

# CHAPTER 40

## CITY OF PRESQUE ISLE

*Conduct in Public Parks,  
Recreation Areas and Facilities  
Ordinance*



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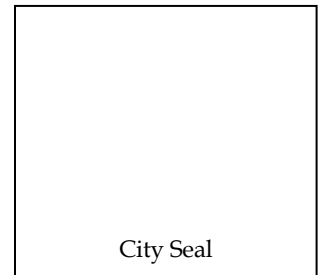
Amended: June 3, 2013

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Attest: \_\_\_\_\_

Thomas C. King, City Clerk



## CHAPTER 40

### ORDINANCE REGULATING CONDUCT IN PUBLIC PARKS, RECREATION AREAS AND FACILITIES

#### **SECTION 1      PURPOSE**

The purpose of this Ordinance is to regulate the conduct of persons using public parks, recreation areas and facilities in the City of Presque Isle, Maine, in order to preserve these parks, areas and recreational facilities from abuse and destruction and to enhance their use for members of the public who are capable of acting in a reasonable and proper manner.

#### **SECTION 2      DEFINITIONS**

For the purpose of this Ordinance, the following terms, phrases, words and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

“**CITY**” refers to the City of Presque Isle.

“**BOARD**” refers to the Presque Isle Recreation and Parks Advisory Board.

“**DIRECTOR**” refers to the Director of Recreation and Parks of the City.

“**PARK**” – for the purpose of this Ordinance, the term “Park” shall include the areas within the boundaries, as described in records of the City of Presque Isle Assessor of the following City-owned and leased recreational properties and facilities.

<u>Name</u>	<u>Assessors</u>		<u>Recording</u>	
	<u>Map &amp; Lot#</u>		<u>Aroostook Reg. of Deeds</u>	
Presque Isle Community Center	12	85	Vol. 33,	Page 99
Rev. E. Milton Grant Swimming Pool and Playground	14	11A	Vol. 33,	Page 101
Riverside Skating Facilities	15	30,40,41	Vol. 33,	Page 102
Riverside Bi-Centennial Park	15	41	Vol. 33,	Page 102
Riverside Leisure park	15		Vol.	Page
Mantle Lake Park	F1	40A & 41	Vol. 33,	Page 114
Arnold Brook Recreation Area	F12	65	Vol. 33,	Page 126
Indoor Swimming Pool	2	157	Vol. 33,	Page 89
Veteran’s Memorial Park		8		46
Peace Park		4		95
Bike/Walking Path				

“**VEHICLE**” is 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, trail bike of any size, kind or description. Exception is made for baby carriages, bicycles, and vehicles used in the maintenance and operation of City Parks.

“**PERSON**” includes an individual or organization of any type.

### *SECTION 3 SAFE ZONE*

The City of Presque Isle recognizes that our parks and facilities are of great interest to and well visited by the children in our community. As such, the City of Presque Isle establishes those city owned and/or leased parks, property, and facilities listed in Section 2, paragraph 4 of this ordinance as “Safe Zones”, described in Maine statute, Title 30-A, Section 3253 and defined in Maine statute, Title 17-A, Section 1101 (23), which states: “ ‘Safe zone’ means an athletic field, park, playground or recreational facility that is designated as a safe zone by a municipality pursuant to Title 30-A, section 3253.”

### *SECTION 4 PARK PROPERTIES*

Except as may be necessitated by reason of construction or maintenance activities under the supervision or control of the Director, no person in the park shall:

#### *A. Building and Other Property*

1. Disfiguration and Removal: Willfully mark, deface, disfigure, injure, tamper with or displace or remove, any building, bridges, tables, benches, fireplace grills, 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 of Natural Resources: Dig or remove any sand, soil, rock, stones, trees, shrubs or plants, timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.

#### *B. Trees, Shrubbery and Lawns*

1. Injury and Removal: Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree 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 way injure or impair the natural beauty or usefulness of any area.

2. Climbing Trees: Climb a tree or walk, stand or sit upon monuments, vases, fountains, railings, for or upon any other property not designated or customarily used for such purposes.

## *SECTION 5            SANITATION*

No person in a park shall:

- A. Pollution of Waters – Throw, discharge or otherwise place or cause to be placed in the waters of 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.
- B. Refuse and Trash – Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper boxes, cans, dirt, rubbish, waste, garbage or refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided, where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for such presence, and properly disposed of elsewhere.

## *SECTION 6            TRAFFIC*

No person in a park shall:

1. Motor Vehicle Laws Apply – Fail to comply with all applicable provisions of the Revised Maine Statutes Title 29 Vehicle Laws and 17A with regard to equipment and operation of vehicles together with such regulations as are contained in this and other City of Presque Isle Ordinances.
2. Obey Traffic Signs – Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping, or parking, and all other posted for proper control and to safeguard life and the property.
3. Speed of Vehicles – Ride or drive a vehicle at a rate of speed exceeding the posted speed for any park area.
4. Operation of Vehicles – Drive any vehicles, excepting bicycles, on or in any area except public ways and paved park roads or parking area, or such other areas as may, on occasion, be specifically designated as temporary parking areas, by the Director. Excepting bicycles, only vehicles properly licensed and registered for operation on public ways and operated by persons properly licensed and registered for operation on public ways and operated by persons properly licensed under the laws of the State of Maine shall be permitted in any park area.

## 5. Parking

- a. Designated Areas – Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions there at and with the instructions of any attendant who may be present.
- b. Night Parking – Except as approved by the Director, a person shall not leave a vehicle standing or parked at night in a park, after closing hours. The vehicle shall be towed away and stored at the expense of the registered owner.

## 6. Bicycles

- a. Confined to Roads – Ride a bicycle on other than a paved 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 paved area reserved for pedestrian use.
- b. Operation – Ride a bicycle other than on the right hand side of the road paving as conditions permit, and 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 as 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 vehicles they may be meeting.
- c. Designated Racks – Leave a bicycle at a place other than a bicycle rack when such is provided and there is space available.
- d. Immobile Bicycles – Leave a bicycle lying on the ground or paving, or set against trees, or any place or position where other persons may trip over, or be injured by them.

## *SECTION 7 RECREATIONAL ACTIVITIES*

No person in a park shall:

### A. Bathing and Swimming

- A. Designated Areas – Swim, bathe, or wade in a body of water in a park or any tributary or storm drain flowing into a park, except in those areas which are specifically designated for swimming or bathing purposes, and in compliance with regulations adopted by the Director.

- B. Certain Hours – Frequent any waters or places designated for the purposes of swimming or bathing, or congregate thereat, except between such hours of the day and on such conditions as shall be designated by the Director for such purposes for each individual park area.
  
- B. Hunting and Firearms – Hunt, trap or pursue wildlife at any time. No person shall use, carry, possess firearms of any description, or air rifles, spring guns, bows and arrows, slings, or other forms of weapons potentially inimical to wildlife and dangerous to human safety, or any kind of trapping device. Shooting in park areas as defined herein is strictly forbidden.
  
- C. Camping – No person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours, any moveable structures or special vehicle that could be used for such purposes such as a house trailer, camp trailer, tent or the like. No person shall use the public launching ramp for any use other than the launching of small boats, hauled on boat trailers, with a maximum weight of boats, trailer and towing vehicle not in excess of ten thousand (10,000) pounds.
  
- D. Alcoholic Beverages and Controlled Substances Prohibited.
  - 1. No person shall consume or possess an open or previously opened container containing any alcoholic beverage, or be under the influence of an alcoholic beverage while in public park and recreational facilities.
  
  - 2. No person shall consume, possess or be under the influence of any controlled substance, as defined by the Statutes of the State of Maine, while in public park and recreational facilities.

## *SECTION 8        BEHAVOIR*

No person in a park shall:

- A. Fires – Build or attempt to build a fire, except at such areas and under such regulations as may be designated by the Director. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes, or cigars, tobacco or other inflammable material, within any park area or on any highway, road or street abutting or contiguous thereto.
  
- B. Closed Areas – Enter an area posted as “Closed to the Public” nor shall any person use, or let the use of any area in violation of posted notices.

## *SECTION 9            MERCHANDISING, ADVERTISING AND SIGNS*

Except in conjunction with supervised activities under the general control and supervision of the Director, no person in a park shall:

- A. Vending and Peddling – Expose or offer for sale any article or thing, nor shall he station or place any stand, cart or vehicle for the transportation, sale or display by written permission by the Director.
- B. Advertising – Pronounce, advertise, call to the public attention in any way to any article or service for sale or hire.
- C. Signs – 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 City owned lands or highways or roads adjacent to 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 10          PARK OPERATING POLICY*

The Board shall establish the hours of attendance at all Parks.

- A. Hours – With the exception of the Rev. E. Milton Grant Pool and Playground and Arnold Brook Lake Recreation Area and except as defined herein, shall be open to the public from 6 o'clock AM to ½ hour after sunset, Eastern Standard Time or Eastern Daylight Time, as may be in effect unless posted otherwise for designated activities.

The Director shall cause notices of the opening and closing hours to be posted in each individual park.

- B. Closed Areas – Any section or part of any park may be declared closed to the public by the Director at any time, either temporarily or at regular stated intervals.
- C. Entry Prohibited – Except with the written permission of the Director, no person shall enter, pass through or remain in any park after closing time.

## *SECTION 10A        USE OF PUBLIC PARK AND RECREATIONAL FACILITIES BY CHIDLREN UNDER THE AGE OF SIX*

No parent or guardian shall permit a child under the age of six (6) years to make use of public park and recreational facilities without providing for direct supervision of the child.

## *SECTION 11 ENFORCEMENT*

1. 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.
2. Conflicting Provisions – If there is a conflict between this Ordinance and any other Ordinance which might apply to a public park, the provisions of this Ordinance apply.
3. Enforcement – The Police Department shall enforce this Ordinance. The Director and his staff may eject any person acting in violation of this Ordinance from any park.

## *SECTION 12 PENALTIES*

Any person, firm or corporation violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereon shall be fined in an amount not exceeding two hundred dollars (\$200.00), said fine to inure to the benefit of the City. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

In addition, to which, any person found guilty of any violation hereunder, may be held liable for any damage resulting from said violation in a separate civil action brought by the City for that purpose.

## *SECTION 13 SUNSET PROVISION*

This Ordinance shall be in force for the term of four (4) years from its effective date. This Ordinance shall become null and void upon the expiration of four (4) years from the said effective date; unless recommended and required by the City Council to remain effective, prior to such expiration date.