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OFFENSES AND MISCELLANEOUS PROVISIONS
Re City Hall Park Ordinance

That Chapter 21, Offenses & Miscellaneous Provisions, of the Code of Ordinances of the City of Burlington be and hereby is amended by adding new Sec. 21-48 thereto to read as follows:

Sec. 21-48. City Hall Park.

(a) Prohibited activities. Notwithstanding other rules and regulations, the following activities are prohibited at City Hall Park and may be ticketed under this Ordinance.

(1) Disorderly Conduct. Any person who, with the intent to cause public inconvenience, or annoyance or recklessly creating a risk thereof:

(a) Engages in fighting or in violent, tumultuous or threatening behavior; or

(b) Makes unreasonable noise; or

(c) In a public place uses abusive or obscene language; or

(d) Without lawful authority, disturbs any lawful assembly or meeting or persons; or

(e) Obstructs vehicular or pedestrian traffic

(2) Unlawful Mischief. Any person who, having no right to do so or any reasonable ground to believe that he has such a right, intentionally does damage to property, private or public.

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(3) Possession of open or opened intoxicating liquor as defined in 23 V.S.A. § 1200(4), except as permitted pursuant to an outdoor consumption permit for properly organized and supervised activities or events held within the limits of City Hall Park.

(4) Possession of a regulated drug as defined in 18 V.S.A. § 4201(29).

(b) *Enforcement:*

(1) First offense. Any violation of any provision of subsection (a) above shall be deemed a civil offense and shall be punishable by a penalty of a minimum fine of two hundred dollars (\$200.00) to a maximum fine of five hundred dollars (\$500.00). The waiver penalty for purposes of the municipal complaint (civil ticket) shall be two hundred dollars (\$200.00). The recipient of a municipal complaint for violation of this section (first offense) shall not be permitted within the City Hall Park for the balance of the day on which the alleged offense occurred.

(2) Second Offense. Any violation of any provision of subsection (a) above by an individual who has previously violated any provision of subsection (a) above shall be deemed a civil offense and shall be punishable by a penalty of a minimum fine of three hundred dollars (\$300.00) to maximum fine of five hundred dollars (\$500.00). In addition, the recipient of a municipal complaint for violation of this section (second offense) may be issued an order of no trespass prohibiting the recipient from entering the City Hall Park for a period of up to 90 days commencing immediately upon said issuance. The waiver penalty for purposes of the municipal complaint (civil ticket) second offense shall be three hundred dollars (\$300.00); payment of which shall also be deemed acceptance of the no trespass order. Both the fine and the no trespass order may, at the discretion of the prosecuting official, be waived in whole or in part upon the successful completion of a restorative or reparative justice program through the Community Justice Program.

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(3) Third and subsequent Offense. Any violation of any provision of subsection (a) above by an individual who has on two or more occasions violated any provision of subsection (a) above shall be deemed a civil offense and shall be punishable by a penalty of from fifty dollars (\$50.00) to five hundred dollars (\$500.00). In addition, the recipient of a municipal complaint for violation of this section (third and subsequent offense) may be issued an order of no trespass prohibiting the recipient from entering the City Hall Park for a period of up to one (1) year commencing immediately upon said issuance. The waiver penalty for purposes of the municipal complaint (civil ticket) third or subsequent offense shall be four hundred dollars (\$400.00); payment of which shall also be deemed acceptance of the no trespass order. Both the fine and the no trespass order may, at the discretion of the prosecuting official, be waived in whole or in part upon the successful completion of a restorative or reparative justice program through the Community Justice Program.

* Material underlined added.