

## **NEQUASSET PARK ORDINANCE**

### **I. TITLE:**

This ordinance shall be known and cited as the Nequasset Park Ordinance of the Town of Woolwich, Maine, and is referred to herein as "this ordinance".

### **II. AUTHORITY:**

This ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution, the Provisions of Title 30-A, MRSA Section 3001 (Home Rule), the Growth Management Law, Title 30-A, MRSA, 4311 et. Seq. and the Mandatory Shoreline Zoning Act, Title 38 MRSA Section 435 et. Seq.

### **III. RELATION TO OTHER ORDINANCE:**

This ordinance is in addition to "An Ordinance to Restrict Access to the Nequasset Dam. It supersedes and cancels the "Nequasset Lake Access Ordinance" which was adopted on May 14, 1997.

Whenever a provision of this ordinance conflicts with another provision of this ordinance or of any other ordinance, the more restrictive provision shall control.

### **IV. PURPOSES:**

The purposes of this ordinance include the following:

1. To implement the provisions of the 1991 Growth Management Plan for Woolwich, Maine;
2. To promote the Health, Safety, and General Welfare of the residents of the community;
3. To encourage the most appropriate use of town owned property behind the Town Office;
4. To promote traffic safety at the George Wright Bridge area;
5. To conserve the natural resources of the area.

### **V. EFFECTIVE DATE:**

The effective date of this ordinance shall be the date of adoption by the Town. The date of adoption was May 14, 1998.

This ordinance, when attested and signed by the Municipal Clerk, shall be considered as part of the shoreland zoning provisions for the Town of Woolwich.

#### VI. AMENDMENTS:

This ordinance may be amended by a majority vote of the Town's Legislative Body at the annual municipal budget town meeting provided that a public hearing on the proposed amendment(s) is held at least 30 days prior to that meeting. This ordinance may also be amended by a majority vote of the Town's Legislative Body at other town meetings provided that the Board of Selectmen first make a written determination that an emergency situation exists.

#### VII. USE OF PUBLIC RECREATIONAL AREA:

The town owned property located behind the Town Office and adjacent to Nequasset Stream, Dam and Lake shall be known herein as the Public Recreational Area.

1. The Public Recreational Area may be used for access to Nequasset Lake for the purpose of hunting and fishing in accordance with the laws of the State of Maine.
2. All other activities within the Public Recreational Area, except for those receiving specific approval by the Board of Selectmen, are permitted only between April 1st and December 31st and between 9:00 a.m. and 9:00 p.m.
3. Any section or part of the Public Recreational Area may be declared closed to the public by the Town Health Officer for the purpose of protecting public health, safety and welfare and/or the environment. THE HEALTH OFFICER SHALL POST ANY CLOSURE NOTICE AT THE PUBLIC RECREATIONAL AREA AND AT THE TOWN OFFICE. SUCH NOTICE SHALL INCLUDE THE REASONS FOR AND DURATION OF ANY CLOSURES.
4. Persons using the Public Recreational Area shall do so at their own risk.
5. Children under the age of 12 must be accompanied by someone who is at least 18 years of age.
6. The Town of Woolwich Recreation Committee shall have overall responsibility for the administration of the Public Recreational Area.

## VIII. PROHIBITED ACTIVITIES:

1. Jumping or Diving. No person may dive or jump off the George Right Road Bridge or U. S. Route One Bridge into Nequasset Stream.

2. Damage to Property. Except as may be necessitated by reason of construction or maintenance activities under the supervision and control of the Board of Selectmen of the Town of Woolwich or its designee, no person at the Public Recreational Area shall:

A. Dig or remove any sand, shrubs, plants, timber or make any excavation by tool, equipment, blasting or other means. This does not apply to any Town of Woolwich committee or special improvement projects which are permitted with the approval of the Town of Woolwich Recreational Committee.

B. Willfully mark, deface, disfigure, injure, tamper with, displace or remove any buildings, bridges, tables, benches, railings, paving or paving material, water lines or other public utilities or parts, signs, notices or placards whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or other property, either real or personal.

C. Construct, tow in or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public utility service into, upon or across the Public Recreational Area, except with the approval of the Town of Woolwich Recreation Committee and a written permit issued the Codes Enforcement Officer (CEO), if required.

D. Damage, cut, carve, transplant any tree, plant or flowers, or part thereof, or in anyway injure or impair the natural beauty or usefulness of the Public Recreational Area.

E. Climb a tree or stand or sit upon monuments, railings, fences or upon any other property not designated or customarily used for such purposes.

F. Engage in any activity that endangers the safety or health of another person.

G. Bike or skateboard except in designated areas.

3. Sanitation. No person at the Public Recreational Area shall:

A. Allow any hazardous material, whether liquid or solid, to be disposed of improperly.

B. Dump, deposit or leave any bottles, broken glass, paper boxes, cans, garbage, refuse or other trash. A strict "Carry In - Carry Out" policy will be in effect.

4. Traffic. All persons in the Public Recreational Area shall:

A. Observe all traffic signs indicating speed, direction, caution, stopping or parking, and all other posted signs.

B. Drive all vehicles only on or in public ways, paved recreational roads, parking areas, or such other areas as may be designated as temporary parking areas by the Board of Selectmen or its designee.

C. Park all vehicles only in the area established for parking. Vehicles parked in handicap parking areas must have state Handicap Parking plates or display in the front window a temporary handicap parking permit issued by a municipal clerk.

D. Not park at night within any part of the area after 10:00 p.m.

5. Bathing or Swimming. No person at the Public Recreational Area may bathe or swim at the Nequasset Dam, George Right Road (Old Route One) Bridge or at the boat launching area. Bathing or swimming shall occur in the area designated for such activity.

6. Boats. Except in the case of an emergency, no person at the Public Recreational Area may operate a powered watercraft in the swimming area. No unattended boats shall be tied to the dock.

7. Camping No person at the Public Recreational Area may set a tent, shack or any other temporary shelter for the purpose of overnight camping.

8. Nuisance No person at the Public Recreational Area shall:

A. Possess alcoholic beverages, nor shall any person drink alcoholic beverages in the Public Recreational Area at any time.

B. Build or attempt to build a fire, except in such areas and under such regulations as may be specified by the Woolwich

Fire Department. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco or other lighted flaming material within any part of the Public Recreational Area, or on any highway, road or street abutting or contiguous thereto.

C. Enter an area posted as "Closed to the Public",

D. Allow pets to run unleashed or neglect to clean up after such pets.

9. Obstruction No person at the Public Recreational Area shall obstruct any public street, public highway, public sidewalk or any other public place or

building by hindering, impeding or tending to impede the free and uninterrupted passage of vehicles, traffic or pedestrians.

#### IX. ENFORCEMENT OF PROVISIONS

The Town of Woolwich Board of Selectmen and its subordinate employees shall, in connection with their duties imposed by law, diligently enforce the provisions of this ordinance. In addition, the members of the Sagadahoc County Sheriff's Department, State of Maine Police and the Town of Woolwich Constable have the authority to enforce the provisions of this ordinance. They may order any individual committing any of the prohibited acts enumerated herein to stop such act(s) and to move on or disperse. Any person who fails or refuses to obey such orders may be ejected from the Public Recreational Area and shall be guilty of a violation of this ordinance. This ordinance may be enforced under the provisions of 30-A MRSA Section 4452, as amended, or other applicable law, except that the penalties shall be as stated below.

#### X. PENALTIES

Any person, including a minor, or any firm or corporation violating any provisions of this ordinance is guilty of a civil offense. The penalty fee for violating any part of this ordinance shall be \$25.00, payable to the Town of Woolwich, for each part violated. A repeat violation within one year shall bear double the penalty for the last violation.

#### XI. VALIDITY AND SEVERABILITY

If any section or provision of this ordinance is declared invalid by a court of competent jurisdiction, such decision shall not invalidate any other section or provision of this ordinance.