

Town of Gray, Maine
Public Facilities Use Policy

Be it hereby resolved by the Town Council of the Town of Gray, Maine:

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Section 1 - Mission Statement

The Town of Gray (hereafter "Town") sets forth the following rules and regulations for the management and protection of the public facilities owned by the Town and for the protection of the persons lawfully entitled to use same.

Section 2 - Definitions

Director: means the director of the Town of Gray Recreation Department.

Public facility: means an area of land and all buildings and structures located thereon, owned and operated by the Town, having facilities for rest and/or recreational use or providing open space for leisure activities, and customarily used by the general public for such uses and activities. The term includes, but is not limited to, parks, playgrounds, beaches, walkways, trails, and adjacent parking facilities. Appendix A below contains a current list of public facilities located in the Town.

Recreation Department: means the Town of Gray Recreation Department.

School Department: means SAD #15.

Section 3 – Recreation Department

The Director or designee is authorized to close any park or portion thereof at any time for the protection of park property or the public health, safety or welfare.

Section 4 - Parks

Parks shall normally be open to the public from sunrise until sunset unless otherwise posted. The public is prohibited from being in parks when they are closed to public use except as authorized by the Director or designee.

Section 5 – Wilkies Beach

- a. Hours of operation. The beach is available for use by Town of Gray residents during the months from May 1 to September 30, inclusive from 5:30 a.m. to 8:30 p.m. All other months shall be open to the public from one half hour after sunrise to one half hour before sunset.
- b. Dogs. From Memorial Day until Labor Day, dogs are not allowed on the beach from 8:00 a.m. until 6:00 p.m. At all other times, dogs are allowed only on leash, and owners must also observe the provisions contained in Section 11 herein.
- c. Lifeguard. There are no lifeguards on duty at the beach; persons using the beach to swim do so at their own risk.
- d. During the beach season there are attendants on duty to enforce the rules of the beach, collect walk-on fees, and check season passes. Proof of residence is checked at the entrance to the beach.
- e. Use of the beach is subject to all other provisions contained in this policy.

Section 6 – Newbegin Community Center

The public facilities at Newbegin Community Center are available on a first come, first served basis, except for certain seasons when the facilities are regularly used by league sports, or if there has been a reservation for a special event pursuant to Section 7. If the staff is on duty and there are no sponsored programs or events scheduled, the facilities are open to the public for use, subject to the other terms and conditions for public facilities contained herein. Newbegin Community Center is also available for hourly rental, and a schedule of hourly rental fees is attached hereto as Appendix B. A rental contract must be completed at least one week prior to the desired date of use.

Section 7 – Reservation of Public Facilities

1. General

- a. The Town of Gray retains the right at all times to make individual decisions regarding the use of all public facilities.
- b. For school-related public facilities, activities sanctioned by the School Department shall take precedence over any other requested or previously permitted use, and for recreational facilities, activities sanctioned by the Recreation Department shall have first priority use. The School Department and the Recreation Department reserve the right to assign alternate space if other needs for the public facility arise, or to revoke any permission for the use of the public facility, at any time and without prior notice or liability, should the School Department or Recreation Department determine that such action is necessary or desirable.
- c. The Town Council will consider all requests for activities regularly occurring, that are not municipal or school-related regarding the use of all public facilities.

2. Permit required

- a. All persons or groups desiring to reserve a public facility for their own exclusive use for special events (including, but not limited to, weddings, banquets, company outings, family reunions, birthday parties and similar celebrations) are required to have a permit from the Director.
- b. Permits from the Director or designee shall be required for any gathering, entertainment, game, tournament, exhibition or similar use. The Director or designee may require the applicant to provide proof of insurance in such form and in such amounts as the Director or designee deems reasonable. Permission for the above listed uses must comply with the large outdoor event and the use of town and school facilities policies.

- c. No permit is required for group picnics, unless the group seeks to reserve specific park areas or facilities for its own use at the exclusion of others, or intends to provide its own facilities not already present in the park, for food preparation and service (such as tents, tables, chairs, central cooking facilities and serving stations).
- d. Permits for public facility use may be obtained from the Director or designee, who may require the applicant to provide proof of insurance in such form and in such amounts as the Director or designee deems reasonable.
- e. Permits must be requested at least two (2) weeks in advance.
- f. Use of public facilities for any organization are scheduled on a first come, first served basis with consideration given to the Recreation Department's annual use, and annual repeat applicant use first. Once an application is approved, and rental obligations are met, the date and facility is considered secure.
- g. The fee for such permit shall be as specified in the Schedule established by the Town Council.
- h. All fees must be paid 7 days in advance. It shall be unlawful for any person to use, without payment, any facility or area for which a permit fee is required or user fee charged, unless payment has been waived.
- i. In addition to the application and permit fees, the Recreation Department may require the applicant to pay additional costs as needed for the event, including, but not limited to, the cost of providing police protection, the cost of providing restroom facilities and a maintenance service charge.

2. *Permit applications.*

A person seeking a permit to use a public facility for a group function or event shall file an application with the Town of Gray Recreation Department. The application shall state:

- a. The name and address of the applicant;
- b. The name and address of the person, corporation or association sponsoring and/or conducting the activity;
- c. The day and hours for which the permit is desired;
- d. The public facility or portion thereof for which such a permit is desired;
- e. An estimate of the anticipated attendance or patronage;

- f. A statement that the applicant agrees to be responsible for any damage or loss to the public facility occurring during or resulting from the applicant's event or activity and that the applicant agrees to abide by all requirements of this Policy; and
- g. Any other information, which the Director shall find reasonably necessary to make a fair determination as to approval of the application.
- h. Request completed at least seven days prior to the proposed use.

3. *Deposit.*

At the time of filing the application, the applicant shall make a cash deposit for the repair of damages to the public facility and for its restoration, and sufficient to pay the expense, as estimated by the Director, of any Town employees required to supervise, inspect, setup and cleanup related to the conduct of the event or activity.

4. *Duties of applicant.*

- a. At least five (5) days before the scheduled event, the applicant shall inspect the public facility which the applicant intends to utilize and notify the Recreation Department in writing of any defects, deficiencies or apparent damage to such facilities.
- b. The applicant shall be responsible for designating a person who shall be in charge of the conduct of the event or activity and who shall be on the public facility grounds while the event or activity is being conducted.
- d. The applicant shall be responsible for keeping the public facility clean and free from debris.
- e. For events where more than five hundred (500) individuals are anticipated to gather or participate in the event or activity in the public facility, the applicant shall provide a bond in the form of cash, certified check or surety bond from a surety company qualified to do business in the State of Maine in an amount of not less than two thousand dollars (\$2,000.00). Such bond shall be utilized to guarantee cleanup of the area and shall be applied against claims by the town for damage to real or personal property in the public facility.
- f. The Town's property insurance and general liability insurance does not extend to individuals or groups utilizing public facilities. Therefore, the applicant shall procure and furnish evidence to the town of public liability insurance in amounts not less than five hundred thousand dollars (\$500,000) per person, for bodily injury, death, and property damage, protecting the applicant and the Town from such claims.

- g. The applicant shall comply with any and all other Town Ordinances, Rules and or Policies.

5. *Standards for issuance.*

The Director shall issue a permit only upon finding that:

- a. The proposed event or activity shall not endanger the health and safety of persons who visit the public facility;
- b. Adequate parking facilities exist and are available to accommodate the proposed event or activity in the public facility;
- c. Adequate sanitary facilities exist and are available to accommodate the proposed event;
- d. The event or activity shall not cause damage from destruction or overuse of the grounds, equipment, vegetation, buildings, fences or other amenities in the public facility;
- e. The proposed event or activity would not unreasonably disturb persons who own and/or occupy land which is adjacent to such public facility; and
- f. The public facility or portion thereof desired has not been reserved for other use at the day and hour required in the application.
- g. The applicant has demonstrated the ability and intent to provide adequate supervision of the activity and understands the applicable rules and regulations.

When issuing the permit, the Director may designate the specific area within the public facility where the event shall be permitted to take place, based upon the foregoing criteria.

6. *Post-event examination*

Any facilities used by the applicant will be examined carefully by the Town after use. By accepting a permit to use a public facility, the applicant agrees to make full restitution for loss or damage occurring during the applicant's use of the facilities.

7. *Termination of permits*

The Director, for good cause, may withdraw his/her approval for use of any public facility by giving the applicant notice 48 hours in advance of the scheduled event or gathering. In such event, the applicant shall be entitled to full reimbursement of the deposit paid.

8. *Indemnification*

The applicant agrees to save, indemnify and hold harmless the town and all its employees, the Town Council and all its members, the School Department and all its employees, the School Board and all of its members, and the Recreation Department and all of its employees, from and against, any and all liabilities, actions, courses of action and damages arising out of any negligent or tortious acts on the part of the applicant, employees or agents, and from any and all fines, suits, claims, demands and actions of any kind or nature of any and all persons by virtue of or arising from the use of said facilities, equipment, or activity participation. The foregoing entities shall also be held harmless from and against all claims, damages losses and expenses, just or unjust, including but not limited to costs of defense, including attorney's fees arising out of or resulting from personal injury, sickness, disease or death.

Section 8 - Unlawful occupancy

It shall be unlawful for any person to:

- a. Enter any building or be upon any public facility after the posted closing time or before the posted opening time, or contrary to posted notice in any public facility or while any public facility is under construction.
- b. Use a public facility in a manner which requires a permit after having received a permit revocation during the time period specified.

Section 9 - Alcohol/tobacco

Participants and spectators may not consume alcohol or tobacco products at any scheduled/organized activity or event. Alcoholic beverages are prohibited in public facilities.

Section 10 - Solicitations and concessions

It shall be unlawful for any person to:

- a. Solicit, sell or otherwise peddle any goods, wares, merchandise, services, liquids or edibles in a public facility except by authorized concession or written permission granted by the Director or designee.
- b. Expose, distribute or place any commercial sign, advertisement, notice, poster or display in a park without authorization from the Director or designee. This prohibition shall not apply to signs erected in connection with recognition of sponsorship by a business or individual of non-profit events and athletic teams within the town, provided that the sign has been authorized by the Director or designee.

- c. Bring in, set up, construct, manage or operate any amusement or entertainment device without a permit.

Other town permits and licenses may be required before engaging in the foregoing activities.

Section 11 - Dogs

Dogs are allowed at public facilities subject to the following restrictions:

- a. All dogs must be on a leash, cord or chain, not longer than ten (10) feet, held by a person physically able to control the dog, during any scheduled/organized activity or event at a public facility. Animals are not permitted in designated child play areas. Dogs are permitted to use trails and other areas designated "off-leash," as long as they are within voice command of their custodian.
- b. It is a violation of this Policy to allow a dog to disturb, harass or interfere with any employee or visitor at a public facility or to damage any visitor's property.
- c. Any animal owner whose animal destroys, damages, or injures any shrubbery, plants, flowers or anything on public property or a facility in a park or other public grounds shall be responsible for the damage caused by the animal.
- d. Pet custodians shall pick up their pet's feces and dispose of the feces in a sanitary manner, either in a designated receptacle or off the grounds of the public facility.

Section 12 - Littering

It shall be unlawful for any person to deposit, scatter, drop or abandon bottles, cans, broken glass, sewage, trash, waste or other material. Disposal of waste shall be in a sanitary manner off the grounds of the public facility.

Section 13 - Release of harmful or foreign substances

It shall be unlawful for any person to:

- a. Place any debris or other pollutant in or upon any land associated with a public facility or any body of water in or adjacent to a public facility or any tributary, stream, storm sewer or drain flowing into such waters.
- b. Discharge wastewater or any other wastes in a public facility, except into designated containers, drains or dumping stations.
- c. Release a pesticide in or upon any land associated with a public facility, except as permitted by the Town.

Section 14 - Destruction/defacement/alteration of public property/signs.

It shall be unlawful for any person to:

- a. Intentionally deface, vandalize or otherwise cause destruction to a public facility.
- b. Intentionally deface, destroy, cover, damage or remove any placard, notice or sign, whether permanent or temporary, posted or exhibited by the Recreation Department.
- c. Build an encroaching structure, such as a fence or garden, on public facility property without the express written permission from the Director.

Section 15 - Disturbance of natural features

It shall be unlawful for any person to:

- a. Intentionally remove, alter, injure or destroy any tree, turf, other plant, rock, soil or mineral in a public facility without a permit.
- b. Dig any trenches, holes or other excavations in a public facility without a permit.
- c. Introduce any plant, animal or other agent within a public facility without a permit.
- d. Construct any building or structure or signs unless authorized to do so in writing by the Director.

Section 16 - Hunting/wildlife

It shall be unlawful for any person to:

- a. Kill, trap, hunt, pursue or in any manner disturb or cause to be disturbed, any species of wildlife in any park areas that are posted "No Hunting." All fishing, hunting and discharge of firearms shall be in accordance with state and local laws and ordinances.
- b. Remove any wild animal, living or dead, from a park without necessary State permits or licenses.
- c. Release or abandon any animal within a park without necessary State permits or licenses.

Section 17 - Use of weapons/firearms/fireworks

It shall be unlawful for any person to:

- a. Fire or discharge, or cause to be fired or discharged across, in or into any portion of a posted public facility, any gun or firearm, spear, bow and arrow, crossbow, sling shot, air or gas weapon, paintball gun, or any other dangerous weapon or projectile, except for purposes designated by the Director of in areas and at times designated by the Director.
- b. Possess, set off or attempt to set off or ignite any firecracker, fireworks, smoke bombs, rockets, or other pyrotechnics without authorization of the Director and the necessary State and local permits.

Section 18 - Fires

It shall be unlawful for any person to:

- a. Start an open fire at any public facility (including for cookouts and camping) except by express permission from the Director or designee. Applicants requesting permission for a fire of any type must also acquire a fire permit through the Gray Fire Rescue Department.
- b. Scatter or leave unattended lighted matches, ashes, burning tobacco, paper or other combustible materials.

Section 19 - Snowmobiles and ATVs

Use of snowmobiles and all-terrain vehicles (ATVs) is prohibited on all trails and areas within public facilities except for designated trails within parks and designated public grounds owned by the town. This shall not be construed to prohibit the use of snowmobiles and/or snow grooming equipment for the maintenance and grooming of ski trails as authorized by the Director.

Section 20 - Trails

Trails within parks and public grounds owned by the Town may generally be used for non-motorized recreation such as hiking, cross-country skiing and cross-country running and may otherwise be used as posted.

Section 21 - Personal conduct

It shall be unlawful for any person to engage in any course of conduct or participate in any activity in any public facility where such conduct or participation is unreasonably and unnecessarily hazardous to the personal safety of or impairs or limits the lawful use and enjoyment of the facility or area by other persons.

Section 22 - Noise/public disturbance

It shall be unlawful for any person to:

- a. Make any unnecessary noise which disturbs the peace and quiet of the park or causes discomfort or annoyance to park visitors of normal sensitivity, except for special programs at dates and times as authorized by permit.
- b. Install, use or operate or permit the use or operation within public facilities of any of the following devices:
 1. Loudspeaker or sound amplifying equipment without a permit.
 2. Radios, tape players, phonographs, television sets, musical instruments or other machine or device for the production or reproduction of sound in such a manner as to be disturbing or a nuisance to persons of normal sensitivity within the area of audibility.

Section 23 - Movement of benches/seats or other park equipment

No benches, seats or other equipment of the town shall at any time be removed or changed from their place without permission to do so having been obtained by the Director or designee.

Section 24 - Golf

Practicing of golf is not permitted in any public facilities, except where specifically designated or as authorized by the Director or designee.

Section 25 – Camping

Overnight camping is prohibited in all public facilities and parking areas owned by the town, except where specifically designated or as authorized by the Director or designee. Any movable structure or special vehicle to be used or that could be used for such purpose, such as a home trailer, camp trailer, camp wagon or recreational vehicle, shall not be used for overnight camping in a public facility or parking area unless authorized in writing by the Director.

Section 26 - Parking

Parking or driving of any vehicle on a public facility, including vehicles for the purposes of loading and unloading supplies and all catered or concession vehicles, is not permitted except where specifically designated or as authorized by the Director or designee.

Section 27 - Interference with employee performance of duty

It shall be unlawful for any person to impersonate any employee of the Town or interfere with, harass or hinder any employee in the discharge of his/her duties.

Section 28 – Enforcement and penalty

This Policy may be enforced by the Director or his designee or by any duly authorized law enforcement officer. Any person found in violation of this Policy shall be subject to a penalty as provided in 30-A MRSA Sec. 4452. In addition to such penalties, the Director may issue a written order to any person violating this policy prohibiting that person from using public facilities in the Town for a period of not more than one (1) year.

Adopted: November 9, 2010 and further amended November 16, 2010

APPENDIX A

List of Public Facilities

1. Newbegin Community Center
2. Wilkies Beach
3. Libby Hill Forest
4. Stimson Hall
5. Pennell Municipal Complex
6. Others?

APPENDIX B

Rental Fees for Newbegin Community Center