

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

SECTION 1: TITLE

1.1 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

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

SECTION 3: PURPOSE

3.1 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: DEFINITIONS

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

4.2 Park: 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 Select Board under Section 11.1.

4.3 Domestic Animal: A domestic animal means any of various non-venomous animals domesticated so as to live and breed in a tame condition. Specific but not limited to dogs, horses, cows, and goats.

4.4 User: A User is defined as a resident of North Yarmouth, Business, Organization or Visitor.

SECTION 5: DESIGNATED AREAS

5.1 **Parks** - For purposes of establishing rules and regulations, the following areas are designated as parks within the Town of North Yarmouth.

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;

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- D. Sharp's Field;
- E. The Village Green;
- F. Chandler Brook Preserve;
- G. Sam Ristich Trail - Portion of Public Work's property bordered by Parsonage Road;
- H. Former North Yarmouth Memorial School - Those portions of the Sam Ristich Trail that intermix with the property;
- G. Knight's Pond Preserve - Specifically the North Yarmouth portion.

5.2 **Recreation Areas** - 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 6: HOURS OF OPERATION

- 6.1 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 Director or Town Manager.
- 6.2 Closures: Any park or section of any park may be declared closed to the public by the Public Works Director, the Town Manager or the Select Board for any interval of time, and notice of such will be posted at the entrance of the park.

SECTION 7: TOWN DEPARTMENT OR TOWN CONTRACTED WORK

- 7.1 All Town departments or Town contracted work projects that occur in the park and recreation areas are exempt from Sections 6 and 11 of this Ordinance.

SECTION 8: DOMESTIC ANIMALS IN PARKS

- 8.1 North Yarmouth Parks are for the enjoyment of North Yarmouth citizens and their guests. It is the goal of NY that citizens can bring domestic animals to our parks for their owners' enjoyment and the animal. Priority shall always be given to citizens, wildlife, and the parks themselves. Citizens should be able to address issues between themselves using the rules, but may refer disputes to the Animal Control Officer or Town Manager.
- 8.2 Commercial businesses, groups, or organized groups (profit or non-profit) must obtain permission from Town Manager for use. Fee shall apply.

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- 8.3 All domestic animals must be under the control of owners, leash, harness or immediate voice recall.
- 8.4 Any user must leash and or harness their domestic animal if requested to do so by another user.
- 8.5 All users shall clean up after their domestic animal.
- 8.6 Domestic animals shall not harass wildlife, the user shall leash and or harness their animal if this occurs.
- 8.7 Damage to Parks by domestic animals shall be repaired by user or charged to user by Town.
- 8.8 Domestic animals that pose risk to citizens, other domestic animals, wildlife, or the park infrastructure can and will be barred from NY parks at the Town Manager's discretion. Progressive restrictions may not be warranted.
- 8.9 Grazing of animals is not allowed unless permission is granted by the Town Manager in conjunction with a weed control program or other conservation effort.
- 8.10 Organized town events take precedence over domestic animal use, specifically off leash or harness use.
- 8.11 Where allowed, hunting will not be curtailed in favor of domestic animal use. State law shall apply to users deliberately impeding a legal hunt.
- 8.12 These rule apply to all users. Citizens and guests of NY may be subject to being barred from the use of NY parks. Citizens may appeal restrictions to the Select Board, through the Town Manager.

9. PROHIBITED USES

- 9.1 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.
- 9.2 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.

Exception: After review by the Town Manager 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 five (5) days only if the chosen camping area will not be located in a Resource Protection or Shoreland Zoning District.

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- 9.3 Alcoholic Beverages: No person shall consume or possess alcoholic beverages in a park or recreation area.
- 9.4 Fires: No person shall build a fire in a park or recreation area, except as authorized by the Fire Rescue Chief and Town Manager as part of a special event.
- 9.5 On-site Sales: No person may offer for sale any food or merchandise within any park property without permission from the Town Manager.
- 9.6 Discharge of Firearms: The discharge of firearms for target practice on any park or recreation area is prohibited.

SECTION 10: HUNTING & TRAPPING

- 10.1 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.
- 10.2 Should any park or recreation area have no such designation as referenced in Section 8.1, then the Select Board, following Section 12.1, shall establish for each park and recreation area a hunting and or trapping designation as defined in Section 12.

SECTION 11: VEHICLE OPERATION

- 11.1 State Law Applies – All provisions of state law relating to the operation of motor vehicles shall apply within Town parks.
- 11.2 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.
- 11.3 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 Town Manager. Any vehicle found in a park after closing hours will be removed and stored at the expense of the owner.
- 11.4 Restricted Vehicles – All terrain vehicles (ATVs) and motorized dirt bikes are not allowed in any of the park areas.

SECTION 12: SELECT BOARD PROVISIONS

- 12.1 The Select Board upon 1) receiving written recommendations from the Parks & Recreation Committee; 2) posting required notice; 3) completing a public hearing; shall have the authority:
- A. To designate “parks” and “recreation areas” as property is acquired or located within the boundaries of the Town.
- B. To modify rules and regulations referenced in Section 6, Section 9, and Section 11.4

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- C. To establish for each park and recreation area not previously designated by Section 9.1 a hunting and or trapping designation.
- D. To establish procedures for the use and regulation of all park and recreation areas at least once annually.

12.2 When establishing or modifying rules, regulations, designations or procedures, the Select Board shall attempt to accomplish the following purposes:

- A. To assure safe and healthful conditions on all park and recreation areas;
- B. To promote peaceful and considerate public use and enjoyment of the parks and recreation areas;
- C. To minimize any nuisance, disturbance, interference, or safety concerns on adjoining or nearby lands;
- D. 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;
- E. 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;
- F. To provide for efficient care and maintenance of all park and recreation areas.

SECTION 13: PENALTY

13.1 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

AMENDED: April 8, 2017