

AGENDA
ORDINANCE COMMITTEE

Thursday, April 16, 2020

4:00 p.m.

Virtual

TO VIEW THE ORDINANCE COMMITTEE MEETING & OFFER PUBLIC COMMENT:

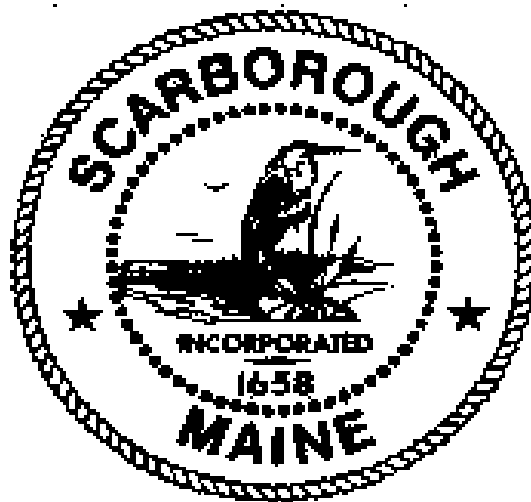
https://zoom.us/webinar/register/WN_o3nLPqrVTI2NRzDYriIpEw

TO VIEW THE ORDINANCE MEETING ONLY:

<https://www.youtube.com/channel/UCD5Y8CFy5HpXMftV3xX73aw>

- Item 1.** Call to Order.
- Item 2.** Roll Call.
- Item 3.** Approval of the minutes from the February 20, 2020 meeting.
- Item 4.** Public Comment.
- Item 5.** Discussion on Smoking on the Beach.
- Item 6.** Discussion on Fireworks.
- Item 7.** Discussion on Roosters.
- Item 8.** Discussion on Growth Management Ordinance.
- Item 9.** Future agenda items.
- Item 10.** Adjournment

CHAPTER 612
TOWN OF SCARBOROUGH
ORDINANCE CREATING RULES AND
REGULATIONS FOR USE OF PARKS AND
RECREATIONAL FACILITIES



Adopted May 19, 2004
Amended April 20, 2011

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CHAPTER 612
TOWN OF SCARBOROUGH ORDINANCE
CREATING RULES AND REGULATIONS
FOR USE OF PARKS AND RECREATIONAL FACILITIES

1. Definitions

a. “Beach”

Means any beach area within the Town of Scarborough that is used by the general public. [Adopted 04/20/2011]

b. “Park”

Means an area of land, whether in a natural state or developed, 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 park includes, but is not limited to, playgrounds, school grounds, athletic playing fields, beaches, walkways, trails and parking areas serving such facilities. [Amended 04/20/2011]

c. “Tobacco”

Means any tobacco products in any form including, but not limited to cigarettes, cigars, pipes, snuff, dip, chewing tobacco, e-cigarettes, vape pens, weed or plant. [Adopted 04/20/2011]

d. “Town park”

Means a Park owned or operated by the Town of Scarborough.

e. “Designated Smoking Area”

Means an area designated as a place for smoking. A designated area must be marked with prominent signs and must be located a minimum of 25 feet away from common points of ingress and egress of a public way to the beach. [Adopted 04/20/2011]

2. Park property protected

No person in a Park shall:

- a. Mark, damage or remove any building structure, benches, signs or other similar apparatus or equipment unless authorized to do so in writing by the Scarborough Community Services Department or the owner of the Park property.
- b. Dig, disfigure or remove any soil or vegetation or any excavation on Park property.
- c. Construct any building or structure or signs unless authorized to do so in writing by the Scarborough Community Services Department or the owner of the Park property.
- d. Throw away or leave refuse or trash except in waste receptacles placed by the Scarborough Community Services Department or the Scarborough Department of Public Works or the owner of the Park property.
- e. Damage, cut, carve, transplant or remove any tree or plant.

3. Fires and fireworks prohibited

- a. No person shall build or attempt to build any fires within a Park unless authorized to do so in writing by the Scarborough Community Services Department or owner of the Park property, and then only after obtaining any permits required from the Scarborough Fire Department.

- b. No person shall bring or have in their possession or set off or otherwise cause to explode, discharge or burn any firecrackers, torpedoes, rockets or other fireworks or explosives or inflammable material onto any Park property, unless authorized to do so in writing by the Scarborough Community Services Department or the owner of the Park property, and then only after obtaining any permits required from the Scarborough Fire Department.

4. Camping prohibited

No person shall set up any tent, shack or any other temporary shelter for the purpose of overnight camping in a Park. 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 Park unless authorized in writing by the Scarborough Community Services Department or owner of the Park property.

5. Disorderly conduct prohibited

No person shall engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in disorderly conduct or behavior constituting a breach of the peace in any Park facility. No man shall expose his genitals or buttocks; or woman, her genitals, buttocks or breasts any time in a Park.

6. Illegal drugs, alcohol and tobacco prohibited

- a. No person in a Park shall have in his or her possession or use any illicit, illegal or scheduled drugs, as defined under the Laws of the State of Maine. No person shall have any alcoholic beverage in his or her possession in any Park.
- b. No person shall use tobacco within any Town Park, unless in a designated smoking area. [adopted 04/20/2011]
- c. No person shall use tobacco on any beach, unless in a designated smoking area. [adopted 04/20/2011]
- d. Unless, in a designated smoking area, no person shall use tobacco on any town-owned property within 25 feet of any beach. [adopted 04/20/2011]

7. Hours of Operation

The hours of operation of all Parks shall be sunrise to sunset, or as otherwise posted. It shall be a violation of this Ordinance for any person to be in or upon a Park beyond the posted closing time or after sunset, if no other closing time is posted.

8. Littering and animal waste in Parks

No person shall cause or permit any litter, debris, refuse, garbage, human or animal excrement or other objectionable wastes to be cast or deposited upon the premises of any Park.

9. All terrain vehicles

- a. All terrain vehicles (ATV's), motor bikes and motor vehicles shall be prohibited within Parks at all times except in areas specifically designated for such uses, if any.
- b. Snowmobiles shall be prohibited from use on all trails and areas within Parks except for such trails specifically laid out and authorized as snowmobile trails. 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 Community Services Department.

10. Use of Town Park facilities

The Town of Scarborough retains the right at all times to make individual decisions regarding the use of Town Park facilities. All persons or groups desiring to reserve space or facilities in a Town Park for their own use for special events (such as, but not limited to, weddings, banquets, company outings, family reunions, birthday parties and similar celebrations) are required to have a permit from the Community Services Department. No permit is required for group picnics, unless the group seeks to reserve specific park areas or facilities for its own use or intends to provide its own facilities, not already present within the park, for food preparation and service (such as tents, tables, chairs, central cooking facilities and serving stations).

11. Priority use of facilities

Use of Town Park facilities for any organization are scheduled on a first come, first serve basis with consideration given to the Community Services Department's annual use, and annual repeat permittee use first. Once an application is approved, and rental obligations are met, the date and facility is considered secure.

12. Permit fees for use of Town Parks

- a. The fee for such Permit shall be as specified in the *Schedule of Licenses, Permit and Application Fees* established by the Town Council.
- b. All fees must be paid 30 days in advance.
- c. Special requests could add additional costs i.e. (Police officers, restrooms or maintenance service charge). In addition to the application and permit fees, the Community Services 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.

13. Permit applications

- a. A person seeking a permit to use a Town Park for a group function or event shall file an application with the Scarborough Community Services Department. The application shall state:
- b. The name and address of the applicant;
- c. The name and address of the person, corporation or association sponsoring and/or conducting the activity;
- d. The day and hours for which the permit is desired;
- e. The Town Park or portion thereof for which such a permit is desired;
- f. An estimate of the anticipated attendance or patronage;
- g. A statement that the applicant agrees to be responsible for any damage or loss to the Park or Park property occurring during or resulting from the applicant's event or activity and that the applicant agrees to abide by all requirements of this Ordinance including, but not limited to, sections 14, 15 and 17; and
- h. Any other information, which the Director of Community Services shall find reasonably necessary to make a fair determination as to approval of the application.

14. Deposit to cover cost to the Town

The applicant shall make a cash deposit sufficient to cover the cost to the town, as estimated by the director of Community Services, for the repair of damages to the Park 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.

15. Duties of permittee

- a. At least five (5) days before the scheduled event, the permittee shall inspect the Park facilities which the permittee intends to utilize and notify the Community Services Department in writing of any defects, deficiencies or apparent damage to such facilities.
- b. The permittee 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 Park grounds while the event or activity is being conducted.
- c. The permittee shall be responsible for keeping the Park clean and free from debris.
- d. For events where more than five hundred (500) individuals are anticipated to gather or participate in the event or activity in the Park, the permittee 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 Park.
- e. The permittee 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 permittee and the Town from such claims.
- f. The permittee shall comply with any and all other Town Ordinances, Rules and or Policies.

16. Standards for issuance

The Director of Community Services 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 Park;
- b. Adequate Parking facilities exist and are available to accommodate the proposed event or activity in the Park;
- 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 Park;
- e. The proposed event or activity would not unreasonably disturb persons who occupy land which is adjacent to such Park; and
- f. The Park or portion thereof desired has not been reserved for other use at the day and hour required in the application.
- g. The permittee 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 of Community Services may designate the specific area within the Park where the event shall be permitted to take place, based upon the foregoing criteria.

17. 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 Town Park, the applicant agrees to make full restitution for loss or damage occurring during the applicants' use of the facilities.

18. Termination of permits

The Director of Community Services, for good cause, may withdraw his/her approval for use of any Town Park facility by giving the applicant notice 48 hours in advance of the scheduled event or gathering.

19. Enforcement and penalties

This ordinance may be enforced by any Town of Scarborough Police Officer. Any person found in violation of this Ordinance shall be subject to a fine of not less than one hundred dollars (\$100.00) and not greater than five hundred dollars (\$500.00) for each violation, plus restitution for any damage done to any Park property.

PARKS, SPORTS FACILITIES, PLAYGROUNDS AND BEACHES

Maintained by Community Services

May 5, 2004

APPENDIX

Willey Sports Complex

Location: End of Tenny lane in Pleasant Hill Area (Approx. 16 Acres)

Recreation facilities: (1) Full size Baseball field, (1) L.L. Baseball field

(1) 120 X 60 Multi-purpose field

¼ Mile Walking Trail around complex

(1) 40 X 60 woodchip Play ground area

Concession/Bathroom Facility: 44 X 20 foot building

(2) Unisex Bathrooms

(1) 8 x 10 foot Boiler room

(1) 16 X 11 foot Outdoor storage shed

Parking Area: 84 Parking Spaces with 2 Handicap spaces

Blue Point Park

Location: Off Pine Point Rd. across street from Blue Point Church.

Approx. 1 Acre

Full Size Tennis Courts

(1) Outdoor Basketball Court

Scarborough River Wildlife Sanctuary

Location: Off Pine Point Rd.

(52) Acre Passive Recreation Area with 1.5 miles of walking trails

62 X 65 foot Gravel Parking area

Bessworth Child Care Buliding

Location: Behind Wentworth school off Rt. 114

8 Portable classrooms

Outdoor Basketball Courts

Playground Area & Small Multi-purpose field (Approx. 2 acres)

Municipal Building

Location: 259 US Rt. 1

Acres of Grounds

75 Parking Spaces

Springbrook Sports Complex

Location: On Longmeadow Road (Approx. 12 Acres)

Recreation Facilities: (2) Skin Softball fields (1) 120 X 70 multi-purpose field

Walking trail around complex.

40 X 40 foot woodchip Play ground Area

Concession / Bathroom Facility: 44 X 20 foot Brick Building:

Parking Area: 73 spaces with 5 Handicap spaces

Peterson Sports Complex

Location: Old Blue Point Road (Approx. 17 Acres)

Recreation Facilities: 1 L.L. Baseball field with 2 dugouts

PARKS, SPORTS FACILITIES, PLAYGROUNDS AND BEACHES

Maintained by Community Services

May 5, 2004

Peterson Sports Complex - Continued

- (1) Skin Softball field with 2 Dugouts/ Concession Building with Bathroom.
- (1) Full size Baseball field with Chain link Backstop and Dugouts.
- (1) Multi-purpose 120 X 60 Field
- Walking Trail around Complex
- 32 X 32 Woodchip Playground area
- 24 X 24 foot Storage Building with Loft area.
- 10 X 7 foot Storage Shed (Travel Soccer)
- Parking: 87 Plus Parking Spaces
- Concession Building with Bathroom

Maintenance Building and Outdoor Ice Rink

- Location: Oak Hill Sports Complex (Approx. 2 acres)
- Ice rink: 300 X 250 foot manmade area
- Warming area with small concession area and (2) Handicap Bathrooms
- Maintenance Building: 100 x 40 Foot Building
- (2) two bay Garage areas
- (1) Wash Bay
- (1) Paint room
- (1) Small Office area
- (1) Small Boiler room
- (1) Storage loft

Bessy School

- Location: US Rt. 1
- (1) Skin Softball Field with Multi-purpose outfield (Approx. 1 acre)

Oak Hill Sports Complex

- Located beside Scarborough High School
- 110 Total acres with woods
- Approx. 65 Mowing Acres

Field House: 52 X 18 foot Brick Building

- 17 X 17 foot announcing area with P.A. System and Handicap Elevator
- small Boiler Room
- (2) Women's Bathrooms
- (2) Men's Bathrooms

Recreation Areas

- (1) Full size Baseball Field with (2) 40 x 10 Brick Dugouts with Storage
- (1) Skin Softball Field with (2) Chain Link Dugouts
- (1) Skin Softball Field with (2) 40 X 10 Brick Dugouts and Storage area
- (1) 140 X 75 yd Multi-purpose field with Track
- (4) regulation Tennis Courts with Lights
- (2) Outdoor Basketball Courts with Lights
- (1) 24 X 16 foot Storage Building

PARKS, SPORTS FACILITIES, PLAYGROUNDS AND BEACHES

Maintained by Community Services

May 5, 2004

Middle School Sports Complex

Location: Rt. 114 (Gorham Rd.) by Scarborough Library

(1) Skin softball field with Multi-purpose outfield

(1) Baseball field with Multi-purpose outfield

Oak Hill School (Sedco Building)

Location: On Black Point Rd. (Approx. 2 acres)

(1) Small Multi-Purpose field

Scarborough Community Park

Location: Drive In Property (Approx. 20 acres)

Large manmade pond with Fountains

(1) Gazebo

Amphitheater

Walking Trail around Complex

Skateboard Park

120 X 75 yd. Multi-purpose Field

BEACHES AND BOAT LAUNCHES

Hurd Park

Location: Pine Point Beach

Concession Stand

2 Bathrooms

2 Outdoor Showers

100 + Parking Spaces (ADA accessible)

Ferry Beach

Location: End of Ferry Road

(2) Bathrooms

(2) Outdoor Showers

Boat Launch with Finger Docks

Pine Point CO-OP

Location: End of King Street in Pine Point area

50 foot Pier with Floats

Boat Launch with Finger Docks

60 + Parking spaces

Seavy's Landing

Location: End of Seavy's Landing Road

Small Boat Launch No Docking area with limited Parking / Picnic area

Clay Pitts

Location: End of Clay Pitts Road

Boat Launch with Finger Docks

20 + Parking Spaces

SECTION IX. PERFORMANCE STANDARDS. [Amended 05/05/2010][amended 01/02/16][10/04/17]

SECTION IX. PERFORMANCE STANDARDS.

P. PERFORMANCE STANDARDS – ACCESSORY AGRICULTURAL ACTIVITIES [Adopted 05/05/2010]

Accessory Agricultural Activities must be carried out in conformance with the following performance standards:

1. Chickens may be kept on a lot in accordance with the following standards:
 - a. Up to five (5) chickens may be kept on a lot with a lot area of less than ten thousand (10,000) square feet.
 - b. Up to ten (10) chickens may be kept on a lot with a lot area of ten thousand (10,000) square feet or more but less than forty thousand (40,000) square feet.
 - c. Any number of chickens may be kept on a lot with a lot area of forty thousand (40,000) square feet or more.
 - d. ~~On lots with a lot area of less than ten thousand (10,000) square feet, all chickens must be female.~~
All chickens must be female unless on lots in the RF with a lot area of at least eighty thousand (80,000) square feet.
 - e. On lots with a lot area of less than forty thousand (40,000) square feet, the chickens must be kept in an enclosure or fenced area at all times. This requirement can be met through the use of a mobile enclosure or a so called “chicken tractor”.
 - f. The chickens must be confined within a henhouse during non-daylight hours.
 - g. The henhouse must be enclosed on all sides, have a roof and door, and the access doors must be able to be shut and locked. The henhouse must be constructed from substantial materials and be visually compatible with the property. The hen house must be setback from any property line at least fifteen feet or the minimum required setback for the district in which it is located, whichever is greater
 - h. The henhouse and enclosure must be maintained so that it is clean, dry, and odor free. All manure or other wastes must be stored in a fully enclosed structure or in airtight containers and must be periodically removed from the property or composted so there is no accumulation of waste material on the lot.
2. Small animals (such as sheep, goats, pot-belly pigs, or fowl that typically weigh not more than 100 pounds at maturity) other than domestic pets or chickens may be kept on a lot that has a lot area of at least 40,000 square feet.
3. Large animals (such as horses, cows, hogs, or llamas that typically weigh more than 100 pounds at maturity) may be kept on a lot that has a lot area of at least 80,000 square feet.
4. Any building or structure that is used to house animals other than domestic pets or chickens must meet the setback requirements for the zone in which it is located.
5. The sale of products produced on the property in excess of what is consumed by the occupants of the property is permitted. The sales must occur in a designated area not more than twenty (20) square feet in area and may include a display stand or table. The stand or table may only be in place during the season when products are being sold and must be removed during the “off-season”.

