

Ordinance Number Assigned: **2005-400**

## **PARK USE ORDINANCE**

As amended 1/12/2023

### **Purpose.**

The purpose of this ordinance is to regulate the conduct of persons using or occupying the public parks, recreation areas, and public spaces of the City in order to preserve these areas from misuse or destruction and to enhance their use for the members of the public who use the public areas in a reasonable manner.

### **Definitions.**

As used in this chapter, 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. FOR-PROFIT RETAIL SALES- any retail from which 50% of the profit goes to the vendor.
- B. NON-PROFIT- a corporation designated as a not-for-profit corporation by the United States Internal Revenue Service.
- C. NON-PROFIT RETAIL SALES- any retail sale from which 100% of the profits goes to a non-profit organization.
- D. PARK- any City owned or leased facility listed in §521-4.
- E. SPECIAL EVENT- any event proposed to be held within City parks at which it could reasonably be assume that twenty-five (25) or more persons might gather and participate.
- F. VEHICLE- any conveyance including, but not limited to, an automobile, truck, motorcycle, trail bike, trailer, wagon, snowmobile, bicycle, or watercraft.

### **4-521 Descriptions of Parks**

- A. The provisions of this ordinance shall apply to the following owned parks and recreational areas:
  - a) The Milltown City Park lying between North Street and the Maine Central Railroad.
  - b) The so-called Tot-Lots located on Union Street, on School Street.

- c) The Calais Community Center on Academy Street to include the building and the area around said building.
  - d) The Dicenzo Athletic Complex, Smith Field, DelMonaco Field, batting cages, tennis courts, basketball courts, Little League field, swimming pool, and skate park, any other athletic facilities, and the area immediately surrounding those facilities.
  - e) The Main Street Park at the Triangle and playgrounds at King Street, Union Street, Red Beach, Memorial Park, Dicenzo Athletic Complex, Waterfront Park, Waterfront Walkway and Downtown Park.
- B. The following properties are not considered City parks for the purpose of this ordinance.
- a) Devil's Head
  - b) Nash's Lake
  - c) Pike's Woods

These areas are regulated as Conservation Areas.

#### **4-522**

No persons shall remain within any area specified in Section 4-521 between the hours of 10:00 PM and Sunrise in accordance with the legal time standard in effect. However, games already in progress at 10:00 PM will be allowed to be completed, but no games would begin after 10:00 PM.

Hours May Vary- The permitting authority may vary the attendance hours for special activities and special events.

Special Closures- Any section of any park may be declared closed to the public by the City Council, Public Works Director or Chief of Police at any time for any interval of time, either temporarily or at regular stated intervals, by posting suitable signs. No person shall remain in such a closed area.

#### **4-523**

Persons shall not climb upon, damage or deface any structure, statuary, fixture, equipment, or property, real or personal, located in the area specified in Section 4-521. Abusive and profane language will not be permitted in said area.

#### **4-524**

The provisions of this ordinance shall not be construed to prohibit any lawful, supervised activities conducted with City permission in any of the areas specified herein within the hours state in Section 4-522.

#### **4-525**

No persons shall operate any motorcycle, mini-bike, go-cart, or motor vehicle of any kind at any time within the areas specified herein, except the designated parking areas may be used for parking purposes by such vehicles where the occupants are attending activities taking place there as participants or spectators. Such vehicles shall not be operated on any play area or improved athletic area at any time nor shall they be driven on any grassed area within the designated areas at any time. With sufficient snow, snow machines may use the northern edge of the Athletic Complex and the Waterfront Walkway as a trail to the woods.

#### **4-526**

The use of the areas specified in Section 4-521 for the drinking of intoxicating liquor, using or possession of illegal drugs, disorderly conduct, or making of unreasonable noise is prohibited. The Calais Police Department and other law enforcement officers shall enforce this provision and any person who refuses to cease and desist promptly from such conduct upon request shall be deemed to be in violation. Anyone found in possession of drugs will be banned from the property. Regarding all City Parks and Playgrounds, the use of tobacco products, including cigarettes, chewing tobacco, electronic cigarettes and vaporizers is prohibited.

#### **4-527 Lawful Use of Streets and Sidewalks**

Provisions of this ordinance shall not be construed to prevent lawful use of the streets and sidewalks bordering any of the areas specified herein.

#### **4-528 Penalty**

Whoever violates any provisions of this ordinance shall, upon conviction, be punished by a fine of not less than *twenty-five dollars and not more than two hundred and fifty dollars*, or in the case of damages or defacement pay restitution, to be covered for the use of the City of Calais. Jurisdiction over such offenses shall be in the Maine District Court.

**4-529 Littering Prohibited.** No person shall deposit rubbish, refuse, garbage or other waste material in a park, except for such waste generated in said park which shall be placed 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.

**4-530 Leash Required.** No person shall allow a domestic animal to roam in a city park unless restrained by a leash.

**4-531 Camping Prohibited.** No person shall use any public park, in the City of Calais for the purpose of overnight accommodation or a temporary or permanent abode or habitation, except with the written permission of the permitting authority.

**4-532 Improper use.** No person shall climb, walk, stand, skateboard or sit on a monument, bandstand, fountain, railing, fence or any other structure not designed for that purpose.

**4-533 Obey signs.** All persons must obey all signs posted in any park 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 city.

**4-534 Fires.** No person shall build a fire in a park, except as authorized by the permitting authority as part of a special event.

**4-535 Special Events.** City parks and public spaces 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 City or School 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 City park or public space must first apply for and obtain a permit from the permitting authority.
- B. **Permitting Authority-** The Calais City Council shall be the permitting authority for all special events. Although, the Council may, at its discretion, defer permitting authority for any special event to the City Manager or Chief of Police.
- C. **Application Fee-** An application fee or special event will be required of all applicants to cover administrative costs incurred by the City in permitting the special event, said fee to be set from time to time by the City Council.
- D. **Application Form-** Organizations and persons requesting a permit to use any portion of a City Park or public space for a special event must complete an application form for the City Clerk's Office. Partially complete applications will not be considered. Said forms shall include the following information:
  - 1. The name and contact information of the sponsoring person or organization and its officers.
  - 2. The signature of the president, or if the organization has no president, the chief executive officer of the organization.
  - 3. The tax status of the organization.
  - 4. Whether amplified sound will be used.

5. Such Additional information as the Calais City Council feels necessary for determination of compliance with this ordinance and efficient operation of the parks.

E. **Application Review-** The permitting authority shall review and make determination on all applications requesting a permit to use any portion of City parks or public space for a special event.

1. **Application Deadlines-** Applications must be submitted thirty (30) days prior to the date of an event.
2. **Eligible Applicants-** Sponsoring organizations may include but are not necessarily limited to: festival committees, church organizations, charitable organizations, educational organizations and governmental groups. The sponsoring person or organization shall:
  - a) Be clearly and correctly identified in the application form
  - b) Be a person or non-profit entity whose proposed event will not be for financial profit, except that for profit sales may be permitted at certain major events as provided below, Standards For Approval- The following standards shall be utilized by the permitting authority in reviewing applications for special events.
  - c) The permitting authority shall issue a permit if it finds: the application form has been properly completed;
  - d) The application fee has been paid;
    - I. The event will not endanger the health and safety of persons who visit the park; adequate sanitary facilities are available or will be provided in the park to accommodate the proposed special event;
    - II. The special event or activity will not cause damage from destruction or overuse of the grounds, equipment, vegetation, buildings, fences or other amenities of the park;
    - III. The special event will not unreasonably disturb persons who occupy land which is in the vicinity to such park or public space; and
    - IV. The portion of the park or public space requested has not been reserved for other use at the time requested in the application.

- e) **Conditional Approval-** When approval the permit, the permitting authority may approve the permit with suitable conditions for the purpose of assuring compliance with this ordinance. Said conditions may include, but are not limited to:
- f) **Location-** designating the park or the specific area within a park or public space where the special event shall be allowed to take place, even if this is a location different than that requested by the applicant.
- g) **Restrooms-** requiring a minimum number of portable restrooms based on the expected attendance and duration of the special event.
- h) **Street closure requirements-** Applicant to be responsible for additional cost incurred by the city.
- i) **Alcoholic Beverages-** Applicant must obtain alcohol insurance and list City of Calais as additional insured on liability policy.
- j) **Security-** Applicant to be responsible for costs of additional security.

- F. **Denial-** The permitting authority shall deny any special event permit application if the permitting authority determines that:
1. The special event will not be held in compliance with this ordinance.
  2. The applicant has violated this ordinance within twelve (12) months prior to the date of the application.

Any denial must be in writing and clearly explain the reasons for which the application was denied.

- A. **Appeal-** Any person who is aggrieved by the City Council's issuance of a special event permit or the City Council- failure or refusal to issue a special event permit may appeal the Council's decision to the City Council by written request filed with any City Clerk within thirty (30) days of the decision. The City Council shall:

1. Hear the case in not less than ten (10) days, nor more than thirty (30) days of receipt of the application,
3. Advertise the hearing at least once in a newspaper of general circulation in the City,
4. Provide the applicant and, the public with an opportunity to be heard,
5. Make findings of fact and issue a written decision within thirty (30) days of the close of the hearing.

G. **Noise-** Amplified sound may be allowed by special event permit in City parks or public space. However:

1. The need for amplification must be identified on the permit application.
2. The sound shall not unreasonably disturb the peace of homeowners and businesses located adjacent to or in the neighborhood of the parks.
3. The applicant must comply with any Calais police officer's request to reduce the noise to a level acceptable to the police officer, in his sole judgment.

H. **Weather cancellation-** if any special event held during inclement weather will likely cause injury or damage to City Parks or public spaces, the Public Works Director may cancel the event due to inclement weather or forecasted inclement weather.

I. **Cleanup-** The sponsoring person or organization shall return the park to the condition it was in prior to the special event. The sponsoring person or organization will be billed by the City for any damages incurred beyond normal wear and tear and shall pay the full amount of the invoice within thirty (30) days of the billing date. Any invoice remaining unpaid after thirty (30) days may be collected in a court of law. In addition, no future special event may be scheduled until the account is cleared.

J. **Compliance-** The sponsoring person or organization shall comply with all conditions of any permit granted.

- K. **Use of public are for habitation-** No persons shall use or permit to be used any public thoroughfare, public street, park, cemetery, public land or any other public place in the City of Calais for the purpose of overnight accommodation or a temporary or permanent abode or habitation, except with the written permission of the City Council of the City of Calais.
- L. **Obstruction of traffic-** No person or persons shall congregate or remain in any public street, public thoroughfare, public sidewalk, public park, or any other public place in the City of Calais in such a manner as to obstruct the flow of pedestrian or vehicular traffic, except that parades and special events may be held with the written permission of the City Council.
- M. **Severability-** If any provision of this ordinance or the application thereof is held invalid, this invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and for this purpose the provisions of this ordinance are severable.

Adoption of this ordinance replaces the previously adopted City of Parks Control Ordinance, Memorial Park Ordinance, and Swimming Pool Ordinance.

**4-536 to 4-539 Reserved**

Adopted: April 28, 2005

Amended: January 12, 2023

Appealed: