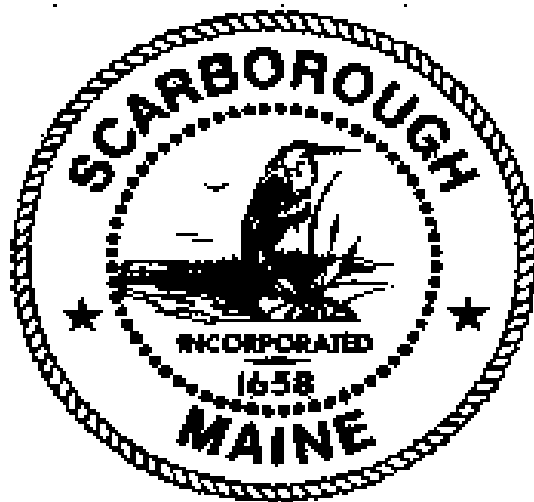


**CHAPTER 612  
TOWN OF SCARBOROUGH  
ORDINANCE CREATING RULES AND  
REGULATIONS FOR USE OF PARKS AND  
RECREATIONAL FACILITIES**



**Adopted May 19, 2004  
Amended April 20, 2011**

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**CHAPTER 612  
TOWN OF SCARBOROUGH ORDINANCE  
CREATING RULES AND REGULATIONS  
FOR USE OF PARKS AND RECREATIONAL FACILITIES**

**1. Definitions**

**a. “Beach”**

Means any beach area within the Town of Scarborough that is used by the general public. [Adopted 04/20/2011]

**b. “Park”**

Means an area of land, whether in a natural state or developed, having facilities for rest and/or recreational use or providing open space for leisure activities, and customarily used by the general public for such uses and activities. The term park includes, but is not limited to, playgrounds, school grounds, athletic playing fields, beaches, walkways, trails and parking areas serving such facilities. [Amended 04/20/2011]

**c. “Tobacco”**

Means any tobacco products in any form including, but not limited to cigarettes, cigars, pipes, snuff, dip, chewing tobacco, weed or plant. [Adopted 04/20/2011]

**d. “Town park”**

Means a Park owned or operated by the Town of Scarborough.

**e. “Designated Smoking Area”**

Means an area designated as a place for smoking. A designated area must be marked with prominent signs and must be located a minimum of 25 feet away from common points of ingress and egress of a public way to the beach. [Adopted 04/20/2011]

**2. Park property protected**

No person in a Park shall:

- a. Mark, damage or remove any building structure, benches, signs or other similar apparatus or equipment unless authorized to do so in writing by the Scarborough Community Services Department or the owner of the Park property.
- b. Dig, disfigure or remove any soil or vegetation or any excavation on Park property.
- c. Construct any building or structure or signs unless authorized to do so in writing by the Scarborough Community Services Department or the owner of the Park property.
- d. Throw away or leave refuse or trash except in waste receptacles placed by the Scarborough Community Services Department or the Scarborough Department of Public Works or the owner of the Park property.
- e. Damage, cut, carve, transplant or remove any tree or plant.

**3. Fires and fireworks prohibited**

- a. No person shall build or attempt to build any fires within a Park unless authorized to do so in writing by the Scarborough Community Services Department or owner of the Park property, and then only after obtaining any permits required from the Scarborough Fire Department.

- b. No person shall bring or have in their possession or set off or otherwise cause to explode, discharge or burn any firecrackers, torpedoes, rockets or other fireworks or explosives or inflammable material onto any Park property, unless authorized to do so in writing by the Scarborough Community Services Department or the owner of the Park property, and then only after obtaining any permits required from the Scarborough Fire Department.

#### **4. Camping prohibited**

No person shall set up any tent, shack or any other temporary shelter for the purpose of overnight camping in a Park. Any movable structure or special vehicle to be used or that could be used for such purpose, such as a home trailer, camp trailer, camp wagon or recreational vehicle, shall not be used for overnight camping in a Park unless authorized in writing by the Scarborough Community Services Department or owner of the Park property.

#### **5. Disorderly conduct prohibited**

No person shall engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in disorderly conduct or behavior constituting a breach of the peace in any Park facility. No man shall expose his genitals or buttocks; or woman, her genitals, buttocks or breasts any time in a Park.

#### **6. Illegal drugs, alcohol and tobacco prohibited**

- a. No person in a Park shall have in his or her possession or use any illicit, illegal or scheduled drugs, as defined under the Laws of the State of Maine. No person shall have any alcoholic beverage in his or her possession in any Park.
- b. No person shall use tobacco within any Town Park, unless in a designated smoking area. [adopted 04/20/2011]
- c. No person shall use tobacco on any beach, unless in a designated smoking area. [adopted 04/20/2011]
- d. Unless, in a designated smoking area, no person shall use tobacco on any town-owned property within 25 feet of any beach. [adopted 04/20/2011]

#### **7. Hours of Operation**

The hours of operation of all Parks shall be sunrise to sunset, or as otherwise posted. It shall be a violation of this Ordinance for any person to be in or upon a Park beyond the posted closing time or after sunset, if no other closing time is posted.

#### **8. Littering and animal waste in Parks**

No person shall cause or permit any litter, debris, refuse, garbage, human or animal excrement or other objectionable wastes to be cast or deposited upon the premises of any Park.

#### **9. All terrain vehicles**

- a. All terrain vehicles (ATV's), motor bikes and motor vehicles shall be prohibited within Parks at all times except in areas specifically designated for such uses, if any.
- b. Snowmobiles shall be prohibited from use on all trails and areas within Parks except for such trails specifically laid out and authorized as snowmobile trails. This shall not be construed to prohibit the use of snowmobiles and/or snow grooming equipment for the maintenance and grooming of ski trails as authorized by the Community Services Department.

## **10. Use of Town Park facilities**

The Town of Scarborough retains the right at all times to make individual decisions regarding the use of Town Park facilities. All persons or groups desiring to reserve space or facilities in a Town Park for their own use for special events (such as, but not limited to, weddings, banquets, company outings, family reunions, birthday parties and similar celebrations) are required to have a permit from the Community Services Department. No permit is required for group picnics, unless the group seeks to reserve specific park areas or facilities for its own use or intends to provide its own facilities, not already present within the park, for food preparation and service (such as tents, tables, chairs, central cooking facilities and serving stations).

## **11. Priority use of facilities**

Use of Town Park facilities for any organization are scheduled on a first come, first serve basis with consideration given to the Community Services Department's annual use, and annual repeat permittee use first. Once an application is approved, and rental obligations are met, the date and facility is considered secure.

## **12. Permit fees for use of Town Parks**

- a. The fee for such Permit shall be as specified in the *Schedule of Licenses, Permit and Application Fees* established by the Town Council.
- b. All fees must be paid 30 days in advance.
- c. Special requests could add additional costs i.e. (Police officers, restrooms or maintenance service charge). In addition to the application and permit fees, the Community Services Department may require the applicant to pay additional costs as needed for the event, including, but not limited to, the cost of providing police protection, the cost of providing restroom facilities and a maintenance service charge.

## **13. Permit applications**

- a. A person seeking a permit to use a Town Park for a group function or event shall file an application with the Scarborough Community Services Department. The application shall state:
- b. The name and address of the applicant;
- c. The name and address of the person, corporation or association sponsoring and/or conducting the activity;
- d. The day and hours for which the permit is desired;
- e. The Town Park or portion thereof for which such a permit is desired;
- f. An estimate of the anticipated attendance or patronage;
- g. A statement that the applicant agrees to be responsible for any damage or loss to the Park or Park property occurring during or resulting from the applicant's event or activity and that the applicant agrees to abide by all requirements of this Ordinance including, but not limited to, sections 14, 15 and 17; and
- h. Any other information, which the Director of Community Services shall find reasonably necessary to make a fair determination as to approval of the application.

## **14. Deposit to cover cost to the Town**

The applicant shall make a cash deposit sufficient to cover the cost to the town, as estimated by the director of Community Services, for the repair of damages to the Park and for its restoration, and sufficient to pay the expense, as estimated by the director, of any Town employees required to supervise, inspect, setup and cleanup related to the conduct of the event or activity.

## **15. Duties of permittee**

- a. At least five (5) days before the scheduled event, the permittee shall inspect the Park facilities which the permittee intends to utilize and notify the Community Services Department in writing of any defects, deficiencies or apparent damage to such facilities.
- b. The permittee shall be responsible for designating a person who shall be in charge of the conduct of the event or activity and who shall be on the Park grounds while the event or activity is being conducted.
- c. The permittee shall be responsible for keeping the Park clean and free from debris.
- d. For events where more than five hundred (500) individuals are anticipated to gather or participate in the event or activity in the Park, the permittee shall provide a bond in the form of cash, certified check or surety bond from a surety company qualified to do business in the State of Maine in an amount of not less than two thousand dollars (\$2,000.00). Such bond shall be utilized to guarantee cleanup of the area and shall be applied against claims by the town for damage to real or personal property in the Park.
- e. The permittee shall procure and furnish evidence to the town of public liability insurance in amounts not less than five hundred thousand dollars (\$500,000) per person, for bodily injury, death, and property damage, protecting the permittee and the Town from such claims.
- f. The permittee shall comply with any and all other Town Ordinances, Rules and or Policies.

## **16. Standards for issuance**

The Director of Community Services shall issue a permit only upon finding that:

- a. The proposed event or activity shall not endanger the health and safety of persons who visit the Park;
- b. Adequate Parking facilities exist and are available to accommodate the proposed event or activity in the Park;
- c. Adequate sanitary facilities exist and are available to accommodate the proposed event;
- d. The event or activity shall not cause damage from destruction or overuse of the grounds, equipment, vegetation, buildings, fences or other amenities in the Park;
- e. The proposed event or activity would not unreasonably disturb persons who occupy land which is adjacent to such Park; and
- f. The Park or portion thereof desired has not been reserved for other use at the day and hour required in the application.
- g. The permittee has demonstrated the ability and intent to provide adequate supervision of the activity and understands the applicable rules and regulations.

When issuing the permit, the Director of Community Services may designate the specific area within the Park where the event shall be permitted to take place, based upon the foregoing criteria.

## **17. Post-event examination**

Any facilities used by the applicant will be examined carefully by the Town after use. By accepting a permit to use a Town Park, the applicant agrees to make full restitution for loss or damage occurring during the applicants' use of the facilities.

## **18. Termination of permits**

The Director of Community Services, for good cause, may withdraw his/her approval for use of any Town Park facility by giving the applicant notice 48 hours in advance of the scheduled event or gathering.

**19. Enforcement and penalties**

This ordinance may be enforced by any Town of Scarborough Police Officer. Any person found in violation of this Ordinance shall be subject to a fine of not less than one hundred dollars (\$100.00) and not greater than five hundred dollars (\$500.00) for each violation, plus restitution for any damage done to any Park property.

**PARKS, SPORTS FACILITIES, PLAYGROUNDS AND BEACHES**

**Maintained by Community Services**

**May 5, 2004**

**APPENDIX**

**Wiley Sports Complex**

Location: End of Tenny lane in Pleasant Hill Area (Approx. 16 Acres)

Recreation facilities: (1) Full size Baseball field, (1) L.L. Baseball field

(1) 120 X 60 Multi-purpose field

¼ Mile Walking Trail around complex

(1) 40 X 60 woodchip Play ground area

Concession/Bathroom Facility: 44 X 20 foot building

(2) Unisex Bathrooms

(1) 8 x 10 foot Boiler room

(1) 16 X 11 foot Outdoor storage shed

Parking Area: 84 Parking Spaces with 2 Handicap spaces

**Blue Point Park**

Location: Off Pine Point Rd. across street from Blue Point Church.

Approx. 1 Acre

Full Size Tennis Courts

(1) Outdoor Basketball Court

**Scarborough River Wildlife Sanctuary**

Location: Off Pine Point Rd.

(52) Acre Passive Recreation Area with 1.5 miles of walking trails

62 X 65 foot Gravel Parking area

**Bessworth Child Care Buliding**

Location: Behind Wentworth school off Rt. 114

8 Portable classrooms

Outdoor Basketball Courts

Playground Area & Small Multi-purpose field (Approx. 2 acres

**Municipal Building**

Location: 259 US Rt. 1

Acres of Grounds

75 Parking Spaces

**Springbrook Sports Complex**

Location: On Longmeadow Road (Approx. 12 Acres)

Recreation Facilities: ( 2) Skin Softball fields (1) 120 X 70 multi-purpose field

Walking trail around complex.

40 X 40 foot woodchip Play ground Area

Concession / Bathroom Facility: 44 X 20 foot Brick Building:

Parking Area: 73 spaces with 5 Handicap spaces

**Peterson Sports Complex**

Location: Old Blue Point Road ( Approx. 17 Acres)

Recreation Facilities: 1 L.L. Baseball field with 2 dugouts

**PARKS, SPORTS FACILITIES, PLAYGROUNDS AND BEACHES**

**Maintained by Community Services**

**May 5, 2004**

**Peterson Sports Complex - Continued**

- (1) Skin Softball field with 2 Dugouts/ Concession Building with Bathroom.
- (1) Full size Baseball field with Chain link Backstop and Dugouts.
- (1) Multi-purpose 120 X 60 Field
- Walking Trail around Complex
- 32 X 32 Woodchip Playground area
- 24 X 24 foot Storage Building with Loft area.
- 10 X 7 foot Storage Shed (Travel Soccer)
- Parking: 87 Plus Parking Spaces
- Concession Building with Bathroom

**Maintenance Building and Outdoor Ice Rink**

- Location: Oak Hill Sports Complex (Approx. 2 acres)
- Ice rink: 300 X 250 foot manmade area
- Warming area with small concession area and (2) Handicap Bathrooms
- Maintenance Building: 100 x 40 Foot Building
- (2) two bay Garage areas
- (1) Wash Bay
- (1) Paint room
- (1) Small Office area
- (1) Small Boiler room
- (1) Storage loft

**Bessy School**

- Location: US Rt. 1
- (1)Skin Softball Field with Multi-purpose outfield (Approx. 1 acre)

**Oak Hill Sports Complex**

- Located beside Scarborough High School
- 110 Total acres with woods
- Approx. 65 Mowing Acres

**Field House: 52 X 18 foot Brick Building**

- 17 X 17 foot announcing area with P.A. System and Handicap Elevator
- small Boiler Room
- (2) Women's Bathrooms
- (2) Men's Bathrooms

**Recreation Areas**

- (1) Full size Baseball Field with (2) 40 x 10 Brick Dugouts with Storage
- (1) Skin Softball Field with (2) Chain Link Dugouts
- (1) Skin Softball Field with (2) 40 X 10 Brick Dugouts and Storage area
- (1) 140 X 75 yd Multi-purpose field with Track
- (4) regulation Tennis Courts with Lights
- (2) Outdoor Basketball Courts with Lights
- (1) 24 X 16 foot Storage Building

**PARKS, SPORTS FACILITIES, PLAYGROUNDS AND BEACHES**

**Maintained by Community Services**

**May 5, 2004**

**Middle School Sports Complex**

Location: Rt. 114 (Gorham Rd.) by Scarborough Library

(1) Skin softball field with Multi-purpose outfield

(1) Baseball field with Multi-purpose outfield

**Oak Hill School (Sedco Building)**

Location: On Black Point Rd. (Approx. 2 acres)

(1) Small Multi-Purpose field

**Scarborough Community Park**

Location: Drive In Property ( Approx. 20 acres)

Large manmade pond with Fountains

(1) Gazebo

Amphitheater

Walking Trail around Complex

Skateboard Park

120 X 75 yd. Multi-purpose Field

**BEACHES AND BOAT LAUNCHES**

**Hurd Park**

Location: Pine Point Beach

Concession Stand

2 Bathrooms

2 Outdoor Showers

100 + Parking Spaces (ADA accessible)

**Ferry Beach**

Location: End of Ferry Road

(2) Bathrooms

(2)Outdoor Showers

Boat Launch with Finger Docks

**Pine Point CO-OP**

Location: End of King Street in Pine Point area

50 foot Pier with Floats

Boat Launch with Finger Docks

60 + Parking spaces

**Seavy's Landing**

Location: End of Seavy's Landing Road

Small Boat Launch No Docking area with limited Parking / Picnic area

**Clay Pitts**

Location: End of Clay Pitts Road

Boat Launch with Finger Docks

20 + Parking Spaces