

***Town of Monmouth***  
***Parks Ordinance***  
*Adopted October 25, 2006*

SECTION 1.

This Ordinance shall be known and cited as the “Town of Monmouth Parks Ordinance.”

SECTION 2.

Definitions: For any purpose of this Ordinance, the following terms have the meaning herein given. The word “shall” is mandatory not discretionary.

1. “*Town*” is the Town of Monmouth
2. “*Director*” is the Monmouth Parks and Recreation Director or such deputy as shall have been duly appointed including, but not limited to, lifeguards and instructional personnel.
3. “*Park*” is any area in the Town owned and used by the Town and designated for recreation.
4. “*Person*” is any person or organization of any kind.
5. “*Municipal Officers*” means the Board of Selectmen.
6. “*Commission*” means the five (5) citizens appointed by the Municipal Officers to serve on the Parks and Recreation Committee.
7. “*Vehicle*” means any conveyance including, but not limited to, an automobile, truck, motorcycle, trail bike, trailer, wagon, snowmobile, bicycle, or watercraft.

Section 3. General Park Operating Policies.

(a). *Hours*: Except for emergencies a park shall be open to the public throughout the year during designated hours as recommended by the Commission and adopted by the Municipal Officers. The opening and closing hours shall be posted at the facility entrance.

(b). *Authority to act*: The Commission shall oversee all park and recreation areas and shall adopt, establish, and as necessary revise safety rules and regulations. These Rules and Regulations shall be posted in a conspicuous place in each park.

Section 4. Buildings and Other Property.

(a). *Damage to property*: A person shall not damage, move, or remove any building, structure, appurtenance, or personal property whatsoever.

(b). *Erection of structures*: A person shall not construct or erect a building or structure of any kind.

(c). *Damage to plants:* A person shall not climb, damage, remove, or pick flowers or seeds of a tree or other plant. A person shall not attach a rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

(d). *Improper use:* A person shall not climb, walk, stand, or sit on a monument, vase, fountain, railing, fence, or any other structure not designed for that purpose.

#### Section 5. Sanitation.

(a). *Pollution of waters:* A person shall not throw, discharge, or otherwise place or cause to be placed in any body of water any substance which may result in the pollution of said waters.

(b). *Refuse and trash:* A person shall not leave any garbage or other trash except in the proper receptacles. Where such receptacles are full, or otherwise unavailable, persons will remove their refuse from the park. Violation of this subsection shall be deemed littering.

(c). *Animals and removal of animal waste:* Nothing in this section shall be construed as limiting the use of seeing-eye and service dogs. No animal shall be brought to any designated swimming area, beach or playground area from the period to time inclusive of Memorial Day to Labor Day. Any dogs in those areas where animals are permitted shall be, at all times, under their owners' control as provided in Maine Revised Statutes Annotated. All persons shall be responsible for the removal of any waste created by any animal brought by them into any park.

#### Section 6. Vehicles and Parking.

(a). *Operation of vehicles:* A person shall not operate any vehicle in a park on any area except a public way, park road, or parking area, or in those areas specifically designated by the Director. All State of Maine Motor Vehicle Laws, Title 29A shall apply to all parks.

(b). *Parking:* A person shall park a vehicle only in a designated parking area and in accordance with any posted directions and signs.

\* Cross Reference: Parking Ordinances. Section 3. Unlawful Parking

#### Section 7. General Conduct and Usage.

(a). *Bathing and swimming:* A person shall not swim, bathe, or wade in any body of water except in those areas which are specifically designated for swimming or bathing purposes, and in compliance with regulations adopted by the Commission.

(b). *Hunting and firearms:* A person shall not hunt, trap, or disturb wildlife. A person shall not possess or discharge a firearm, blank gun, air rifle, spring gun, bow and arrow,

slings, or any other type of weapon which is potentially dangerous to human beings or to wildlife.

(c). *Fires:* A person shall not build a fire except in those areas designated and in accordance with regulations adopted by the Commission.

(d). *Intoxication and possession:* Intoxication or possession of intoxicating beverages or drugs is not permitted in any park.

(e). *Smoking:* Smoking is not permitted in any park.

(f). *Signs:* A person shall obey all traffic signs and all signs posted for the protection of property, or the promotion of the health, safety, or general welfare of the occupants of a park or the residents of the town.

(g). *Offensive behavior:* A person shall not engage in any indecent language or loud noise which would be offensive to any reasonable person, or engage in any disorderly conduct or behavior tending to breach of the public peace. If any person complains of such behavior to the Director or Law Enforcement Officer, the Director or Officer shall warn the individual against whom the complaint is made. If, after the warning, the offensive behavior persists, it shall be deemed a violation.

(h). *Merchandising, advertising and signs:* Except for concessions authorized by the Commission, a person shall not display, offer to sell, or sell anything. As used in this section, "concessions" shall include not only food but also the right to display, offer to sell, or sell goods and services.

(i). *Closed areas:* Any section or part of any park may be declared closed to the public by the Director at any time for any interval of time, either temporarily or at regular stated intervals.

(j). *Entry prohibited:* Except with the written permission of the Director, a person shall not enter, pass through, or remain in a park after closing time, or in the closed area of any park. If an admission fee is charged, a person shall not enter a park without first paying the fee. This section shall not apply to a person who is in a park for the express purpose of launching or loading a watercraft. A person may remain in the park only for a reasonable time period to accomplish that specific task.

(k). *Public docks and landings.* No person shall obstruct by any means whatsoever the free use of piers, docks, and town landings. The town landings shall be used only for loading and unloading. Watercraft shall not remain moored to landing or dock for a period longer than thirty (30) minutes.

Section 8. Enforcement.

(a). *Ejection:* The Director or any Law Enforcement Officer shall have the authority to eject or cause to be removed from a park any person acting in violation of this Ordinance.

(b). *Violation:* Violation of this Ordinance shall constitute a civil violation and shall be prosecuted as provided for in the Maine Revised Statutes Annotated. Primary responsibility for enforcement of this Ordinance shall lie within the powers of the Monmouth Police Department. Whoever violates any of the provisions of this Ordinance shall be fined not less than fifty dollars (\$50.00) or more than one hundred-fifty dollars (\$150.00) for each offense. Any fine shall be recovered for use by the Town.

Section 9. Repeal, Validity, Severability and Conflict with Other Ordinances.

(a). *Repeal:* All previous Park and Beach Ordinances are hereby repealed.

(b). *Validity and severability:* Should any section or provision of this Ordinance be declared by any Court to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

(c). *Conflict with other ordinances:* Whenever the requirements of this Ordinance are inconsistent with the requirements of any other Ordinance, Code or Statute, the more restrictive requirements shall apply.