

ORDINANCE #15
Use of Public Property and Parks

PREAMBLE: In order to promote the general welfare of the citizens of the Town of Winthrop, to provide for the public safety and to provide for the protection and maintenance of public property and public parks and to preserve the public peace, the following Ordinance is adopted:

SECTION 1. FIRES PROHIBITED

A person shall not ignite a fire on any public way or other public property without first obtaining a permit from a sworn Fire Warden. Notwithstanding the preceding sentence, charcoal fires in existing enclosed grills shall be permitted between the hours of 6:00 A.M. and 10:00 P.M. at Norcross Point, provided that such fires are not to be left unattended at any time and are to be thoroughly extinguished at the end of the cooking activity.

SECTION 2. CERTAIN ACTIVITIES PROHIBITED

A person shall not fly a kite, play at any game of ball or throw a stone or other object on any public property (authorized area excepted), except in areas specifically authorized or set aside for such purposes. This section shall not apply to Norcross Point provided that such activity is conducted in a manner which does not interfere with the reasonable enjoyment of the area by other members of the public.

SECTION 3. OBSTRUCTING VEHICULAR TRAFFIC

A person shall not obstruct or attempt to obstruct the free flow of vehicular traffic by thrusting himself, another person or an object into a public way.

SECTION 4. CLOSING TIMES FOR CERTAIN PUBLIC PROPERTY

Public parks, public recreation areas and public school grounds in the Town of Winthrop shall be closed to occupancy and use by any person or group from the hours of 10:00 P.M. to 6:00 A.M., except upon written authorization by the Superintendent of Schools or in the case of Public parks, and Public recreation areas written authorization shall be obtained from the Town Manager or his or her designee.

SECTION 5. USE OF ALCOHOLIC BEVERAGES AND DRUGS PROHIBITED

The use, consumption or possession of drugs or alcoholic beverages in public parks, public recreation areas and public school grounds is prohibited. The possession by any person in the aforementioned places of any partially consumed container or device with a residue of said drugs or alcoholic beverages shall be prima facie proof of such use, consumption or possession.

The use or consumption of alcoholic beverages is also prohibited in public ways as defined in Sec. 505 of Title 17A of the Maine Revised Statutes and all other places to which the public has general access, such as hallways of apartment buildings and parking areas, unless permission to do so has been given by the owner or other authorized person.

Such use or consumption of alcoholic beverages by any person shall be a crime punishable under Section 9 of this Ordinance after that person has been given one warning against such conduct by a law enforcement officer. Only one warning shall be required regardless of the amount of time passing between the warning and any subsequent incident involving the same prohibited conduct.

SECTION 6. LITTERING PROHIBITED

No person shall place or cause to be placed on or in any public way, public park, public parking lot or other public property any refuse of any kind including but not limited to, glass, metal, wood or paper products and garbage except in proper containers placed there for the collection of rubbish at the Municipal dump. Owners of domestic animals and persons having responsibility for or control of such animals shall be responsible for the immediate collection and removal from Town property of all excrement deposited by such animals. All dogs shall be on a leash and under control of the owner or custodian of the animal at all times.

SECTION 7. TOWN OWNED BEACH AREAS

Notwithstanding any of the provisions of this Ordinance, the Council may adopt reasonable additional regulations governing the use of any town owned beach area and Norcross Point, including the gazebo. These regulations shall be adopted and may be amended from time to time only after a public hearing with seven (7) days notice thereof. Notice shall be given by posting the proposed regulations at the Town Office along with the place, time and date of the public hearing. Said regulations may be more restrictive than the provisions of this Ordinance, although the provisions of this Ordinance shall apply to said beach areas in the absence of more specific regulations.

SECTION 8. SWIMMING FROM BRIDGES PROHIBITED

A person shall not jump, dive, swim or bathe from, or otherwise stand, sit or loiter on any bridge, dam, cul-de-sac or culvert. Notwithstanding the preceding sentence, pedestrian and vehicular traffic is permitted only for the purpose of fishing or passing over any bridge, dam, cul-de-sac or culvert.

SECTION 9. DOGS PROHIBITED FROM NORCROSS POINT

Notwithstanding any provision of State or Federal law to the contrary allow any owner or person having responsibility for control of a dog on the premises of Norcross Point.

SECTION 10. PENALTY

Any person who violates any of the provisions of this Ordinance or any regulations adopted thereunder shall be punished upon conviction by a fine not less than \$25 nor more than \$100.

Adopted: September 22, 1975

Amended: April 29, 1985

Amended: June 3, 1985

Amended: September 9, 1991

Amended: September 1996

REGULATIONS GOVERNING THE USE OF CERTAIN PUBLIC PROPERTY PURSUANT TO ORDINANCE #15

SECTION 1. SCOPE AND AUTHORIZATION

These regulations are adopted by the Winthrop Town Council under authority of Section 7 of Ordinance #15 (Use of Public Property and Parks). Initially the regulations shall govern the use of the gazebo on Norcross Point, as well as activities associated with the use of the gazebo. The regulations may from time to time be amended to further govern the use of Norcross Point area and the beach area on Maranacook Lake, as well as the beach area on Cobbossee Lake in East Winthrop.

SECTION 2. PERMIT REQUIRED FOR USE OF GAZEBO

Any person wishing to use the Gazebo shall make application to the Town Manager or his designee seven (7) days in advance of the event on a form to be made available at the Town Office. The gazebo may not be used for any activity without first obtaining such a permit.

Permits for use of the gazebo shall, as a general rule, be issued on a first come, first serve basis. However, the Town Manager or his designee may make exceptions in the scheduling priority after giving consideration to those events which can reasonably be expected to draw higher levels of participation from Winthrop residents, or which develop a reasonable level of expectation that the event will occur at a certain time on a regular basis.

Additionally, the Town Manager or his designee may make exceptions to the seven (7) days deadline for filing applications if no conflicts are created and the activity can be reasonably accommodated.

Public access to Norcross Point will not be restricted during the time the Gazebo is rented and/or in use.

SECTION 3. OFFICER REQUIRED

Any person or group proposing to use the gazebo for an activity shall be required to employ a law enforcement officer if the activity can reasonably be expected to generate more than one hundred (100) people.

The Town Manager or his designee may make a determination, which shall be binding upon the applicant, as to the need for the applicant to employ additional law enforcement personnel, depending upon the number of people anticipated to attend the event.

The Town Manager or his designee may make adjustments in the number of law enforcement personnel required during the event following a determination of the approximate number of people who gather for the event.

No permit shall be issued for any activity, which can reasonably be expected to generate a gathering of more than five hundred (500) people. Events may be terminated at the discretion of the Chief of Police in those situations where the attendance limit of five hundred (500) is exceeded.

SECTION 4. BOAT RAMP ACCESS

The applicant shall take responsible precautions to prevent attendees of the event from blocking access to the boat ramp on Norcross Point with their vehicles. Further, the applicant shall provide guidance with respect to the parking of vehicles so as to insure that the double-parking length spaces are reserved for use by vehicles with trailers in tow. The Chief of Police may determine that the applicant must employ a law enforcement officer specifically for that purpose.

SECTION 5. ADDITIONAL RESPONSIBILITIES

Applicants are responsible for cleaning up the gazebo and park area upon completion of the event. Applicants will be liable for any damages incurred and additional law enforcement personnel needed to maintain order before, during, or at the conclusion of the event. Applicants will pay a \$50. cleaning deposit with the application, refundable if the gazebo and park are left clean.

SECTION 6. TOBACCO PROHIBITED

The Norcross Point area, the beach area on Maranacook Lake, and the beach area on Cobbossee Lake in East Winthrop will be tobacco-free, smoke free properties. This includes marijuana, all electronic cigarettes, vaping devices, and smokeless tobacco products.

Amended April 4, 2016

Amended July 11, 2016

Amended August 1, 2016