

TOWN OF NORTH YARMOUTH
REGULATIONS FOR THE USE OF
PARKS AND RECREATION AREAS
ORDINANCE

SECTION 1: TITLE

This ordinance shall be known and be cited as the “Regulations for the Use of Parks and Recreation Areas within the Town of North Yarmouth (Town).

SECTION 2: AUTHORITY

This ordinance is adopted pursuant to and consistent with Title 30-A M.R.S.A. Section 3001.

SECTION 3: PURPOSE

The purpose of this ordinance is to regulate the use of the public parks and recreation areas of the Town so as to preserve these areas for the use of members of the public and to protect these areas from misuse, damage, or destruction.

SECTION 4: PARK AND RECREATION AREAS DEFINED:

Subsection 4.1 Recreation Area Definition: All lands owned by the Town of North Yarmouth which allow public access by deed, conservation easement, Town Meeting vote, action of the Board of Selectmen or common practice.

Subsection 4.2 Park Definition: A subset of recreation areas; Those recreation areas with Town built infrastructure, outbuildings, etc. and/or established parking lots, existing upon them or associated with them at the time this ordinance is adopted and designated as parks by this ordinance, and those recreation areas subsequently designated as parks by action of the Board of Selectmen under Section 9.1

Subsection 4.3 For purposes of establishing rules and regulations, the following areas are designated as parks within the Town of North Yarmouth at the time of adoption of this ordinance.

- A. Wescustogo Park: All Town owned acreage where New Gloucester Road intersects with the Royal River
- B. Old Town House Park: All Town owned acreage behind the Old Town House on Memorial Highway including the boat launch
- C. Baston Park
- D. Veteran’s Memorial Park
- E. Sharp’s Field
- F. The Village Green, not including Wescustogo Hall
- G. Chandler Brook Preserve
- H. Portion of Public Work’s property bordered by Parsonage Road that contains the Sam Ristich Trail

Subsection 4.4 For purposes of establishing rules and regulations, the following areas are designated as recreation areas within the Town of North Yarmouth at the time of adoption of this ordinance:

- A. Eleanor Hayes Town Forest: East and West side of Memorial Highway
- B. Deer Brook Forest: All Town owned land adjacent to Wild Turkey Lane

SECTION 5: HOURS OF OPERATION

Subsection 5.1 All Town Parks shall be open to the public only between the hours of 5:00 A.M. and 9:00 P.M. No person shall be present in the parks outside of these hours without the permission of the Public Works Foreman or Administrative Assistant.

Subsection 5.2 Closures: Any park or section of any park may be declared closed to the public by the Public Works Foreman, the Administrative Assistant or the Board of Selectmen for any interval of time, and notice of such will be posted at the entrance of the park.

SECTION 6: TOWN DEPARTMENT OR TOWN CONTRACTED WORK

Subsection 6.1 All Town department or Town contracted work projects that occur in the park and recreation areas are exempt from Sections 5 and 9 of this Ordinance.

SECTION 7: PROHIBITED USES

Subsection 7.1 Littering: No person shall deposit any waste material in a park or recreation area, except in the receptacles so provided. Where receptacles are not provided, all such waste shall be carried away from the park or recreation area by the person or persons generating the waste.

Subsection 7.2 Camping Prohibited: No person or groups of persons shall use any park or recreation area in the Town of North Yarmouth for the purpose of overnight camping or either as a temporary or permanent abode of habitation.

7.2.1 Exception: After review by the Administrative Assistant and with the written permission of the Town's Code Enforcement Officer, non-profit groups are allowed to use a park or recreation area for overnight camping for a period of time not to exceed 5 days only if the chosen camping area will not be located in a resource protection or shoreland zoning district.

Subsection 7.3 Alcoholic Beverages: No person shall consume or possess alcoholic beverages in a park or recreation area with the exception of persons occupying Wescustogo Hall and adjacent outdoor areas pursuant to a valid rental agreement for the use of the Hall.

Subsection 7.4 Fires: No person shall build a fire in a park or recreation area, except as authorized by the Fire Chief or Administrative Assistant as part of a special event.

Subsection 7.5 On-site Sales: No person may offer for sale any food or merchandise within any park property without the approval of the Code Enforcement Officer pursuant to a Victualer's Permit procedure with the following exceptions:

7.5.1 Those individuals who have a valid rental agreement for the use of Wescustogo Hall;

7.5.2 Town sponsored events.

Subsection 7.6 Discharge of Firearms:

7.6.1 The discharge of firearms for target practice on any park or recreation area is prohibited.

SECTION 8: HUNTING & TRAPPING

Subsection 8.1 At the time of the ordinance adoption, there are existing designations of park and recreation areas that allow or disallow hunting and trapping by deed easement and/or restrictions. These designations will supersede language in this ordinance.

Subsection 8.2 Should any park or recreation areas have no such designation as referenced in Section 8.1, then the Board of Selectmen, following Section 10.1, shall establish for each park and recreation area a hunting and or trapping designation as defined in Section 10.

SECTION 9: VEHICLE OPERATION

Subsection 9.1 State Law Applies – All provisions of state law relating to the operation of motor vehicles shall apply within Town parks.

Subsection 9.2 Use Areas – No person shall operate any vehicle in a park on any areas except a public way, park road, parking area, and any other areas specifically designated by the Town.

Subsection 9.3 Night Parking Prohibited – A person shall not leave a vehicle, construction equipment or construction materials standing or parked at night in a park after closing hours, without written permission from the Administrative Assistant. Any vehicle found in a park after closing hours will be removed and stored at the expense of the owner.

Subsection 9.4 Restricted Vehicles – All terrain vehicles (ATVs) and motorized dirt bikes are not allowed in any of the park areas.

SECTION 10: BOARD OF SELECTMEN PROVISIONS

Subsection 10.1 The Board of Selectmen upon 1) receiving written recommendations from the Recreation Commission; 2) posting required notice; 3) completing a public hearing; shall have the authority:

10.1.1 To designate “parks” and “recreation areas” as property is acquired or located within the boundaries of the Town.

10.1.2 To modify rules and regulations referenced in Section 5, Section 7, and Section 9.4

10.1.3 To establish for each park and recreation area not previously designated by Section 7.1 a hunting and or trapping designation.

10.1.4 To establish procedures for the use and regulation of all park and recreation areas at least once annually.

Subsection 10.2 When establishing or modifying rules, regulations, designations or procedures, the Board of Selectmen shall attempt to accomplish the following purposes:

- 10.2.1 To assure safe and healthful conditions on all park and recreation areas;
- 10.2.2 To promote peaceful and considerate public use and enjoyment of the parks and recreation areas;
- 10.2.3 To minimize any nuisance, disturbance, interference, or safety concerns on adjoining or nearby lands
- 10.2.4 To protect or enhance the scenic, recreational and environmental value of the property and to prevent erosion, unreasonable disturbance of natural habitat and wildlife, and to prevent pollution;
- 10.2.5 To allocate the limited use of time and space fairly and equitably among various persons or groups seeking use of the parks and recreation areas;
- 10.2.6 To provide for efficient care and maintenance of all park and recreation areas.

SECTION 11: PENALTY

Any person found in violation of any provision of this ordinance shall be punished by a fine of not more than One Hundred dollars (\$100) per offense to be recovered on complaint for the use of the Town.

ADOPTED: JUNE 18, 2011