

Agenda
Hampden Town Council
Services Committee
February 13, 2012 @ 6:00pm
Hampden Municipal Building

1. Approval of Minutes

2. Old Business

- A. Outdoor Facilities Ordinance
- B. Subcommittee Updates
 - FoDDix
 - Other as needed
- C. Western Ave Rec. Area playground equipment update – Kurt
- D. Portapotty Situation at Western Ave. Rec. Area update – Kurt
- E. Pool Naming Rights – Darcey
- F. Faxing at Library – Debbie
- G. Community Garden update – Gretchen

3. New Business

- A. Pool Bid Results – Darcey

4. Public Comment

Reserved time for the general public to bring items for discussion not on the agenda.

5. Committee Member Comments

Task Items:

- 1. D.Dix harvesting & trails
- 2. Outdoor Facilities Ordinance & accompanying Dept. Policy Documents to which the ordinance refers
- 3. MSAD22 Trails Grant – Nov. 2011 deadline
- 4. HOTDOG
- 5. MSAD22 wetland mitigation – shepherd this along
- 6. Begin work and planning for Papermill Rd Park
- 7. Old Crestwood Trailer Park – subdivision proposal may be submitted, proposed open space may be good for sports fields
- 8. Potential what-if: MSAD22 reuse, results of those continuing discussions
- 9. Pocket Parks
- 10. Rules for Accepting Land – fee in lieu changed, amount set aside, shape, size, etc.
- 11. Open Space Plan? – hold on this pending Comp Plan Implementation decisions
- 12. Parks Department
- 13. Sports Fields
- 14. Marina area – waterfront park
- 15. Lidar project updates

**TOWN OF HAMPDEN, MAINE
OUTDOOR FACILITIES ORDINANCE**

ENACTED DATE: MONTH, XX, 2011
EFFECTIVE DATE: MONTH, XX, 2011

CERTIFIED BY: _____
Name

Title Affix Seal

**TOWN OF HAMPDEN, MAINE
OUTDOOR FACILITIES ORDINANCE
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**ARTICLE I.
PURPOSE**

1.1 Purpose. The purpose of this Ordinance is to provide rules and regulations for the use of and conduct in outdoor facilities situated in Hampden. This Ordinance replaces the former Dorothea Dix Park Ordinance and Papermill Road Recreation Area Ordinance.

**ARTICLE II.
AUTHORITY**

2.1 Authority. Pursuant to the provision Title 30-A M.R.S. Sections 3001 and 3280-3281 and the Charter of the Town of Hampden, Article II, Section 212, and Article III, Section 302, there is hereby established a public facilities Ordinance to be organized, administered and governed in accordance with the following provisions.

**ARTICLE III.
APPLICABILITY**

3.1 Applicability. This Ordinance provides full power and authority over all public outdoor property within the Town.

**ARTICLE IV.
DEFINITIONS**

4.1 Definitions. Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word “may” is permissive; “shall” is mandatory and not discretionary.

Alcoholic Beverage: any beverage containing any amount of alcohol as regulated under state law.

Controlled Substance: any legal or illegal drug, narcotic, hallucinogen, opiate, prescription drug, or any other such substance regulated by state or federal law.

Motorized Vehicle: any vehicle that is propelled by an engine, including but not limited to: cars, trucks, motorcycles, snowmobiles, ATVs, OHVs, dune buggies, dirtbikes, three-wheelers, go-karts, and golf carts.

Outdoor Facility: any park, sports field, forest, wooded area, field, playground, or other property owned by the Town of Hampden.

Parks: Includes the following public properties: Dorothea Dix Park, Papermill Road Recreation Area, Western Avenue Recreation Area.

Sports Fields: Includes the following public properties: Ball Field Road Ball Field, VFW Recreation Area, Western Avenue Recreation Area.

Tobacco Products: cigars, cigarettes, chewing tobacco, snuff, or any other product containing tobacco as regulated under state law.

ARTICLE V. PROHIBITIONS

5.1 Camping. No person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in outdoor public properties after closing hours, any movable structures or special vehicle that could be used for such purposes. Upon prior approval of a law enforcement officer of the Town of Hampden, overnight camping may be permitted in situations involving unique circumstances.

5.2 Firearms/Hunting. No person other than law enforcement personnel shall ~~carry or~~ discharge a firearm or engage in any hunting activity within parks or sports fields as defined herein. Refer also to the Town of Hampden Firearms Discharge Ordinance.

5.3 Fires. No person shall kindle, build, maintain or use a fire except in areas designated for such purposes. All fires shall be properly extinguished before the person utilizing the same leaves the outdoor facility. Any fires shall be continuously under the care and supervision of a competent person from the time it is kindled until it is extinguished. Fires may be prohibited by the Recreation Director, Town Forester, and or employees of the Public Safety Department when, in his or her judgment, the conditions are such that any fire would represent a safety hazard.

5.4 Wood. No person shall cut any wood on any public property without a prior permit from the Town Forester, who shall have the discretion to deny any application for such a permit if he or she determines that the proposed activity is inconsistent with the goals of the forest management plan for the property.

5.5 Alcoholic Beverages. No person shall bring consume or be under the influence of alcoholic beverages ~~into the outdoor facility, nor shall any person drink or use the same at any time or be under the influence of the same in the outdoor facility.~~

5.6 Tobacco Products. No person shall consume or use tobacco products within the outdoor facility.

5.7 Controlled Substances. No person shall consume or use any controlled substance legal or illegal while within the outdoor facility, unless the person has a labeled container and proof of prescription.

5.8 Trash. No person shall scatter, drop or leave any debris trash or other rubbish within the outdoor facility except in receptacles provided for that purpose.

5.9 Animals. All animals brought into the outdoor facility shall be on a leash at all times so as to not interfere with the enjoyment of the outdoor facility by other members of the public, if present. No animal shall be off a leash at any time at any sports field as defined herein, or at any part of Western Avenue Recreation Area. Owners shall pick up after their animals.

5.10 Motor Vehicle Access. Access to outdoor facilities by motor vehicles will be permitted or prohibited pursuant to the rules for that facility contained in the Recreation Department policy document “Outdoor Facilities Rules and Regulations.” Upon prior approval of a law enforcement officer of the Town of Hampden, motor vehicle access may be permitted in situations involving unique circumstances. For specific restrictions for each outdoor facility, please refer to the Recreation Department policy document “Outdoor Facilities Rules and Regulations.” Motor vehicle access to a facilities’ parking area is allowed; this section is meant to address access to parts of facilities that are not meant for motor vehicles.

5.11 Other Vehicles Prohibited. No person shall operate a trail bike, all terrain vehicle, snowmobile, or any other motorized recreational vehicle within any outdoor facility except for on designated trails or areas, or for purposes of maintenance or rescue.

ARTICLE VI. OPERATION

6.1 Hours & Dates of Operation. Outdoor facilities shall be open to the public from dawn to dusk. Outdoor facilities are open 365 days a year as weather allows. For information on reservations, which facilities are plowed during the winter, and closing times for areas with artificial lighting, please see the Recreation Department policy document “Outdoor Facilities Rules and Regulations.” Snowmobiles are permitted after dark on designated trails.

ARTICLE VII. ENFORCEMENT

7.1 Law Enforcement. Any law enforcement officer of the Town of Hampden shall have the authority to revoke the permission of any individual to use an outdoor facility when the officer observes, or has probable cause to believe, that such individual has violated any provisions of this Ordinance, committed a civil infraction within the facility, or has violated any provision of the laws and Ordinances of the State of Maine or the Town of Hampden within the facility. The Recreation Department also has the authority to revoke the permissions of any individual to use an outdoor facility if they are found to have violated the provisions of this Ordinance.

7.2 Alternative Enforcement. The Recreation Director and his or her subordinate employees shall be empowered to enforce the provisions of this Ordinance. In addition, the Code Enforcement Officer and the members of Hampden Public Safety shall also have the authority to enforce the provisions of this Ordinance.

**ARTICLE VIII.
PENALTIES**

8.1 Penalties. Any person, firm or corporation violating any provisions of this Ordinance shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Fifty Dollars (\$150.00) for each violation. Each day that such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Any fines recovered shall inure to the benefit of the Town of Hampden.

**ARTICLE IX.
SEVERABILITY**

9.1 Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

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Outdoor Facilities Rules and Regulations

Motor Vehicle Access. Shall be permitted as weather allows under the direction of the Recreation Director, for all facilities that have areas for motor vehicle access. No person shall operate a motor vehicle in or on an Outdoor Facility or in any area except established roads, driveways, or parking areas, or such other areas as may, on occasion, be specifically designated as temporary parking areas by the Recreation Director.

Dorothea Dix Park. Access to the park by motor vehicles (as defined in the Outdoor Facilities Ordinance) will generally be permitted between April 1 and November 1, although the Recreation Director shall have the authority to provide for different dates of motor vehicle access depending on weather conditions. Motor vehicle access applies only to those parts of the park that are designated driveways and parking areas. No person shall operate a motor vehicle in the park, or leave a motor vehicle standing or parked therein, during times when it is closed to the public. The park is not plowed during the winter. No section or parts of the park may be reserved.

Papermill Road Recreation Area. Access to the park by motor vehicles (as defined in the Outdoor Facilities Ordinance) will generally be permitted between April 1 and November 1, although the Recreation Director shall have the authority to provide for different dates of motor vehicle access depending on weather conditions. Motor vehicle access applies only to those parts of the park that are designated driveways and parking areas. No person shall operate a motor vehicle in the park, or leave a motor vehicle standing or parked therein, during times when it is closed to the public.

Western Avenue Recreation Area. Motor vehicle access is permitted within the paved parking lot area only. The gazebo is considered closed at dusk. Lighting turns off at 10pm, at which time the facility is considered closed to the public. The multi-purpose field can be reserved, during which times the area is not open to the public. All other areas cannot be reserved, and are always open to the public. The parking lot is plowed during the winter.

VFW Recreation Area. Access to the park by motor vehicles (as defined in the Outdoor Facilities Ordinance) will generally be permitted as weather allows, although the Recreation Director shall have the authority to provide for restriction of motor vehicle access depending on weather conditions. Motor vehicle access is permitted within the gravel parking areas only. Artificial lighting is available on a timed switch at all hours for the tennis courts only. All or parts of this facility can be reserved, during which times the area is not open to the public.

Ball Field Road Ball Field. Access to the park by motor vehicles (as defined in the Outdoor Facilities Ordinance) will generally be permitted as weather allows, although the Recreation Director shall have the authority to provide for restriction of motor vehicle access depending on weather conditions. Motor vehicle access is permitted only within the dirt/gravel area across the road from the ball field. Use of artificial lighting is available upon request. All or parts of this facility can be reserved, during which times the area is not open to the public.

Marina. Refer to Harbor Ordinance.

Reservations. Please see the details for each facility in the previous sections regarding what can and cannot be reserved. Fees for reservations are in the Town of Hampden Fees Ordinance.

Other Items to Consider by the Services Committee:

- Rental of certain facilities such as the gazebo, sports fields, etc. -> Would this need to be included in the Fees Ordinance? ANSWER: Covered this in the above regs.
- Marina? Lighting, portopotty, times, motor vehicle access exception, etc. -> Is there another ordinance that covers this? ANSWER: Other than refer to Harbor Ordinance, which only mentions not storing boats or trailers in the parking lot overnight, we need more guidance, especially considering current efforts in that area.
- Include cemeteries as open spaces? Nothing in the OFO should conflict w/Cemetery Ordinance. ANSWER: Only reference to hours of operation in Cemetery Ordinance is wording about no access after dark. Should they be included? We need guidance/answer from Services Cmte.
- Library wi-fi after-hours access w/laptop in car in parking lot? ANSWER: This ordinance is for outdoor facilities, and we don't consider the Library an Outdoor Facility.
- How to address ATVs in gravel pit? ANSWER: ATVs are already prohibited by law from using any landowner's property w/out their consent. This is more a law enforcement nuisance issue, unless the town wants to permit ATVs (liability issues...).
- Any other properties that should have specific regs? If so, what? ANSWER: Staff needs guidance – should this include more on the “pocket parks”, LL Bean parcel, snow dump, more on cemeteries, etc? If yes to any of the above, what should be included? A general statement about “no dumping” on town lands? Or...?
- Mountain biking? ANSWER: Staff need more guidance as to how specific the town wants to get in regulating all the wide variety of outdoor recreational activities (mountain biking, snowshoeing, equestrian, x-country skiing, snowmobiling, ATVing, hiking, birdwatching, dirtbikes, dog walking, other off-road vehicles, mudding, Jeeping, etc....)