

Town of Waterboro

Enacted: November 17, 2009

Amended: January 26, 2010 and July 12, 2016

Title: Regulation of Parks and Recreational Spaces

PURPOSE:

The purpose of this Ordinance is to regulate the appropriate uses of parks and recreation spaces in the Town of Waterboro; to ensure the preservation of the natural environment for current and future generations; to promote a healthy and safe environment acknowledging that tobacco-use and exposure to second hand smoke are contrary to enhancing the quality of life; providing safe environments and establishing them as tobacco-free zones; and to promulgate standards that protect the peace and tranquility of citizens.

The provisions of this Ordinance supersede all other ordinances enacted prior to this Ordinance governing the Parks and Recreational spaces of the Town of Waterboro.

Section 1 – **GENERAL REGULATIONS**

Publicly owned land designed as parks and recreational areas are hereby regulated by the provisions of this Ordinance:

- 1.01.1 All designated parks and recreational spaces including, but not limited to, parking lots, picnic areas, beaches and swimming areas, boat launches, tennis courts, basketball courts, baseball fields, soccer fields, horseshoe pits and playgrounds shall be closed to the public from 9:00pm to 6:00am each calendar day. Parks and recreational spaces may be open beyond normal hours by permit from the Board of Selectmen, Town Administrator or Director of Parks and Recreation upon application. Municipal employees performing necessary maintenance or an inspection; law enforcement in the performance of their duties, or municipal officers performing an official function are exempt.
- 1.01.2 No person shall create a fire unless first obtaining a permit from the Waterboro Fire Department, and only in locations that have been specifically approved by the Town or its duly constituted agents.

- 1.01.3 No person shall cut any tree or other flora unless authorized by the Town, or its duly constituted agents.
- 1.01.4 No person shall kill, wound, maim, torment or otherwise injure any fauna or wildlife unless required to do so for the protection of human life or to prevent serious bodily injury. This section shall not be construed to prevent lawful hunting on land under the control of the Waterboro land trust and regulated by Maine statute.
- 1.01.5 No person shall possess or use any illegal substance, contraband or explosive device.
- 1.01.6 The use of tobacco products in any form is prohibited. All Waterboro Parks and Recreational Spaces are designated as Tobacco-Free Zones. We acknowledge tobacco-use in and around the Town of Waterboro Parks and Recreation facilities sends contrary messages to young people being encouraged to participate in activities beneficial to their health. Being exposed to the use of tobacco products and second hand smoke, which contains many harmful chemicals and cancer-causing agents, is a serious health risk to humans, especially infants, children and pregnant women and increase a non-smokers risk for asthma, heart disease and lung cancer.
- 1.01.7 The possession or use of alcohol is prohibited except as may be authorized by permit, upon application, from the Board of Selectmen. The exception does not apply to youth sporting events in which case there shall be no alcohol use nor a permit issued.
- 1.01.8 Pets are not permitted in any park or recreation space except where otherwise posted. This prohibition does not apply to bona fide service dogs or law enforcement K-9 in the performance of duty.
- 1.01.9 Persons using any area enumerated in Section 1.01.0 shall ensure that after use, the area will be free of debris, trash, bottles, cans, diapers, refuse or garbage generated by their use.
- 1.01.10 The use of profanity, racial slurs, gender bias, hate bias or so called "fighting words" is prohibited.
- 1.01.11 Firearms are prohibited except by members of law enforcement.
- 1.01.12 No person shall alter, disfigure, destroy, remove or otherwise damage or render unusable, any barbecue, fireplace, fire extinguisher, picnic table, trash receptacle, light, sign, fence, wall, dam, flower bed, shrub, dock, buoy, restroom facility, steps, gate, flag,

playground equipment, pole, net, maintenance or equipment shed and equipment, walkway, backstop, bleacher, bench, grandstand, gazebo or structure.

1.01.13 It shall be prohibited for any person to fail to comply with a directive from any duly constituted agent of the Town of Waterboro, after that agent has identified him/herself, and the activity violates any provision of this Ordinance.

1.01.14 No person shall offer any vehicle, conveyance or other item for sale on any municipally owned park or recreational space without written approval from the Board of Selectmen.

1.01.15 All areas covered by this Ordinance are designated as "Safe Zones" pursuant to Title 30-A, section 3253, and shall be posted as required by Title 17-A, section 1101, subsection 23.

1.01.16 It shall be a violation of this Ordinance for any person to construct, install, fabricate, maintain or use a swing on or in any land owned or controlled by the Town, except for such devices that have been professionally installed by, or at the direction of the Department of Parks and Recreation or authorized by the Board of Selectmen. This section shall not be construed to prevent the Waterboro Land Trust from authorizing such devices on land under the control of the Trust.

Section 2 – DEFINITIONS

2.01.0 **DULY CONSTITUTED AGENT:** A duly constituted agent of the Town may include the following:

- I. Selectmen
- II. Town Administrator
- III. Road Commissioner
- IV. Fire Chief
 - a. Fire Department Personnel
- V. Director of Parks and Recreation
 - a. Parks and Recreation Personnel
- VI. Law Enforcement
 - a. York County Sheriff's Office
 - b. Maine State Police
 - c. Maine Warden Service
 - d. Any other Law Enforcement Officer having jurisdiction
- VII. Code Enforcement Officer
- VIII. Public Works Department Personnel

2.01.01 **DISFIGURE:** To mar or spoil the appearance or shape of; deform.

2.01.2 **TOBACCO PRODUCT:**

- I. Cigarette
- II. Cigar or Blunt
- III. Pipe
- IV. Chewing Tobacco
- V. Snuff
- VI. Electronic nicotine delivery systems

2.01.3 **EXCLUSIVE:** Not including

2.01.4 **REFUSE:** Food that is discarded

2.01.5 **PARKS AND RECREATIONAL SPACES:** A list of parks and recreational spaces shall be attached as an addendum to this Ordinance and may be updated as necessary by the Board of Selectmen without public hearing or substantive change to the Ordinance. The list shall be for reference purposes only.

2.01.06 **EMERGENCY VEHICLE:** Any law enforcement vehicle; fire apparatus, forestry or other fire vehicle; rescue or emergency services equipment vehicle; Emergency Management Vehicle, Command Post or Red Cross vehicles during an emergency.

2.01.07 **MAINTENANCE VEHICLE:** Any truck, mower, tractor, trailer, grader, back-hoe, bull dozer, excavator, compactor, rake, tiller or combination thereof, or such other vehicles used to maintain the esthetic qualities of the park or recreational space.

2.01.8 **PLAYING FIELD:** Baseball diamond, soccer field, field hockey field, football field, lacrosse field, track or other surface used for any sport or recreational activity.

2.01.9 **SWING:** A swing shall be any rope, cord, strap or chain attached to a tree, tree limb, fixed or moveable object with or without a seat for swinging to and fro, or for swinging to and releasing for pleasure.

Section 3 – **SIGNAGE**

3.01.0 All parks and recreational spaces shall be appropriately signed to include the hours of use and other such wording as deemed essential by the Board of Selectmen.

Section 4 – **PARKING**

4.01.0 Parking is prohibited on any playing field, tennis court, basketball court, volleyball court or playground or beach.

4.01.1 Parking is prohibited on any seeded area unless otherwise posted.

4.01.2 Vehicles parked in violation of this Ordinance are subject to the provisions and penalties as enumerated in the **PARKING AND TRAFFIC ORDINANCE**.

4.01.3 This section does not apply to emergency vehicles or maintenance vehicles and equipment.

Section 5 – **ENFORCEMENT**

5.01.0 Any law enforcement officer having jurisdiction is authorized to enforce the provisions of this ordinance by warning, removal, summons or any combination thereof.

5.01.1 Any law enforcement officer may enforce, at his/her discretion, any applicable Maine State Statute in lieu of the corresponding section of the Ordinance, to include physical arrest if appropriate.

5.01.2 Any municipal official or employee shall have the authority to enforce provisions of the Ordinance exclusive of the power to arrest or summons, but retain the right to warn or ask the offending party to leave.

Section 6 – **PENALTIES**

6.01.0 Any person who violates the provisions of this Ordinance commits a civil violation.

6.01.2 Any person having been adjudicated in a Court having jurisdiction of a violation of the provisions of this Ordinance shall be fined no less than \$50.00 nor more than \$100 in the case of the first offense; and not less than \$100 nor more than \$500 in the case of a second or subsequent offense.

6.01.3 Any fine levied by the court shall be payable to the Town of Waterboro, less 10% for the court.

6.01.4 The Board of Selectmen may prohibit any person who violates a provision of this Ordinance from using the parks and recreational spaces or facilities for any period of time specified by the Board, in writing, to the offending parties.

Section 7 – **ENACTMENT AND AMENDMENT PROCEDURES**

7.01.0 Pursuant to 30-A M.R.S.A. §3009, the municipal officers shall have exclusive authority to enact and amend this ordinance to regulate the use of municipally owned or controlled parks and recreational spaces within the Town of Waterboro.

7.01.1 When enacting or amending this ordinance, the municipal officers shall give 7 days' notice of any meeting at which enactment or amendments are to be considered. That notice shall be given in the manner provided for town meetings.

7.01.2 This Ordinance and any amendment thereto, shall become effective immediately upon enactment by the municipal officers.

Section 8 – **SEVERABILITY**

8.01.0 If any part or provision of this ordinance is, for any reason, held to be illegal, unconstitutional or unenforceable, that determination shall not affect the validity of the remainder of the ordinance.

Section 9 – **INCONSISTENCY WITH OTHER ORDINANCES OR REGULATIONS**

9.01.0 If any provision of this Ordinance is inconsistent with the provisions of any other Town ordinance, the provisions of this Ordinance shall apply.

ADDENDUM TO PARKS AND RECREATIONAL SPACE ORDINANCE

The following is a list of the current parks and recreational spaces in the Town of Waterboro as of April 6, 2016.

This addendum may be updated as necessary without a public hearing or change of intent to the Ordinance

- I. Gobeil Park
- II. Friendship Park
- III. Lions Club Park
- IV. Love Island
- V. Mill Pond Park
- VI. Bob Fay Memorial Park (formerly Ossipee Pines)
- VII. Waterboro Pine Barrens (formerly Gilbert land Preserve)
- VIII. Waterboro Town Hall