a designee of the Select Board), Road

Commissioner, Road Foreman and Constable of the Town, and any law enforcement officer is authorized to act as Issuing Municipal Officials to issue and pursue complaints before a tribunal with competent jurisdiction over the violation.

- a. The Chair of the Select Board (or a designee of the Select Board), Road Commissioner, Road Foreman and Constable of the Town of Bolton, and any law enforcement officer shall be authorized to recover a waiver fee in leu of civil penalty in the following amounts from any person in violation of any provision of Article IV of this Ordinance who chooses not to contest a municipal complaint and pays the applicable waiver fee:

First Offense	\$ 100.00
Second Offense	\$ 200.00
Third Offense and Subsequent Offenses	\$ 300.00

- b. The Chair of the Select Board (or a designee of the Select Board), Zoning Administrator, Road Commissioner, Road Foreman, Health Officer, Constable and Animal Control Officer of the Town of Bolton, and any law enforcement officer shall be authorized to recover civil penalties in the following amounts for each violation of this Ordinance:

First Offense	\$200.00
Second Offense	\$300.00
Third Offense and Subsequent Offenses	\$400.00

Section 2. Any violation of this Ordinance constituting a parking violation shall be enforced and have the same penalties as established in the Traffic Ordinance for The Town of Bolton.

Section 3. This Ordinance in no way limits the remedies available to the Town. The Town may seek restitution, damages or other remedies in the event of damage to Town property.

#### ARTICLE VI: SEVERABILITY

In the event that any portion of this Ordinance is determined to be invalid, such determination and invalidation shall not affect the validity of enforceability of the remaining provisions of this Ordinance.

#### ARTICLE VII: EFFECTIVE DATE

This Ordinance shall become effective sixty (60) days following adoption by the Select Board unless a petition is timely filed pursuant to 24 V.S.A. § 1973 in which case this Ordinance shall take effect pursuant to 24 V.S.A. § 1973(e).

Adopted on April 3, 2023

Bolton Select Board Members:  
Lynda DesLauriers, Chair  
Paula Gervia, Vice Chair  
Andre Pond  
Richard Reid  
Leah Scott

#### CITIZEN'S RIGHT TO PETITION FOR VOTE

Title 24 V.S.A. § 1973 grants citizens the right to petition for a vote at a special or annual Town Meeting to disapprove an ordinance adopted by the Select Board. To exercise this right, citizens must present to the Select Board or the Town Clerk a petition for a vote on the question of disapproving the Ordinance signed by not less than five percent (5%) of the Town's qualified voters. The petition must be presented within forty-four (44) days following the date of adoption of the Ordinance. Unless a petition requesting a vote is filed pursuant to 24 V.S.A §1973, the ORDINANCE FOR USE OF THE TOWN OF BOLTON WATER WOODS (NEBIKPIWI) CONSERVATION AREA shall become effective sixty (60) days from the date of said adoption.

#### PERSON TO CONTACT

Additional information pertaining to the Ordinance may be obtained by contacting Amy Grover, Town Clerk, at 30545 Theodore Roosevelt Highway, Bolton, VT 05676 or by calling 802-434-5075 during regular office hours.