



**Certification of Amendments to the Regulations for the
Use of Parks and Recreation Areas Ordinance
by the Municipal Officers**

To: Debbie Allen Grover, Town Clerk

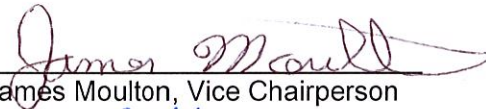
This is a true certified copy of proposed amendments to the Town of North Yarmouth Regulations for the Use of Parks and Recreation Areas Ordinance. To be voted on at the Special Town Meeting scheduled for the 7th day of June, 2021, Warrant Article to be assigned.

Given under our hands this 18th day of May, 2021.

Select Board



Steve Berry, Chairperson




James Moulton, Vice Chairperson



Brian Sites



Austin Harrell



David Reed

A majority of the Municipal Officers of North Yarmouth, Maine

**TOWN OF NORTH YARMOUTH
REGULATIONS FOR THE USE OF PARKS AND RECREATION AREAS ORDINANCE
EXHIBIT B – WARRANT ARTICLE 3**

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: Ordinance Power.

2.2 Town Charter Article IV § 2d. reads:-

d. Parks & Recreation Committee. There shall be a Parks & Recreation Committee consisting of seven (7) members appointed by the Select Board to staggered three (3) year terms. The terms of those appointed to the Parks & Recreation Committee shall expire on June 30th of their expiration year. The Recreation Committee shall elect from its membership a chair and a secretary at its first regular meeting occurring on or after July 1st of each year.

(i) The Parks & Recreation Committee shall advise the town and municipal officers on matters of parks and recreation and supervise any parks and recreation programs by the town.

(ii) The Parks & Recreation Committee shall oversee any town property designated as a parks and recreation area by the Select Board and make recommendations to the Select Board regarding its use.

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 ~~that~~ ~~which~~ allows public access by deed, ~~conservation~~ easement, other rights, 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.~~ Contained in proposed Animal Control Ordinance.

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4.4 4.3 User: A User is defined as a resident of North Yarmouth, Business, Organization or Visitor.

4.4 Smoking: Smoking shall include the inhaling, exhaling, burning, or carrying of any lighted cigarette, cigar, or other tobacco product, marijuana, electronic nicotine delivery system, vaporizer, or any illegal substance.

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~~ located on Memorial Highway including the boat launch; animals must be leashed at all times Tuesdays, Thursdays, and Saturdays except for the hours from 6 AM to 9 AM,
- C. Baston Park - animals must be leashed at all times,
- D. Sharp's Field - Shall be under the immediate direction of the Town Manager.;
- E. The Village Green - Shall be under the immediate direction of the Town Manager.;
- F. Chandler Brook Preserve - animals must be leashed at all times Mondays, Wednesdays, Fridays, and Sundays except for the hours from 6 AM to 9 AM; domestic animals are not allowed on the conservation easement located in the North Field,
- G. Sam Ristich Trail - Those portions of the Sam Ristich Trail that intermix with the properties know as the Public Works Department and Wescustogo Hall & North Yarmouth Community Center; animals shall be under voice control or leashed, ~~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. H. Knight's Pond Preserve - Specifically the North Yarmouth portion in cooperation with the Joint Standing Committee and the Town of Cumberland. The Royal River Conservation Trust (RRCT) was granted an easement across the parcel owned by the Town and is an integral part of the trail management; animals shall be under voice control or leashed.

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:

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- A. Eleanor Hayes Town Forest: East and West side of Memorial Highway;
animals shall be under voice control or leashed.
- B. Deer Brook Forest: All ~~Town~~ 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. dawn or 5 AM, whichever comes first,~~ and ~~9:00 P.M. dusk or 9 PM, unless otherwise stated in this ordinance.~~ 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. The rules and regulations of town parks and animal control are outlined in the North Yarmouth Animal Control Ordinance. Citizens ~~should be able~~ are encouraged to address issues between themselves using the rules, but may ~~refer disputes~~ report complaints 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.~~ Contained in proposed Animal Control Ordinance.
- 8.3 ~~All domestic animals must be under the control of owners, leash, harness or immediate voice recall.~~ Contained in proposed Animal Control Ordinance.
- 8.4 ~~Any user must leash and or harness their domestic animal if requested to do so by another user.~~ Contained in proposed Animal Control Ordinance.
- 8.5 ~~All users shall clean up after their domestic animal.~~ Contained in proposed Animal Control Ordinance.
- 8.6 ~~Domestic animals shall not harass wildlife, the user shall leash and or harness their animal if this occurs~~ Contained in proposed Animal Control Ordinance.
- 8.7 ~~Damage to Parks by domestic animals shall be repaired by user or charged to user by Town.~~ Contained in proposed Animal Control Ordinance.

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- ~~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. [Contained in proposed Animal Control Ordinance.](#)~~
- ~~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. [Contained in proposed Animal Control Ordinance.](#)~~
- ~~8.10 Organized town events take precedence over domestic animal use, specifically off leash or harness use. [Contained in proposed Animal Control Ordinance.](#)~~
- ~~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. [SEE SECTION 10.3 of this ordinance.](#)~~
- ~~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. [Contained in proposed Animal Control Ordinance.](#)~~

SECTION 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 [without the written approval of the Town Manager.](#)
- ~~**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.~~
- 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 [any](#) firearms for target practice on any park or recreation area is prohibited.
- 9.7 [Smoking: For the good health, quality of life and promotion of healthy activities for residents and visitors of North Yarmouth, as well as the protection of safe recreational areas and the](#)

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enjoyment of outdoor scenery, no person shall smoke or use any tobacco or marijuana product, including but not limited to cigarettes, cigars, electronic nicotine delivery systems and chewing tobacco, on, in, or within twenty-five (25) feet of town-owned parks and recreational properties.

All tobacco products and electronic nicotine delivery systems listed in this article are prohibited on, in, or within twenty-five (25) feet of town-owned parks and recreational properties 24 hours a day, 365 days per year. Disposal of such tobacco litter is also prohibited.

A notice of prohibition of smoking and vaping shall be clearly posted in key areas in every location where smoking and vaping is prohibited by this article.

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 and are as follows:

- A. Chandler Brook Preserve - Per the Chandler Brook Conservation Easement dated August 10, 2004 hunting is permitted. Maine State Hunting Laws apply.
- B. Town Forest - Maine State Hunting Laws apply.
- C. Old Town House Park - Limited to the months of November and May
 - 1. Hunting in Old Town House Park shall be by **Permission Only**.
 - 2. Any person may seek and receive permission to hunt in Old Town House Park by registration and application through the North Yarmouth Town Office. The Town Office authorized personnel shall issue to each applicant a **Hunter Permission Card** to evidence that permission has been granted by the Town of North Yarmouth for the season indicated on the card. Hunters must register each year separately for each fall and/or spring season. Hunting in Old Town House Park shall follow State dates for hunting deer and turkey only. The Permission Form is not transferable to any other person or party and must be carried on the person to whom it was issued. Every person, including children, hunting or in a hunting party must be separately registered.
 - 3. Issuance of the Permission Form shall be subject to the following terms and agreements:
 - a) The applicant/hunter shall complete and sign a **Hunter Permission Form** to evidence that he/she has read the terms and conditions of permission and agrees to abide thereby.
 - b) The applicant shall possess a valid State of Maine hunting license and agrees to abide by all applicable hunting laws and regulations and applicable local ordinances and park rules.

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- a)c) The applicant shall limit hunting and discharge of firearms to shotgun use and bow hunting only. Stands and hunting cameras are not authorized.
- d) The applicant shall carry the issued **Hunter Permission Card** on his/her person at all times while hunting at Old Town House Park and shall present the card upon request to any state or local game or law enforcement party or any agent of the Town of North Yarmouth.
- e) The hunter agrees to report to the North Yarmouth Town Office by the earliest practical means any observations of illegal hunting, vandalism, unsafe or unsanitary conditions or activities, or any conditions or activities that damage or threaten the environment.

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.

10.3 Where allowed, hunting will not be curtailed in favor of domestic animal use. State law shall apply to users deliberately impeding a legal hunt.

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~~ 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 a 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 the use of the parks and recreation areas;
 - F. To provide for efficient care and maintenance of all park and recreation areas.

SECTION 13: DEFINED GATHERINGS OR ACTIVITIES

13.1 Town Parks shall be available to the public for purposes of defined gatherings or recreational activities for specific date(s). Such requests will require approved permissions from town officials and the Town Manager. Town officials shall mean the Parks & Recreation Committee and the Select Board. Examples of these types of events would be weddings, family reunions, and organized recreation competitions. A fee for these events will apply. Town committee events are exempt from these fees.

SECTION ~~13~~14: PENALTY

~~13~~14.1 Any person or persons found in violation of any provision of this ordinance shall be punished by restitution and/or a fine~~penalized~~ per for of not more than One Hundred dollars (\$100) per offense to be recovered on complaint for the use of the Town.~~each offense to be recovered on the complaint for the use of by the Town. The Town shall seek restitution from any person or persons responsible for damage to Town property in addition to said 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
AMENDED: TBD