

**TOWN COUNCIL
Town of Falmouth, Maine
July 25, 2011**

**An Ordinance Amending Chapter 14- Streets, Sidewalks and Other Public Places,
Article IV. - Parks and Public Grounds**

Be it ordained by the Town Council of the Town of Falmouth, Maine in Town Council assembled, that the Falmouth Code of Ordinance be amended as follows:

ARTICLE IV. USE OF PARKS AND PUBLIC GROUNDSLANDS

Sec. 14-121. Establishment and purpose of rules and regulations.

The rules and regulations as set out in this article are hereby established for the management and protection of the parks and other public ~~grounds-lands, defined as areas operated as recreational areas or conservation areas,~~ owned by the Town of Falmouth and for the protection of the persons lawfully entitled to use same.

(1) Park hours of operation.

- a. Parks and public lands shall normally be open to the public from sunrise until sunset unless otherwise posted. The public is prohibited from being in parks when they are closed to public use except as authorized by ~~the director of parks Parks and community programs Public Works the Town Manager~~ or designee.
- b. The ~~director Town Manager~~ or designee is authorized to close any park or portion thereof at any time for the protection of park property or the public health, safety or welfare.

(2) Permits.

- a. Permits shall be required for the exclusive use of all or portions of park areas, buildings or trails and for the use of park areas and facilities when they are otherwise closed to the public. Permits for park use may be obtained from the Director of ~~parks Parks and community programs Public WorksCommunity Programs~~ or designee, who may require the permittee to provide proof of insurance in such form and in such amounts as the director or designee deems reasonable. Permits must be requested at least two (2) weeks in advance.
- b. Permits from the Director of ~~parks Parks and community programs Public WorksCommunity Programs~~ or designee shall be required for any gathering, entertainment, game, tournament, exhibition or similar use. The director or designee may require the permittee to provide proof of insurance in such form and in such amounts as the director or designee deems reasonable. Permission for the above listed uses must comply with the large outdoor event and the use of town and school facilities ordinances.

c. It shall be unlawful for any person to use, without payment, any facility or area for which a permit fee is required or user fee charged, unless payment has been waived.

(3) Unlawful occupancy. It shall be unlawful for any person to:

a. Enter any building or be upon any park area after the posted closing time or before the posted opening time, or contrary to posted notice in any park or while any park area or park building is under construction.

b. Use a park area or park building in a manner which requires a permit after having received a permit revocation during the time period specified.

(4) Alcohol/tobacco. ~~Participants and spectators may not consume alcohol or tobacco products at any scheduled/organized activity or event.~~ Alcoholic beverages and tobacco products are prohibited in park and public land areas.

(5) Solicitations and concessions. It shall be unlawful for any person to:

a. Solicit, sell or otherwise peddle any goods, wares, merchandise, services, liquids or edibles in a park except by authorized concession or written permission granted by the ~~director of parks and community programs~~ Town Manager or designee.

b. Expose, distribute or place any commercial sign, advertisement, notice, poster or display in a park without authorization from the ~~director of parks and community programs~~ Town Manager or designee. This prohibition shall not apply to signs erected in connection with recognition of sponsorship by a business or individual of non-profit events and athletic teams within the town, provided that the sign has been authorized by the Director of ~~parks and~~ Community Programs or designee.

c. Bring in, set up, construct, manage or operate any amusement or entertainment device without ~~a permit~~ permission from the Director of Community Programs or designee.

Other town permits and licenses may be required before engaging in the foregoing activities.

(6) Pets/animals.

a. All dogs must be on a leash, cord or chain, not longer than ten (10) feet, held by a person physically able to control the dog, during any scheduled/organized activity or event. Animals are not permitted in designated child play areas. Dogs are permitted to use trails and other designated areas off-leash as long as they are within voice command of their custodian.

b. It is a violation of this ordinance to allow a pet to disturb, harass or interfere with any ~~park town~~ employee or ~~park~~ visitor or to damage any ~~park town property~~ or visitor's property.

c. Any animal owner whose animal destroys or damages, ~~or injures any shrubbery, plants, flowers or anything on public property or a facility in a park or~~

~~other public grounds~~ any improved areas such as landscaping, fields, trails or equipment shall be responsible for the damage caused by the animal.

~~d. d. Pet custodians shall pick up their pet's feces and dispose of the feces in a sanitary manner, off park property. It shall be a violation of this ordinance for any person who owns, possesses or controls a dog to fail to remove and dispose of any feces left by his/her dog on any park, public lands, sidewalk or street. Removal of dog feces must be off park property or public lands.~~

~~e. Dogs must be leashed between April 1 and September 30 on designated conservation Parks and Public lands to avoid disturbing wildlife. (The Town Council shall designate, by order, public property to be protected in this section)~~

~~f. This section shall not apply to service dogs accompanying any person with a disability, who because of their disability is physically unable to comply with the requirements of this section.~~

~~g. The provision of this section 6 may be enforced by any designated representative of the Director of Parks and Public Works, the Chief of Police or their designee.~~

~~d.h. Notwithstanding the provisions of section 14-122, a violation of this section 6 shall be punished by a minimum fine of \$50 for the first offense, \$100 for the second offense and \$250 for the third offense.~~

(7) **Littering.** It shall be unlawful for any person to deposit, scatter, drop or abandon bottles, cans, broken glass, sewage, trash, waste or other material. Disposal of waste shall be in a sanitary manner off park property.

(8) **Release of harmful or foreign substances.** It shall be unlawful for any person to:

a. Place any debris or other pollutant in or upon any park or public lands or any body of water in or adjacent to a park or any tributary, stream, storm sewer or drain flowing into such waters.

b. Discharge wastewater or any other wastes in a park or public lands, except into designated containers, drains or dumping stations.

c. Release a pesticide in or upon any park or public land except as permitted by the Town.

(9) **Destruction/defacement/alteration of park and public land property/signs.** It shall be unlawful for any person to:

a. Intentionally deface, vandalize or otherwise cause destruction to park or public land property.

b. Intentionally deface, destroy, cover, damage or remove any placard, notice or sign, whether permanent or temporary, posted or exhibited by the ~~Department of Parks and Community Programs~~ Public Works. ~~Town.~~

c. Build an encroaching structure, such as a fence or garden, on park or public land property without the express written permission from the Director of Parks and ~~Community Programs~~ Public Works.

d. Erect a structure, create an impervious area or otherwise alter the developed or undeveloped area of parks and public lands without the express written permission from the Director of Parks and Public Works.

 (10) **Disturbance of natural features.** It shall be unlawful for any person to:

a. Intentionally remove, alter, injure or destroy any tree, turf, other plant, rock, soil or mineral without a permit.

b. Dig any trenches, holes or other excavations in a park or public land without ~~a permit~~permission from the Director of Parks and Public Works.

c. Introduce any plant, animal or other agent within a park without permission from the Director of Parks and Public Works.~~a permit~~.

 (11) **Hunting/wildlife.** It shall be unlawful for any person to:

a. Kill, trap, hunt, pursue or in any manner disturb or cause to be disturbed, any species of wildlife in any park or public land areas that are posted "No Hunting." All fishing, hunting and discharge of firearms shall be in accordance with state and local laws and ordinances. (The Town Council shall designate, by order, public property to be posted "No Hunting" in this section)

b. Remove any wild animal, living or dead, from a park or public land without necessary State permits or licenses.

c. Release or abandon any animal within a park or public land without necessary State permits or licenses.

d. Construct a permanent deer stand on town property, or fail to remove a temporary deer stand within seven days after the end of the deer hunting season.

 (12) **Possession and use of weapons/firearms/fireworks.** It shall be unlawful for any person to:

a. Possess, fire or discharge, or cause to be fired or discharged across, in or into any portion of a posted park or public land, any gun or firearm, spear, bow and arrow, crossbow, sling shot, air or gas weapon, paintball gun, or any other dangerous weapon or projectile, ~~except for purposes designated~~without permission from ~~by the Director of Parks and Community Programs in areas and at times designated by the Director or designee.~~

b. Possess, set off or attempt to set off or ignite any firecracker, fireworks, smoke bombs, ~~rockets~~, or other pyrotechnics without authorization of the Director ~~of Parks and~~ Community Programs or designee and the necessary State permits.

 (13) **Fires.** It shall be unlawful for any person to:

- a. Start an open fire in any park or public land (including for cookouts and camping) except by express permission from the Director of ~~parcs and~~ Community Programs or designee. Applicants requesting permission for a fire of any type must also acquire a fire permit through the Falmouth Fire Department.
- b. Scatter or leave unattended lighted matches, ashes, burning tobacco, paper or other combustible materials.

(14) **Snowmobiles.** Snowmobiles are permitted to travel on designated trails within parks and designated public ~~grounds-lands~~ owned by the town. Such designated lands to be determined by the Director of Parks and Public Works or their designee

(14a). **ATV's, motorized vehicles.** The operation of All-Terrain vehicles (ATV's), dirt bikes or other off-road vehicles are prohibited in all town parks and public lands.

(15) **Trails.** Trails within parks and public ~~grounds-lands owned by the Town~~ may generally be used for non-motorized recreation such as hiking, mountain biking, cross-country skiing and cross-country running and may otherwise be used as posted. -Trail users may propose new trail locations to Director of Parks and Public Works Department, but no new trails may be constructed on town property without town approval.

(16) **Personal conduct/public nuisance interference with others.** It shall be unlawful for any person to engage in any course of conduct or participate in any activity in any park or public land where such conduct or participation is unreasonably and unnecessarily hazardous to the personal safety of or impairs or limits the lawful use and enjoyment of the facility or area by other persons.

(17) **Noise/public disturbance.** It shall be unlawful for any person to:

- a. Make any unnecessary noise which disturbs the peace and quiet of the park or public land or causes discomfort or annoyance to park or public land visitors of normal sensitivity, except for special programs at dates and times as authorized by permit.
- b. Install, use or operate or permit the use or operation within the parks or public lands of any of the following devices:

1. Loudspeaker or sound amplifying equipment without a permit.
2. Radios, tape players, phonographs, television sets, musical instruments or other machine or device for the production or reproduction of sound in such a manner as to be disturbing or a nuisance to persons of normal sensitivity within the area of audibility.

(18) **Movement of benches, ~~/seats or,~~ athletic equipment or other park equipment.** No benches, seats, athletic equipment or other equipment of the town shall at any time be moved, removed or changed from their place/ altered without permission ~~to do so having been obtained by the director or community programs or designee, from the town.~~

(19) **Golf.** Practicing of golf is not permitted in any parks, playgrounds, or public grounds-lands owned by the Town, except where specifically designated or as authorized by the Director of ~~Parks and~~ Community Programs or designee.

(20) **Camping.** Overnight camping is prohibited in all parks and public ~~grounds~~ land~~owned by the town~~, except where specifically designated or as authorized by the Director of ~~parks and community programs~~ Community Programs -or designee.

(21) **Parking.** Parking or driving of any vehicle, including vehicles for the purposes of loading and unloading supplies and all catered or concession vehicles, is not permitted except where specifically designated or as authorized by the Director of ~~Parks and Public Works~~ parks and community programs Community Programs or designee.

(22) **Interference with employee performance of duty.** It shall be unlawful for any person to impersonate any employee of the Town or interfere with, harass or hinder any employee in the discharge of his/her duties.

(23) Archeological Digs, Historic Artifacts. Detecting, excavating and/or removing historical artifacts is prohibited on all town parks and public lands except with written permission granted by the Town Manager or their designee.

(Ord. of 5-22-2003)

Sec. 14-122. Penalty.

Penalties for violation of this article shall be as provided in section 1-14 of the Falmouth Code of Ordinances. In addition to such penalties, the ~~director of Parks and Public Works~~ parks and community programs ~~Town~~ may issue a written order to any person violating this article prohibiting that person from using town parks for a period of not more than one (1) year.