



New Sharon Parks and Recreation Commission Ordinance

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PURPOSE: The Purpose of the New Sharon Parks and Recreation Commission shall be:

To promote, support and encourage interest and participation in recreational activities for New Sharon residents and the surrounding communities.

Section #1: Establishment: Pursuant to 30-A M.R.S.A., The Town of New Sharon hereby establishes the New Sharon Parks and Recreation Commission.

Section #2: DEFINITIONS: For the purpose of this Ordinance, the following terms, phrases, words and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

“**TOWN**” refers to the Town of New Sharon.

“**COMMISSION**” refers to the New Sharon Parks and Recreation Commission.

“**CHAIRPERSON**” refers to the Chairperson of Parks and Recreation of the Town.

“**PARK**” for the purpose of this Ordinance, the term “Park” shall include the areas within the boundaries, as described in records of the Town of New Sharon Assessor of the following Town-owned and leased recreational properties and facilities: Mahlon Dyer Softball Field, Starks Road Ballfield, Chandler Road Park and Veterans Monument.

“**COMMUNITY GARDENS**” refers to the community gardens on Post Office Road, Starks Road and Pump House Road.

“**ELECTRONIC SMOKING DEVICE**” means a device used to deliver nicotine or any other substance intended for human consumptions 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.

“SMOKING” means 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 consumptions through inhalation whether natural or synthetic in any manner or in any form. "Smoking" includes the use of an electronic smoking device.

“TOBACCO PRODUCT, CANNABIS or ILLICIT DRUGS” or products means any of the following: A product containing, made, or derived from tobacco, nicotine, cannabis or illicit drugs that is intended for human consumptions, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff or An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic smoking device. "Tobacco product “does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such an approved purpose.

“QUORUM” is a minimum number of voting members that is required to be present at a given meeting.

Section #3: Park and Recreation Commissioners: Pursuant to SS3261 Park Representatives. Subject to approval by the Board of Selectmen, the Parks and Recreation Commission shall have the following duties:

- A. Notwithstanding section 30-A 3261, municipalities may appoint 5 park commissioners, initially to hold office for 3 years respectively.
- B. Their successors shall be appointed for terms of 3 years each. Members shall serve until the appointment of their successors.
- C. The members shall be residents of the Town of New Sharon.

- D. The Commission shall select a Chairperson and any other officers required as well as non-voting members. Not to exceed more than ten (10) nonvoting members for terms of 3 years each. If at any point, the Commission should drop below a quorum, no business shall be conducted until the Board of Selectmen appoints new members to finish the vacant seat term.
- E. The Commission shall adopt their own by-laws within one (1) year of the effective date of this ordinance. The by-laws will reflect a reasonable fee for activities for Town of New Sharon residents and nonresidents. The fees will be approved by the Board of Selectmen.
- F. The Chairperson shall act as a liaison between the Board of Selectmen and the Parks and Recreation Commission.

Section #4: Responsible for the care, maintenance and activities at the Town parks, recreational areas and community gardens. New Sharon Board of Selectmen are responsible for all contracts for Parks and Recreation Commission. Deborah Rose/her descendants or Parks and Recreation will maintain the flag at the Chandler Road Park. The Parks and Recreation Commission will be responsible for providing a variety of Athletic and Recreational Programs for the residents of the Town and surrounding communities.

Section #5: Funds: All funds will be turned over to the Town Treasurer, who will disburse as needed. Any remaining funds at the end of the fiscal year will roll over to the Parks and Recreation Commission budget for the following year. The Parks and Recreation Commission shall keep a reserve fund available for larger projects and any other needs the committee deems reasonable.

Section #6: PARK PROPERTIES: Permission needs to be obtained from the Parks and Recreation Commission to use all Parks and Recreation facilities. Except as may be necessitated by reason of maintenance activities without the approval of the Selectmen, no person in the park shall:

A. Building and Other Property:

1. Disfiguration and Removal: Willfully mark, deface, disfigure, injure, tamper with or displace or remove, any building, bridges, tables, benches, fireplace grills, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, playground equipment, facilities or park property or appurtenances whatever, either real or personal.

2. Removal of Natural Resources:

A. Dig or remove any sand, soil, rock, stones, trees, shrubs or plants, timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.

B. Trees, Shrubbery and Lawns

1. Injury and Removal: Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach a rope, wire, or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any way injure or impair the natural beauty or usefulness of any area.

2. Climbing Trees: Climb a tree or walk, stand or sit upon monuments, vases, fountains, railings, for or upon any other property not designated or customarily used for such purposes.

SECTION #7: SANITATION

No person in a park shall:

A. Pollution of Waters – Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pool, pond, stream or other body of water in or adjacent to any park or any tributary stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

B. Refuse and Trash – Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper boxes, cans, dirt, rubbish, waste, garbage or refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these

are provided, where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for such presence, and properly disposed of elsewhere.

Section #8: Alcoholic beverages

It shall be unlawful for any person to possess or to consume any alcoholic beverage or liquor, as defined by 28-A M.R.S.A. § 2, within the boundaries of any park or recreation property owned, leased, managed or controlled by the Town of New Sharon.

Section #9: Tobacco-free park

This section is enacted to protect, preserve, and promote the health, safety and welfare of the residents and visitors that use the Town of New Sharon's Parks and Recreational Areas. The purpose of this section is to decrease the exposure of individuals, and children in particular, to secondhand smoke in their outdoor environment.

A. Tobacco use is prohibited. It shall be unlawful for any person to use tobacco products within the property boundaries of all municipal owned parks, gardens and recreational areas.

Section #10: Severability

If any portion of this ordinance shall be declared invalid, it shall not affect any other portion of the Ordinance.

Section #11: Effective Date

This Ordinance shall become effective when enacted by the Legislative body of the Town of New Sharon.