

ADOPTED DATE: Hampden Town Council, August 6, 2012  
EFFECTIVE DATE: September 5, 2012

AMENDED: Hampden Town Council, November 14, 2016  
EFFECTIVE DATE: December 13, 2016

AMENDED: Hampden Town Council, May 20, 2019  
EFFECTIVE DATE: June 19, 2019

CERTIFIED BY:   
Paula Scott, Town Clerk

Affix Seal

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

ARTICLE.....	PAGE
ARTICLE I. PURPOSE.....	2
ARTICLE II. AUTHORITY.....	2
ARTICLE III. APPLICABILITY.....	2
ARTICLE IV. DEFINITIONS.....	2
ARTICLE V. PROHIBITIONS.....	3
ARTICLE VI. OPERATION.....	4
ARTICLE VII. ENFORCEMENT.....	5
ARTICLE VIII. PENALTIES.....	5
ARTICLE IX. SEVERABILITY.....	5
ARTICLE X. EFFECTIVE DATE.....	5
APPENDIX A.....	6

**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 hereby repeals the Dorothea Dix Park Ordinance (adopted 10/16/89) and Papermill Road Recreation Area Ordinance (last amended 5/18/09).

**ARTICLE II.  
AUTHORITY**

**2.1 Authority.** Pursuant to the provisions of Title 30-A M.R.S. Sections 3001 and 3281-3284 and the Charter of the Town of Hampden, Article II, Section 212, and Article III, Section 302, there is hereby established an Outdoor 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 outdoor facilities within the Town.

**ARTICLE IV.  
DEFINITIONS**

**4.1 Definitions.** Unless specifically defined below, words and phrases used in this Ordinance shall have the customary dictionary definitions that 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.

Electronic Smoking Device: a device used to deliver nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the device, including, without limitation, a device manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar, electronic pipe, electronic hookah or so called vape pen.

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

Outdoor Facility: any park, sports field, forest, wooded area, field, playground, or other property for which the Town of Hampden is the deeded owner.

Parks: Includes the following outdoor facilities: Dorothea Dix Park, Papermill Road Recreation Area, Western Avenue Recreation Area, Turtle Head Marina Park, or other areas designated as such.

Public Safety Department: Includes Police, Fire, and Emergency Medical Services (EMS) Departments.

Sports Fields: Includes the following outdoor facilities: Ball Field Road Ball Field, VFW Recreation Area, Western Avenue Recreation Area, or other areas formally designated as such by the Town Council.

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 in outdoor facilities, nor shall any person leave in outdoor facilities 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 Discharge of Firearms.** No person shall discharge a firearm within parks or sports fields as defined herein.

5.2.1 Exceptions – The foregoing prohibition on the discharge of firearms shall not apply to the firing or discharge of firearms at any military exercise or review; nor to any military personnel or law enforcement officers in the performance of their duties or authorized training; nor to any person in the lawful defense of his or her person, family, or property. This Section shall also not prohibit discharges as part of sporting events, or ceremonial or historical events, with prior notice to the Police Chief.

**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, Harbor Master, 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 outdoor facility 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 consume or be under the influence of alcoholic beverages in any outdoor facility.

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

**5.7 Controlled Substances.** No person shall consume or use any controlled substance legal or illegal while within any 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 any outdoor facility except in receptacles provided for that purpose.

**5.9 Animals.** All animals brought into any outdoor facility shall be under the owner's control 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 the Western Avenue Recreation Area. Owners shall pick up after their animals.

**5.10 Motor Vehicle Access.** Access to outdoor facilities by motor vehicles shall be governed by the rules for that facility contained in Appendix A, entitled "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 Appendix A. Motor vehicle access to a facility's parking area is allowed, as 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.

**5.12 Smoking.** No person shall smoke within any outdoor facility, park, or sports field. "Smoking" includes carrying or having in one's possession a lighted or heated cigarette, cigar, or pipe, or a lighted or heated tobacco or plant product intended for human consumption through inhalation whether natural or synthetic in any manner or in any form. "Smoking" includes the use of an electronic smoking device.

## **ARTICLE VI. OPERATION**

**6.1 Hours & Dates of Operation.** Outdoor facilities shall be open to the public from a half hour before dawn to an hour after sunset. 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 Appendix A. 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 enforce the provisions of this Ordinance and 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, Harbor Master, and Code Enforcement Officer also have the authority to revoke the permission of any individual to use an outdoor facility if they are found to have violated the provisions of this Ordinance.

**7.2 Enforcement Mechanism.** This Ordinance may be enforced by the institution of legal or equitable proceedings in court, including proceedings pursuant to 30-A M.R.S. §4452.

**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.

**ARTICLE X.  
EFFECTIVE DATE**

**10.1 Effective Date.** Pursuant to Section 213(c) of the Town Charter, this Ordinance shall become effective at the expiration of 30 days after its adoption by the Town Council.

## Appendix A: Town of Hampden Outdoor Facilities Ordinance Rules and Regulations

### ***Motor Vehicle Access***

Shall be permitted as weather allows 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 Town of Hampden. 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.

### ***Snowmobile Access***

Snowmobiles are permitted after dark seasonally on designated trails only.

### ***Reservations***

Please see the details for each facility in the sections below regarding what can and cannot be reserved. Reservations should be made with the Recreation Director (sports fields/facilities) or Public Works Director (parks). Applicable fees for reserved use are included in the Town of Hampden Fees Ordinance.

### ***Law Enforcement***

After receiving multiple complaints (two or more) for violations of the Ordinance or these Rules, the Hampden Public Safety Director, or designee, shall have the authority to require that the person(s) to whom the complaint was against leave the area until the next day.

## **Rules and Regulations by Facility**

### ***Dorothea Dix Park***

Seasonal access permitted between April 1 and November 1 (conditions permitting). Motor vehicle access may be controlled by barriers seasonally to prevent damage. This park is a public space and no sections or parts may be reserved for exclusive use. Park is not lit, therefore is available for use from half an hour before dawn to an hour after sunset.

### ***Papermill (Road) Park***

Seasonal access permitted between April 1 and November 1 (conditions permitting). Motor vehicle access will be controlled by barriers year-round. Small parking area provided at the roadside. This is a carry in/carry out park. This park is a public space and no sections or parts may be reserved for exclusive use. Park is not lit, therefore is available for use from half an hour before dawn to an hour after sunset.

***Marina Park***

Seasonal access permitted between April 1 and November 1 (conditions permitting). This park is a public space and no sections or parts may be reserved for exclusive use. The park is not currently lit but used for a boat launch for events that may take place after dark, therefore available for use from half an hour before dawn to 11pm. After dark use is limited to the boat launch and parking lot. Facility is closed for public use from 11 pm until half hour before dawn.

***Western Avenue Recreation Area***

Year-round access permitted. The gazebo and playground area are public spaces and no sections or parts may be reserved for exclusive use. The sand volleyball courts and sports field may be reserved for exclusive use/programmatic use, during such times these areas are closed to the general public. Reservation requests must be made with the Recreation Director. The Recreation Area is minimally lit, and existing lighting is timed to end at 10 pm. After dark use is limited to the playground, sand volleyball court, and parking lot. Facility is closed for public use from 10 pm until half hour before dawn.

***VFW Recreation Area***

Seasonal access permitted between April 1 and November 1 (conditions permitting). Motor vehicle access may be controlled by barriers seasonally to prevent damage. This Recreation Area is a public space however sections or parts may be reserved for exclusive use/programmatic use, during such times these areas are closed to the general public. Reservation requests must be made with the Recreation Director. The Recreation Area has user activated lighting for timed night use. After dark use is limited to the tennis courts and outdoor basketball courts. Facility is closed for public use from 11 pm until half hour before dawn.

***Ball Field Road Ball Field***

Seasonal access permitted between April 1 and November 1 (conditions permitting). The softball field and adjacent parking lot are public spaces however the complex may be reserved for exclusive use/programmatic use, during such times these areas are closed to the general public. During a portion of the spring/early summer season, temporary fencing is left in place reducing the field size and limiting complex use. Reservation requests must be made with the Recreation Director. The Recreation Area has user activated fee based lighting for night use. Facility is closed for public use from 11 pm until half hour before dawn.