

# Town of Brunswick, Maine

OFFICE OF THE TOWN MANAGER

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## MEMORANDUM

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**TO:** Town Council

**FROM:** John Eldridge  
Town Manager

**DATE:** April 29, 2021

**SUBJECT:** Municipal Code – Chapter 14  
Parks and Recreation Areas  
Proposed Amendments

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Attached are proposed amendments to sections of Chapter 14 of the Municipal Code of Ordinances pertaining to the Parks and Recreation areas within Brunswick. These amendments would clarify that the lower and upper mall are under the jurisdiction of the town council. All other areas would remain under the jurisdiction of the Parks and Recreation Commission.

The amendments would also clarify the regulations pertaining to bicycle use in the parks areas. The amendments add a definition of bicycles and add language that specifically allows for their use on public paths provided and designated for their use.

We recommend that the Town Council schedule a public hearing on these amendments at its earliest convenience. We look forward to discussing this proposal with you.

### Attachments

Proposed Language (redlined)

ARTICLE V. - PARKS AND RECREATION AREAS<sup>[3]</sup>

Footnotes:

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**Cross reference**— Conservation commission, § 2-76 et seq.; parks and shade trees excepted from the jurisdiction of the conservation commission, § 2-83; recreation commission, § 2-101 et seq.; human services, Ch. 9; shellfishing, § 11-71 et seq.; occupancy of parks limited, § 14-6.

DIVISION 1. - GENERALLY

Secs. 14-96—14-120. - Reserved.

DIVISION 2. - REGULATIONS<sup>[4]</sup>

Footnotes:

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**Cross reference**— Recreation commission to adopt regulations for public recreation areas subject to the approval of the town council, § 2-103(2).

Sec. 14-121. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Bicycle shall mean a human-powered, pedal-driven, mode of transport, having two wheels attached to a frame, one behind the other. This shall include electric bicycles also known as an e-bikes, having an integrated electric motor which can be used to assist propulsion.*

*Commission* refers to the recreation commission created in section 2-101.

*Director* refers to the parks and recreation director of the town.

*Municipal park ranger* shall mean the enforcement officer appointed by the parks and recreation director to enforce this division.

*Vehicle* means any conveyance including, but not limited to, an automobile, truck, motorcycle, trail bike, trailer, wagon, snowmobile, bicycle, or watercraft.

(Ord. of 6-13-83, § 102; Ord. of 5-4-98)

**Cross reference**— Definitions and rules of construction generally, § 1-2.

Sec. 14-122. - Purpose.

The purpose of this division is to regulate the conduct of persons using or occupying the public parks and recreation areas of the town in order to preserve these areas from misuse or destruction and to enhance their use for the members of the public who are capable of acting in a reasonable manner.

(Ord. of 6-13-83, § 101)

Sec. 14-123. - Construction.

The following order of construction applies to this division:

- (1) *Scope of division.* This division applies to all activities in, on, or over the public parks described in section 14-124.
- (2) *Application to violation caused by another.* This division applies equally to any person who violates or who causes a violation of any of its provisions.
- (3) *Exception.* This division does not apply to the activities of town employees or independent contractors engaged in construction, maintenance, or repair operations under the supervision or control of the commission.

(Ord. of 6-13-83, § 103)

Sec. 14-124. - Description of parks and facilities.

The parks referred to in this division include the areas within the boundaries of the following town properties as described in the records of the tax assessor's office as follows:

Name	Assessor's Map and Lot Numbers	
Coffin Pond	16	4B
Edwards Field	U6	37
Lishness Field	40	7
Hambleton Ave. Playground	U2	64—66
Sawyer Park Marina	46	37C
Water Tower Nature Area	16	4A
Great Island Chain	41	12A, 13, 14, 14A, 14B, 14C, 14D, 14E
Municipal Tennis Courts	U22	29
Nathaniel Davis Park	U15	65
Town Commons	24	1
Simpson Point Landing	31	
Maquoit Landing	26	

Mere Point Boat launch	MP2	25, 39, 43
Water Street Landing	U7	16, 17, 19
Water Street Landing	40	8C
Pinette's Landing	U7	19
Baybridge Landing Wetland Park	47	12
250th Anniversary Park	U14	152, 152A, 153
Fish Viewing Facility	U14	150
Mill Street Portage Facility	U15	123
Prince's Point Landing	36	6A
Senior Gardens	U7	64
Lamb Park	U24	2A
Shulman Field	U40	17, 36
Wildwood Field	52	122
River Road Ski Trails	15	7
Coffins Ice Pond	36	48
Barnes Landing	32	
Longfellow Playground	U12	33
Androscoggin River Bicycle Path	40	7A, 8B, 8C, 11 and the Route 1 right-of-way
Cox Pinnacle	3	32
Old High School Athletic Field and Skate Park	U22	29

Pejepscot Dam Recreation Area	1 8	1 12, 14
Greater Commons	24 U40	8, 40, 42, 44, 70, 278, 228, 240
Upper/Lower Mall and Spanish War Triangle	U13	185
Public Benefit Conveyances from U.S. Navy	40	161, 162, 163, 164, 165
Kate Furbish Preserve	40	167
McKeen Landing Park	U29	242, 243, 244

(Ord. of 6-13-83, § 104; Ord. of 5-4-98; Ord. of 3-1-99; Emergency and Regular Ord. of 10-20-03(1); Ord. of 4-7-08(2); Ord. of 2-2-09(2); Ord. 3-1-10(3); Ord. of 10-7-13)

Sec. 14-125. - Damage to property.

A person shall not damage, move, or remove any building, structure, appurtenance, or personal property whatsoever.

(Ord. of 6-13-83, § 105)

Sec. 14-126. - Erection of structures.

A person shall not construct or erect a building or structure of any kind.

(Ord. of 6-13-83, § 106)

Sec. 14-127. - Damage to plants.

A person shall not climb, damage, remove, or pick the flowers or seeds of a tree or other plant. A person shall not attach a rope, wire or other contrivance to any tree or other plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

(Ord. of 6-13-83, § 107)

Sec. 14-128. - Improper use.

A person shall not climb, walk, stand, or sit on a monument, vase, fountain, railing, fence, or any other structure not designed for that purpose.

(Ord. of 6-13-83, § 108)

Sec. 14-129. - Obey signs.

A person shall obey all traffic signs and all signs posted 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 town.

(Ord. of 6-13-83, § 109)

Sec. 14-130. - Operation of vehicles.

A person shall not operate any vehicle in a park on any area except a public way, park road, or parking area, or in those areas specifically designated by the director. However, bicycles, including only class 1 or class 2 electric bicycles, shall be permitted on public paths provided and designated for their use, regardless of where such public path is located.

(Ord. of 6-13-83, § 110)

Sec. 14-131. - Parking.

The following regulations apply to parking:

- (1) *Designated areas.* A person shall park a vehicle only in a designated parking area and in accordance with any posted directions or the instructions of any parking attendant.
- (2) *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. A vehicle found in a park after closing hours shall be towed away and stored at the expense of the owner.

(Ord. of 6-13-83, § 111)

Sec. 14-132. - Bicycles.

The following regulations apply to bicycles:

- (1) *Confined to roads.* A person shall not ride a bicycle in other than an area designated for that purpose, but may wheel a bicycle over any area reserved for pedestrian use.
- (2) *Operation.* A person shall ride a bicycle on the right-hand side of the road, in single file, and in a reasonable manner, signaling all turns and passing to the right of any on-coming vehicles.
- (3) *Designated racks.* A person shall not leave a bicycle at a place other than a bicycle rack or designated bicycle parking area.
- (4) *Bicycles not in use.* A person shall not leave a bicycle lying on the ground or in any place or position where another may trip over or be injured by it.

(Ord. of 6-13-83, § 112)

Sec. 14-133. - Horses.

Horses are prohibited from the Androscoggin Bicycle Path in its entirety from lower Water Street to the end of Grover Lane.

(Ord. of 3-1-99)

Sec. 14-134. - Bathing and swimming.

A person shall not swim, bathe, or wade in a body of water or 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 commission.

(Ord. of 6-13-83, § 113; Ord. of 3-1-99)

Sec. 14-135. - Hunting and firearms.

A person shall not hunt, trap, or disturb wildlife. A person shall not possess or discharge a firearm, blank gun, air rifle, spring gun, bow and arrow, sling, or any other type of weapon which is potentially dangerous to human beings or to wildlife. The second sentence of this section does not apply to blank guns or bows and arrows being used for sporting events authorized by the director. This section does not prohibit a licensed hunter in possession of a weapon, which is not ready to fire a projectile, from passing through a park to other areas lawful for hunting during hunting season. The exception to this section is hunting with a bow, shotgun or black powder gun is allowed on the Kate Furbish Preserve property.

(Ord. of 6-13-83, § 114; Ord. of 3-1-99; Ord. of 10-7-13)

Sec. 14-136. - Intoxicating beverages.

A person shall not possess alcoholic beverages, except in those areas designated by the commission.

(Ord. of 6-13-83, § 115; Ord. of 3-1-99)

Sec. 14-137. - Fires.

A person shall not build a fire except in those areas designated and in accordance with regulations adopted by the commission.

(Ord. of 6-13-83, § 116; Ord. of 3-1-99)

Sec. 14-138. - Closed areas.

A person shall not enter or use an area closed to the public by the commission.

(Ord. of 6-13-83, § 117; Ord. of 3-1-99)

Sec. 14-139. - Public wharves and landings.

**Cross reference**— Town Launch Facilities, Ch. 11-6.

- (a) *Obstruction of wharves and landings.* No person shall obstruct by any means whatsoever the free use of piers, docks, and town landings. The town wharves shall be used only for loading and unloading. Watercraft shall not remain moored to the wharf or floats for a period longer than thirty (30) minutes.
- (b) *Animals.* A person who owns, possesses or controls an animal on a public landing and adjacent public lands shall remove any feces left by the animal in the area by transporting the feces to the person's residence for proper disposal.

(c) *Feeding of migratory waterfowl.*

- (1) Definitions. As used in this article, the following terms shall have the meanings indicated:

*Migratory waterfowl* includes those species of birds commonly known as "gulls", "geese", and "ducks", and any other waterfowl falling under the jurisdiction of the United States Fish and Wildlife Service.

- (2) It shall be unlawful for any person to feed any migratory waterfowl on public wharves and landings and adjacent town lands.
- (3) It shall be unlawful for any person to create any condition which results in a congregation of migratory waterfowl on a public landing and adjacent public lands which:
- a. Results in an accumulation of waterfowl feces or droppings;
  - b. Results in damage to flora, fauna or public property or safety or welfare;
  - c. Results in a threat or nuisance to the health, safety or welfare; or
  - d. Results in a threat to the health, safety or welfare of said migratory waterfowl.

(Ord. of 6-13-83, § 117A; Ord. of 3-1-99; Ord. of 6-19-06; Ord. of 4-7-08(2))

Sec. 14-140. - Merchandising, advertising and signs.

Except for concessions authorized by the commission, a person shall not display, offer to sell, or sell anything. ~~This exception does not pertain to the Lower Mall which is regulated by the town council.~~ As used in this section, "concessions" shall include not only food but also the right to display, offer to sell, or sell goods and services. This section does not pertain to the Lower and Upper Malls which are regulated by the town council.

(Ord. of 6-13-83, § 119; Ord. of 3-1-99; Ord. of 2-18-03(2); Ord. of 3-23-09(1))

Sec. 14-141. - Park operating policies.

- (a) *Hours.* The commission shall establish the hours of attendance at all parks. The commission shall have a notice of the hours of attendance posted at each park. The commission may vary the attendance hours for special activities.
- (b) *Closed areas.* Any section or part of any park may be declared closed to the public by the director at any time for any interval of time, either temporarily or at regular stated intervals.
- (c) *Entry prohibited.* Except with the written permission of the director, a person shall not enter, pass through, or remain in the park after closing time, or in the closed area of any park. If an admission fee is charged, a person shall not enter a park without first paying the fee.

(Ord. of 6-13-83, § 120; Ord. of 5-4-98; Ord. of 3-1-99)

Sec. 14-142. - Conflicting provisions.

If there is a conflict between this division and any other provision of this Code or ordinance which might apply to a public park, the provisions of this division shall prevail.

(Ord. of 6-13-83, § 122; Ord. of 3-1-99)

Sec. 14-143. - Removal and disposal of animal waste on the Androscoggin River Bicycle path.

- (a) A person who owns, possesses or controls an animal on the Androscoggin River Bicycle Path shall have in his or her possession a tool, implement, device or waste bag for the purpose of removing and disposing of feces left by the animal.
- (b) A person who owns, possesses or controls an animal on the Androscoggin River Bicycle Path shall remove any feces left by the animal in the area between the Androscoggin River and the fence that separates the path from the roadway and shall dispose of the feces by placing the feces in a litter receptacle provided on the Androscoggin River Bicycle Path or by transporting the feces to the person's residence for disposal.
- (c) This section shall not apply to a person who is unable to comply with the requirements of this section because of a physical disability.

(Ord. of 10-20-03(2))

Secs. 14-144—14-149. - Reserved.

Sec. 14-150. - Enforcement.

Brunswick Police Officers and employees of the parks and recreation department, including municipal park rangers, shall enforce this division. Any person acting in violation of this division may be ejected from any park by those persons with enforcement power.

(Ord. of 6-13-83, § 123; Ord. of 5-4-98; Ord. of 3-1-99; Ord. of 10-20-03(2))

**Note**— Formerly § 14-143

Sec. 14-151. - Penalty.

Any person who violates this division shall forfeit a civil penalty in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances for the first and second offenses and for subsequent offenses.

(Ord. of 6-13-83, § 124; Ord. of 3-1-99; Ord. of 10-20-03(2); Ord. of 11-16-2015(3))

**Note**— Formerly § 14-144.

Secs. 14-152—14-160. - Reserved.