

Title IV

Parks & Recreation

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Sec. 40.01 Public park defined

The term "public park" shall be construed to refer to municipally owned or municipally maintained parks, whether located wholly within, wholly without, or partly within and partly without, the corporate limits. Public parks and property owned or operated by the town include:

1. Centennial Park
2. Hilltop Park
3. Page's Mill Pond
4. Parks and Recreation Dept.

The town council shall have the authority to declare any property owned or operated by the town, as a public park.

Sec. 40.02 Applicability

This chapter shall apply to all town parks and/or recreation facilities now or hereafter within the town. The chapter also applies to public pathways and waterways with the town. Nothing in this chapter shall supersede state or federal laws. Where posted, rules pertaining to a particular public property shall be enforced as part of this chapter.

Sec. 40.03 Hours of operation

All parks and/or recreation facilities owned by the town and within the town limits shall be opened at **5:00 a.m.** The closing hour for all parks and/or recreation facilities owned by the town and within the town limits shall be **10:30 p.m.**, unless a permit has been approved following an application to the town clerk.

Sec. 40.04 Injury to shrubbery, flowers, etc.

It shall be unlawful for any person to break, pluck, walk, step on or in any way injure or destroy any shrub, flowers, or bush, or to dig, uproot, tear up or injure any sod or grass in any public park, or to walk, drive, sit or stand upon any space or area in such public park where a "keep off" sign has been posted.

Sec. 40.05 Injury to structures or personality

It shall be unlawful for any person to write on, carve, cut, deface, injure, or break any part of any building, grandstand or other structure, or any chair, seats, etc., in any public park.

Sec. 40.06 Sanitation

No person in or on a public property shall:

Depositing refuse. Leave or permit to be deposited or left in any public park any trash, paper, box, can, bottle, food fragments or other unsightly substance, except in receptacles provided especially, for that purpose, or to dump or throw any trash, stones, bottles, food fragments or refuse of any kind in any lake, stream, swimming pools or fountains in any such park. Any refuse generated from activity in within the public park shall be disposed of at either an on-site receptacle or properly disposed of off property.

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

Sec. 40.07 Bills, posters and advertising

It shall be unlawful for any person to erect any bill posters or to post, tack up or otherwise display any bills or advertising signs, or to distribute handbills in any public park. This section does not apply to the paid advertising allowed at recreation fields.

Sec. 40.08 Selling in public parks

It shall be unlawful for any person, except as may have a permit or concession from the town clerk, to sell or offer for sale within any public park any cold drinks, food or any other merchandise.

Sec. 40.09 Intoxicating liquors; disorderly conduct, etc.; drugs

It shall be unlawful for any person to carry into any public park any intoxicating liquors, to drink the same therein, or to be therein under the influence of intoxicants, or to use any profane, vulgar or indecent language, or to commit any nuisance, or to engage in any unseemly, obnoxious or disorderly conduct, or to engage in any game of chance, or in betting or wagering in any such park.

It shall be unlawful to disturb or interfere unreasonably with any person or party occupying any area or participating in any authorized activity.

It shall be unlawful to possess, consume or distribute non-prescriptive drugs or illegal substances on the premises of any public park.

Sec. 40.10 Motor vehicle traffic in parks

No person in or on a public property shall:

Compliance with motor vehicle laws. Fail to comply with all applicable provisions of the state or local motor vehicle traffic laws in regard to equipment and operation of vehicles, together with such governmental regulations as are contained in this chapter and other ordinances.

Obedience to police officers. Fail to obey all police officers and town employees, such persons being hereby authorized and instructed to direct traffic whenever needed in such areas and in accordance with the provisions of this chapter and such regulations as may be issued by the town.

Speed of vehicles; operation off roadways. Ride or drive a motorized vehicle within any public property, when authorized, at a rate of speed exceeding five miles an hour or operate such vehicle off any paved or clearly maintained portion of a roadway in any public park or other publicly owned property, except when authorized by the town. All motorized vehicles are expressly prohibited on designated bike trails.

Operation of motorcycles. Operate a, motorcycle, motorbike or similar motorized vehicle within the limits of any public property except upon those paved portions of a roadway and parking areas designed for such vehicles.

Double parking. Double park any vehicle in any such area unless directed by a town official.

Sec. 40.11 Picnic regulations

It shall be unlawful to picnic or lunch in a place other than those areas designated for that purpose. Town staff have the authority to regulate the activities in such areas when necessary, to prevent congestion and to secure the maximum use for comfort and convenience of the public.

It shall be unlawful to violate the regulation that the use of the picnic tables and benches follows the general rule of "first come, first served."

It shall be unlawful to leave the area before all trash, in the nature of boxes, paper, cans, bottles, garbage and other refuse is placed in receptacles provided. If no such receptacles are available, then the refuse and trash shall be carried away from the park and disposed of elsewhere.

Sec. 40.12 Camping; fires

No person in or on a public property maintained by the town shall build or attempt to build a fire except in such areas and under such regulations as may be designated by the town.

It shall be unlawful to camp in any area without written permission from the town clerk. No person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping nor shall any person leave in any park any movable structure or special vehicle to be used or that could be used for such purposes, such as campers, trailers or the like.

Sec. 40.13 Fireworks in parks, prohibited

It shall be unlawful to bring or have in their possession or set off or otherwise cause to be exploded or discharged or burn any firecracker, sparkler, or other fireworks or explosive or to discharge or throw them into any such land or highway adjacent thereto without written permission from the town council or town clerk.

Sec. 40.14 Entering closed areas

It shall be unlawful to:

1. Enter an area of public property posted as closed to the public.
2. Breach any door, gate, chain, or other device used to restrict access to a park, building within a park or a specific area of the park.

Sec. 40.15 Special event permits for exclusive use

(a). Upon receipt of an application, the town may issue a special event permit authorizing the exclusive use of park space or park facilities for a limited time in accordance with its regulations and fees established for that purpose. No person having been issued such permit in or on a town playground or park shall fail to produce and exhibit the permit upon request of any authorized town representative who shall desire to inspect the permit for the purpose of enforcing compliance with any ordinance or rule.

(b). No person shall disturb or unreasonably interfere with any person who has obtained a special event permit under subsection (a) of this section while the permittee is in possession and use of the permitted space or facilities. Any person refusing to stop such disturbance or interference when requested to do so, may be cited for a violation of this Code or ordered to leave the park, or both, by any town officer or employee authorized to enforce this chapter.

(c). Any fees that may be required for a specific facility rental shall be included on the current schedule of rates and fees. The town clerk has the authority to waive any or all fees associated with a rental if they deem it in the best interests of the town.

(d). Any person entering into a lease or rental agreement with any recreation facility or public park agrees to hold harmless the town, its staff, its agents of any injuries or deaths incurred while using the facilities. The sponsor shall assume full responsibility.

(e). A permit shall be required to conduct athletic tournaments such as baseball, basketball, softball, etc.

Sec. 40.16 Park restrictions

Any section or part of any park or recreation area or facility may be declared closed the public by the town clerk at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and to certain users.

Sec. 40.17 Enforcement

The Mayor or the recreation director, if such position shall exist, has the authority and responsibility to enforce any rules and regulations governing the use of parks and recreation facilities as adopted by the town.

The Mayor or the recreation director or any authorized municipal employee shall have the authority to eject from any recreation facility any person acting in violation of this chapter or in violation of the rules and regulations enacted pursuant to this chapter or any other ordinance adopted by the town council.

The town police department may draw warrants, issue citations, or take such other legal measures as may be allowed to enforce the terms and provisions of this chapter.

Sec. 40.18 Unsafe conduct in park waterways

Prohibited. No person shall engage in unsafe conduct in or near any stream or river on public property. Unsafe conduct is any activity which threatens harm to the bed or banks of the waterway, or which threatens serious bodily injury to the person engaging in the activity or to others. Unsafe conduct includes, but is not limited to, climbing, or sliding on rocks in or next to a waterway; climbing over the sides of any bridge which crosses over a waterway; or destroying, disrupting, or agitating the condition of banks of a waterway. Nor shall any person actively induce or engage other people in unsafe conduct in a park waterway.

Lawful order. Any law enforcement officer shall assist in enforcement of this section may direct activity having the appearance of unsafe conduct in subsection (a) of this section be stopped. The failure to obey such lawful order is also a violation of this section.

Sec. 40.19 Protection of natural resources

No person in or on a public property, without consent of the town, shall dig or remove any soil, sand, rock, stones, shrubs or plants, down timber, or other wood materials, or make any excavation by tool, equipment, blasting or other means or agency.

Sec. 40.20 Penalty

Any person found upon the premises of any town parks and/or recreation facilities within the town limits after the official closing hour of 10:30 p.m., without the express written consent of the town clerk or their authorized representative or the written permission of the mayor and town council shall be deemed a trespasser and in violation of this chapter.

This chapter shall not apply to members and employees of the town and the town recreation committee engaged upon their official duties in connection with said parks and recreation facilities.

Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.

Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding \$500.00 or imprisonment not exceeding 30 days, or both.