

## TOWN OF GLENBURN ORDINANCE REGULATING CONDUCT IN PUBLIC PARKS

The Town of Glenburn hereby ordains this Ordinance which shall be known and may be cited as the “Town of Glenburn Ordinance Regulating Conduct in Public Parks.”

### **Section 1: Definitions**

- (1) “Town” means the Town of Glenburn.
- (2) All references to time in this Ordinance shall mean Eastern Standard Time or Eastern Daylight Time, whichever may then be in effect by virtue of 1 MRSA Sec. 151.
- (3) “Public” means any member of the general public except that in the case of the Lakeside Landing Recreation Area, the term “Public” shall be limited to
  - (a) Persons having a residence in the Town of Glenburn and their guests. For purposes of this Ordinance, the term “residence” is that place in which a person’s habitation is fixed, or
  - (b) Persons not having a residence in the Town of Glenburn but who own taxable real estate within the Town of Glenburn and their guests.
- (4) “Vehicle” means any wheeled conveyance whether motor powered, animal drawn, or self-propelled. The term shall include, but not be limited to, any trailer in tow, automobile, truck, wagon, snowmobile, motor bike, motorcycle, all terrain vehicle (ATV), or trail bike of any size, kind, or description. Exception is made for baby carriages, bicycles, handicapped conveyances, and for vehicles being used in the maintenance and operation of Town Parks.
- (5) “Park” shall mean the areas within the boundaries of the following Town of Glenburn owned recreational properties and facilities:

#### Lakeside Landing Recreation Area

The entire area acquired by the Town of Glenburn on May 26, 1989 by deed recorded in the Penobscot County Registry of Deeds in Volume 4448, Page 292, exclusive of any out-transfers by the Town of Glenburn subsequent to the date of acquisition.

#### Elementary School Recreation Area-also known as Smith Field Complex

A portion of the land acquired by the Town of Glenburn on August 21, 1975 by deed recorded in the Penobscot County Registry of Deeds in Volume 2577, Page 230, such portion being that developed under Project No. 23-00403 of the State of Maine, Bureau of Parks & Recreation, Land & Water Conservation Fund. The area is divided into two parts:

**Part A** is under the jurisdiction of the Town of Glenburn and is comprised of the baseball field, the softball field, the soccer field, and the jogging and nature trails. Part A is located on the 23.11 acre parcel of land shown on the Division Plan dated April 29, 2009 prepared by Richard N. Perry, Sr.

**Part B** is under the jurisdiction of the Glenburn School Department and is comprised of the school playground area and the picnic area. Part B is located on the 10.73 acre “School

Parcel” shown on the Division Plan. The School Parcel also encompasses the lawn areas, the school parking areas, the wastewater disposal area, the old playground area north of the school, and those areas of the school building which can be used for recreational purposes.

Cookson Lot Recreational Fields

The recreational fields that are accessed via Nadia Drive.

Butler Park

The basketball court located in front of the Glenburn Town Office.

West Side Recreation Area

The entire area acquired by the Town of Glenburn from the Estate of Leona B. Buzzell on February 5, 1997 by deed recorded in the Penobscot County Registry of Deeds in Volume 6320, Page 142.

**Section 2: Parks and Recreation Director**

There is hereby created the position of Parks and Recreation Director who shall have the powers and duties enumerated in this ordinance. The Parks and Recreation Director shall be appointed for an indefinite term by the Town Manager. Compensation and benefits of the Parks and Recreation Director, if any, shall be as determined in the adopted municipal budget in accounts set up for this purpose.

**Section 3: Park Property**

Except as may be necessitated by reason of construction activities or maintenance activities under the supervision and control of the Parks and Recreation Director, or forest management activities and harvesting under the supervision and control of the Parks and Recreation Director and with the approval of the Town Council, no person in a Park shall:

(1) Disfiguration or Removal of Park Property

Willfully mark, deface, disfigure, injure, tamper with, or displace or remove, any building, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines, or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, playground equipment, facilities or Park property or appurtenances whatever, either real or personal;

(2) Removal or Disruption of Natural Resources

Dig or remove any sand, soil, rock, stones, timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency;

(3) Damage to Plant Life

Damage, cut, carve, transplant or remove any tree, shrub or plant or injure the bark, or pick the flowers or seeds, of any tree, shrub or plant. Nor shall any person 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; or

(4) Erection of Structures

Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands, except on special written permit issued by the Parks and Recreation Director, duly authorized by the Town Council.

**Section 4: Sanitation**

In order to minimize as much as possible conditions which might be detrimental to the health of visitors or to the environment, no person in a Park shall:

(1) Pollution of Waters

Throw, discharge or otherwise place or caused to be placed in the waters or any fountain, pool, pond, stream or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

(2) Refuse and Trash

Bring in and dump, deposit or leave in a park any solid waste, special waste, hazardous waste, waste oil, construction and demolition debris, land clearing debris, septage waste, wood waste, yard waste, or any other type of waste. This includes but is not limited to bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, household trash, or other type of solid waste. Any solid waste generated within the park, such as but not limited to empty containers and wrappers from a picnic, shall not be disposed of or placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, except in the proper receptacles where these are provided. Where receptacles are not so provided, all such solid waste shall be carried away from the park by the person responsible for such presence, and properly disposed of elsewhere.

(3) Animal Waste

Fail to immediately remove and lawfully dispose of any feces left in any park by a dog, horse, or other animal owned by such person or under his/her control. This regulation shall not apply to a dog or other animal accompanying any handicapped person who, by reason of his/her handicap, is physically unable to comply with the requirements of this Ordinance.

**Section 5: Traffic**

(1) Motor Vehicles

(a) State Motor Vehicle Laws

All persons shall comply with all applicable provisions of the State of Maine Motor Vehicle Laws with regard to equipment and operations of vehicles together with such regulations as are contained in this and other Town of Glenburn Ordinances.

(b) Traffic Signs

All persons shall comply with all traffic signs indicating speed, direction, caution, stopping, or parking, and all others posted for proper traffic control and for safeguarding life and the property.

(c) Operation of Vehicles

No person shall drive any vehicle, excepting bicycles, on or in any area except public ways, public easements, and park roads or parking areas, or such other areas as may, on occasion, be specifically designated as temporary parking areas by the Parks and Recreation Director. Excepting bicycles, only vehicles properly licensed and registered for operation on public ways and operated by persons properly licensed to operate said vehicle shall be permitted in any Park area. Snowmobiles are allowed on marked trails only.

(2) Parking

(a) Designated Areas

No person in a Park shall park a vehicle in other than an established or designated parking area, and such use shall be in accordance with directions posted thereat and with the instructions of any attendant who may be present.

(i) Vehicles with trailers for boats; Parking in upper parking lot

i. Lot on Right as you enter the park

(ii) Passenger Vehicles; Parking in lower lot

i. Lot on Left after the "S" turn in the road

(iii) Handicap Vehicles; Parking on L, by picnic pavilion, at the end of road by boat launch, vehicles in this area must have a handicap plate or placard

(iv) Special Event Parking; vehicles associated with a special event need to park in the upper parking lot first (Lot on R as you enter the park) as to not to hinder general public use as much as possible, these vehicles need to display the special event parking permit.

(b) Night Parking

No person in a Park shall leave a vehicle standing or parked at night within any Park between one-half hour after sunset and 6 AM except as allowed in Section 6(3) of this ordinance.

(c) Parking Spaces for Handicapped Persons

No persons shall park a vehicle in a parking space clearly marked as a handicapped parking space unless the vehicle bears a special registration plate, or prominently bears a placard issued under 29-A MRSA. § 521 or 523, as amended, or a similar plate or placard issued by another state. The Parks and Recreation Director is hereby authorized to designate and mark handicapped parking spaces in any park of the Town of Glenburn.

(3) Bicycles

(a) Confined to Roads

No person in a Park shall ride a bicycle on other than a vehicle road or path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or any area reserved for pedestrian use. No vehicles of any type, bicycles included, shall be allowed on the nature trail behind the Glenburn Elementary School and the West Glenburn Park Trail. This subsection shall not apply to wheelchairs or other vehicles needed for the transport of the handicapped.

(b) Operation

Persons on bicycles shall keep to the right-hand side of the road or path as close to the edge of the traveled way as conditions permit. Bicycles shall be kept in a single file when two or more are operating as a group. Bicyclists shall at all times operate their machines with reasonable regard to the safety of others, signal all turns, pass to the left of any vehicle they are overtaking, and pass to the right of any vehicle they are meeting.

(c) Designated Racks

No person in a Park shall leave a bicycle at a place other than a bicycle rack when such is provided and there is space available.

(4) Winter Use

No person shall launch or recover any snowmobile or ATV in any area of any Park except that such vehicles may be launched and recovered from the boat ramp area at Lakeside Landing for use on the lake. Once launched, such vehicles shall not be operated in any other area of the Park nor shall such vehicles be operated on any designated skating area on the lake adjacent to the Park.

(5) Snowmobiles

No person shall operate a snowmobile in a Park except on designated and marked trails.

**Section 6: Recreational Activities**

(1) Bathing and Swimming

(a) Designated Areas

No person shall swim, bathe, or wade in the waters of any fountain, pond, pool, stream or other body of water in any park or any tributary, stream, storm sewer, or drain flowing into such waters, except in areas specifically provided for swimming or bathing, and in compliance with this Ordinance and any regulations as promulgated by the Parks and Recreation Director. The Parks and Recreation Director may prohibit swimming or bathing in any area upon finding such use of the water would be dangerous or otherwise inadvisable.

(b) Animals

1. All animals brought into any Town Park shall be under the owner's control at all times so as to not interfere with the enjoyment of the outdoor facility by other members of the public. No animal shall be off a leash at any time at any Town Park. Leashes shall be no longer than eight (8) feet. Owners shall pick up after their animals.

2. Animals are not allowed in the swim area in Pushaw Lake located inside of the buoys or on the sand beach portion of Lakeside Landing at any time.

3. The restrictions in this subsection shall not apply to service animals.

(2) Camping

No person shall set up tents, shacks, or any other temporary shelter in a Park for the purpose of overnight camping. Nor, after closing hours, shall any person leave in a Park any movable structure or special vehicle that could be used for shelter or housing, including but not limited to house trailers, motor homes, camp trailers, and tents. The Parks and Recreation Director may waive this prohibition for organized groups.

(3) Watercraft and Other Vehicle Launching

No person shall leave any vehicle on the boat ramp, its access, or its turn-around for any longer than necessary to unload or load watercraft, snowmobiles, or ATVs. Notwithstanding the hours of operation provision in Section 9(1) of this ordinance, the boat ramp may be utilized for its launching and recovering watercraft, snowmobiles, and ATVs at any time.

**Section 7: Prohibitions**

In order to promote peace and tranquility for visitors to our parks and to minimize the possibility of harm to visitors and the Park themselves, the following items and activities are prohibited:

(1) Alcoholic Beverages

Alcoholic beverages in any form are prohibited in Parks of the Town of Glenburn.

(2) Fires

No person shall kindle, build, maintain, or use a fire except in areas designated for such purposes. Nor shall any person drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco, or other flammable material within any Park area.

(3) Fireworks

No person shall discharge any type of fireworks in any Park at any time.

(4) Closed Areas

No person shall enter into any area posted as “Closed to the Public” or use any area in violation of posted notices.

(5) Smoking & Tobacco Products

Smoking and tobacco products are prohibited in all Parks, beaches, and recreation fields.

(6) Glass Containers

Glass containers of any type are prohibited in public Parks of the Town of Glenburn.

## **Section 8: Merchandising, Advertising, and Signs**

### (1) Vending and Peddling

Except for concessionaires licensed by and acting under the general control and supervision of the Parks and Recreation Director and duly authorized by the Town Council, no person in a Park shall expose or offer for sale any article or thing nor shall any person place or station any stand, cart, or vehicle for the transportation, sale, or display of any such article or thing.

### (2) Advertising

Except in conjunction with supervised activities under the general control and supervision of the Parks and Recreation Director and duly authorized by the Town Council, no person in a Park shall pronounce, advertise, or call to the public attention in any way any article or service for sale or hire.

### (3) Signs

Except in conjunction with supervised activities under the general control and supervision of the Parks and Recreation Director, no person in a Park shall paste, glue, tack, or otherwise post any sign, placard, advertisement, or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any Town owned lands or roads within a park. Exception from the prohibitions of this subsection is made for the posting of such notices as may be required by this Ordinance.

## **Section 9: Park Operating Policy**

### (1) Hours

Except as provided in Sections 6(3) and 9(2) of this ordinance, all Parks, as defined herein, shall be open to the public every day of the year from 6 AM to one-half hour after sunset. The Parks and Recreation Director shall cause notices of the opening and closing hours to be posted in each individual Park for public information purposes.

### (2) Closed Areas

Any section or part of any Park may be declared closed to the public by the Parks and Recreation Director at any time for any interval of time, either temporarily or at regularly stated intervals (daily or otherwise).

### (3) Entry Prohibited

Except with the written permission of the Parks and Recreation Director, no person shall enter, pass through, or remain in any Park, or the closed area of any park, except during the hours and times which such Parks, or portions thereof, are open to the public as provided in this section.

### (4) Lakeside Landing Recreation Area - Use Restricted

#### (a) Qualifications for Use

For purposes of promoting and protecting the public health, welfare, and safety, and for purposes of protecting the property of the Town of Glenburn at Lakeside Landing, use of

the Lakeside Landing Recreation Area shall be restricted to those whom have the appropriate "Park Use" Permit affixed to their windshields and are in good standing (meaning their permit isn't on a revoked list).

(b) Permit Required

Parking at the Lakeside Landing Recreation area shall be by permit only. Glenburn residents and non-resident taxpayers will not be charged a fee for a parking permit. All others will be charged \$10.00 per vehicle per day.

(i) Residents and Non-Resident Taxpayers

Glenburn residents and non-resident taxpayers may obtain an annual parking permit from the town office at no cost. Such permit shall be affixed to the vehicle's windshield. Permits shall expire on December 31<sup>st</sup> of each year.

(ii) Non-Residents, Guests of Residents, and Seasonal Renters

Parking permits for non residents, guests of residents, and seasonal renters can be purchased only at Lakeside Landing and only on the day of the planned visit. The cost is \$10.00 per vehicle per day. An attendant will be on duty to assist you with purchasing your permit. A maximum of 15 parking permits will be sold daily.

(5) Waivers by Parks and Recreation Director

The Parks and Recreation Director may waive provisions of this ordinance in order to facilitate the activities of Glenburn based organized groups, and Non Glenburn based 501(c)(3) non-profit organizations approved by the Parks and Recreation Director, provided that such waiver will not have an adverse impact on the recreation area and will not create conditions which would be a nuisance to nearby residents. The intent of this section is to allow authorized groups to carry out such activities as camping overnight, gathering wood for campfires, and gathering nature samples. Glenburn based organized groups and Non Glenburn based 501(c)(3) non-profit organizations will be required to fill out and submit to the Glenburn Parks and Recreation Director an application for a special activity permit at least four (4) weeks in advance of the scheduled date of the activity. If approved, the Parks and Recreation Director will issue an activity specific Special Activity Permit at a cost of \$50.00 for each Special Activity Permit issued. The Special Activity Permit that is issued shall include a section that includes the day or dates of the event, any setup/clean up or extra dates needed, and whether the application has been approved. Attendees at the event will be required to place a copy of that section of the permit application on the front right hand side dash of the vehicle to serve as a parking permit for Lakeside Landing for the duration of that approved event.

(6) Public Notification

The Parks and Recreation Director shall post a notice in each Park that indicates a complete copy of the Town of Glenburn Ordinance Regulating Conduct in Public Parks may be obtained at the Glenburn Town Office during regularly scheduled business hours and on the Town's website at [www.glenburn.org](http://www.glenburn.org)



## **Section 10: Enforcement**

### (1) Enforcement Authority

The Penobscot County Sheriff's Office shall diligently enforce violations of Section 5 of this Ordinance. The Animal Control Officer of the Town of Glenburn shall enforce the provisions of the ordinance related to domestic animals. The Parks and Recreation Director may enforce the remaining provisions of the Ordinance.

### (2) Improper Vehicles

The following procedure shall be used with respect to violations of Section 5(2) and Section 9 of this Ordinance:

- (a) The enforcing officer may issue a citation for any violation.
- (b) In addition to the penalties provided for in this Ordinance, any vehicles parked in violation of Section 5(2) or Section 9 of this Ordinance may be towed to a suitable garage or storage space and impounded therein until all towing and storage fees are paid. The removal and storage of a vehicle pursuant to this Ordinance, and the payment of the fees herein, shall in no way prevent or limit enforcement of any provision of this Ordinance.
- (c) When any vehicle is towed pursuant to this Ordinance, the following procedure shall be followed:
  - (1) Notice shall be sent to the registered owner of the vehicle by regular first-class mail, postage pre-paid, within 24 hours following the tow.
  - (2) The Notice shall contain the following information: registration number and brief description of the vehicle; name and address of person or company who performed the tow; location where the vehicle is stored; the provisions of the Ordinance which were violated and led to the tow; and the towing fee and any storage fee.
- (d) Before the owner of such vehicle, or their representative, may remove the vehicle from the possession of the person towing or storing it, they shall;
  - (1) Furnish satisfactory evidence of their identity and of their ownership of said vehicle to the person having possession of the vehicle.
  - (2) Pay to the person having possession of said vehicle reasonable charges for the towing and storage of said vehicle.
  - (3) Sign a receipt for said vehicle.

## **Section 11: Penalties**

1. Fees: Any person, firm, or corporation found guilty of violating any provision of this Ordinance shall be fined in an amount not exceeding \$100.00 except that violations of Section 5(2)(c) will result in a fine not exceeding \$200.00. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be

punishable as such hereunder. Persons charged with violating any provision of this Ordinance may waive court action by payment of a fee of \$50.00 (\$100.00 in the case of violation of Section 5(2)(c)) within ten (10) days after receiving notice of such violation. Any such waiver and payment of fee shall be processed through the Town Treasurer or Deputy Treasurer.

2. Revoking Park Use Permit: The Town of Glenburn retains the right to revoke any park use permit at any time. The Town manager, upon receipt & review of law enforcement reports may, after making reasonable attempts to contact the individual, immediately revoke a permit.

### **Section 12: Separability**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such provision shall be deemed a separate, distinct independent provision and such holding shall not affect the validity of the remaining portions hereof.

#### **ORDINANCE HISTORY:**

Enacted 10/14/93, effective 11/13/93

Revised 11/16/00

Amended 11/03/11 Section 9 (5) Lakeside Landing Recreation Area, (a) & (b) deleted, and Section 10 (2) amended, effective date 01/01/12

Amended 05/19/16, effective 06/18/16

Amended 10/06/16, effective 11/05/16 Section 9 (5)Waivers by Parks and Recreation Director

Amended 05/18/17, effective 06/17/17—Section 5(2)(a); Section 9(4)(a) Section 9(4)(b); Section 9(5); & Section 11

Amended 02/18/21, effective 03/20/21—Section 9(4)(b) Permit Required (i),(ii),(iii), Lakeside Landing Parking Fees