

LAMOINE PARKS ORDINANCE
Approved March 9, 2005
Amended, March 8, 2006

WHEREAS, the Town of Lamoine provides Bloomfield Park, Lamoine Beach Park and Marlboro Beach Park for the recreation and enjoyment of townspeople and wishes to assure that these parks are used for those purposes and neither abused nor used in ways which create a nuisance to neighbors of the parks;

NOW THEREFORE BE IT ESTABLISHED THAT THE FOLLOWING SHALL BE THE PARKS ORDINANCE FOR THE TOWN OF LAMOINE

Section 1. ESTABLISHMENT OF A PARKS COMMISSION

There is hereby established a Parks Commission consisting of five (5) members and up to two (2) alternate members, serving without pay, to be appointed by Municipal Officers pursuant to 30-A M.R.S.A. §3261 for terms of three years. Members shall initially be appointed for terms of one, two and three years, so that the terms of approximately one-third of the members will expire each year. Their successors shall be appointed for terms of three years each.

Section 2. SCOPE

- I. This Ordinance and rules established pursuant to this Ordinance shall govern activities in Town Parks in the Town of Lamoine and other Town-owned areas designated by the Selectmen.
 - a. This Ordinance does not apply to the activities of Town employees or independent contractors engaged in construction, maintenance or repair of a park, while under the supervision or control of the Town.

Section 3. Validity and Severability

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decisions shall not invalidate any other sections or provisions of the Ordinance, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 4. Conflict With Other Ordinances

This Ordinance shall not repeal, annul or in any way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit, or provision of law. Where this Ordinance imposes a higher standard for the promotion and protection of health, safety, and welfare, the provisions of this Ordinance shall prevail.

Section 5. DUTIES OF THE PARKS COMMISSION

The Parks Commission shall:

- a. Meet at least quarterly to consider issues regarding Town Parks;
- b. Keep records of its meetings and activities, and make an annual report to the municipality to be published as part of the annual municipal report;
- c. Recommend rules of operation, including hours of operation, for each town Park consistent with the provisions of this Ordinance, for the consideration of the Municipal Officers;
- d. Consider requests for special event permits authorized by this Ordinance below and issue such permits as appropriate; and
- e. Coordinate enforcement of this Ordinance with appropriate officials.

Section 6. DEFINITIONS

As used in this Ordinance, the following words, terms and phrases, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- a. **PARK** means Bloomfield Park, and the Town-owned portions of Marlboro Beach and Lamoine Beach and any other Town-owned or Town-operated facility designated by the Municipal Officers or the Town Meeting for regulation by the Parks Commission.
- b. **COMMERCIAL FISHING ACTIVITIES** – Any fishing or shellfish harvesting related activities for the sole purpose of commercial fishing.
- c. **SPECIAL EVENT** means any event proposed to be held within Town Parks at which:

1. it could reasonably be assumed that twenty-five (25) or more persons might gather or participate, or
 2. which requires a temporary structure otherwise prohibited by this Ordinance; or
 3. which will include a fire outside of cooking facilities provided in the park.
- d. **MOTORIZED/RECREATIONAL VEHICLE** means any conveyance including, but not limited to, an automobile, truck, motorcycle, trail bike, ATV, trailer, wagon, snowmobile, or watercraft, which is or can be powered by a motor.

Section 7. REGULATIONS IN LAMOINE PARKS

- a. HOURS OF OPERATION:
 1. Lamoine Beach Park: 1 hour before sunrise to 10 p.m.
 2. Marlboro Beach: 1 hour before sunrise to 10 p.m.
 3. Bloomfield Park: Sunrise to sunset
- b. NEIGHBORS PROTECTED. No person shall unreasonably disturb the peace of homeowners or businesses located adjacent to or in the neighborhood of the parks.
- c. LITTERING PROHIBITED. No person shall deposit rubbish, refuse, garbage or other waste material in a park, except in the receptacles so provided. Where receptacles are not provided, all such rubbish or waste shall be carried away from the parks by the person responsible for its presence.
- d. CAMPING AND OVERNIGHT PARKING PROHIBITED. No person shall use any public park for the purpose of overnight accommodation or parking or a temporary or permanent abode or habitation, except with the written permission of the Commission.
- e. DAMAGE TO PROPERTY. No person shall damage, move, or remove any building, structure, appurtenance, *rocks*, trees, shrubs, or personal property whatsoever, including plantings.
- f. OBEY SIGNS. All persons must obey all signs posted for the protection of property, or the promotion of the health, safety, or general welfare of the users of a park or the residents of the Town.
- g. VEHICLE OPERATION AND INTOXICANTS-- STATE LAW APPLIES - All provisions of state law relating to the operation of motorized vehicles and intoxicants shall apply within parks, except that motorized vehicles may be banned from some areas of parks by rule.

- h. BEACH ACCESS – All motorized/recreational vehicles are prohibited on beach except those engaged in commercial fishing activities.
- i. BOAT LAUNCHING – Where designated boat launch area exists it shall be utilized. All motorized vehicles, including trailers, shall be parked in designated areas. Storage of boats, trailers, vehicles, equipment, ice shacks, and other property at the launching facility is prohibited.
- j. FIRES. No person shall build a fire in a park, except in facilities provided in the park or as authorized by the Commission as part of a permitted Special Event or pursuant to a fire permit.
- k. PETS. Pets must be kept on leash while in park. Pet owners must clean up any fecal deposits left by their pets.
- l. STATE LAW – This ordinance is superseded by all applicable state law.

Section 8. SPECIAL EVENT PERMITS

Town parks will be made available, on a limited basis, for Special Events subject to the following restrictions:

- a. PERMIT REQUIRED - Events sponsored or conducted by the Town shall be exempt from Special Event permitting requirements, however, any other person or organization which desires to conduct or sponsor a Special Event at a Town park must first apply for and obtain a permit from the Commission
- b. PERMIT PROCESS - Special event permit applications are available on line or at the town office. Applications must be submitted to the administrative assistant 30 days prior to the proposed date of the event. The Parks Commission will have a maximum of 10 days to reply to the application. Permission will be granted with a yes vote from 3 members. Alternates can fill absences for a maximum of 5 votes. Any change in event date must be reported to the administrative assistant.
- c. PERMIT FEES – Fees for special event permits shall be set by the Board of Selectmen in consultation with the Parks Commission.

Section 9 – Effective Date

- a. The effective date of this ordinance March 9, 2005

Section 10 – Signature Section

The above ordinance was approved at a duly advertised and conducted Town Meeting on March 9, 2005, and amended on March 8, 2006

Signed,

/s/S. Josephine Cooper

/s/Perry Fowler

/s/Cynthia Donaldson

/s/Richard Fennelly, Jr.

/s/Brett Jones

The Lamoine Board of Selectmen

Attest: A True Copy

Stuart Marckoon, Deputy Town Clerk