



Article: 22

Warrant Article Title:

BYLAW AMENDMENT / USE OF AREAS UNDER CONTROL OF PARK DEPARTMENT

Warrant Article Text:

To see if the Town will vote to amend Title IV, Article 1, which in part protects parks from destructive acts, by expanding protections to park elements not currently listed and clarifying and strengthening consequences for violations; or take any action related thereto.

Requested By:

Elaine Crowder and ten registered voters,

Report Excerpt:

Vote and comment to Town Meeting - Favorable Action (5-0).

The Board voted 5-0 to recommend favorable action on this warrant article that seeks to increase protection for areas under the jurisdiction of the Park Department. The proposed changes include an expansion of the defined protected areas under the bylaw and an increase in the range of potential fines. The Board believes the amendments improve the existing bylaw by providing additional detail to the protected areas in our parks, while also clarifying that normal use of recreational assets is not to be penalized, and further that there should be discretion on the amount of the fine based on the facts and circumstances.

Vote Language:

That the Town does and hereby amend Title IV, Article 1 of the Town's Bylaws so that it reads:

TITLE IV
PUBLIC AREAS

ARTICLE 1
USE OF AREAS UNDER CONTROL OF PARK DEPARTMENT

Section 1. Entrances and Exits

No person shall enter or leave any Park, Playground Beach or other area except at regular designated entrances or exits.

Section 2. Protection of Parks

No person shall injure, deface, dig up or displace, cut, break, remove, fill in, raise, destroy, or tamper with any road, walk, **trail**, lawn **soil, naturalized habitat, woodland** or beach; or deface, defile, injure, destroy or ill use any building **or habitat**, bridge, structure, fence, sign, bench, seat, platform, **playing field or court surface, playground surface**, plant, flower, bush, tree, shrub, **wildlife**, turf, **grass**, rock or other property or equipment, real or personal, belonging to the Town of Arlington under the jurisdiction of the Park Department, or have possession of any part thereof. **Damage due to normal wear and tear associated with the intended use of park property or equipment, real or personal, shall be exempt from Section 11 fines.**

Section 3. Actions Prohibited

- A. No person shall within any park or playground area throw any stone or missile; or have possession of or discharge any destructive weapon, firearm, fireworks, torpedo or explosive; or make a fire except by written consent of the Park Commissioners; or post, paint, affix, distribute or display any sign, notice, circular, program, placard or any other advertising device except by written consent of the Park Commissioners; or drop or place and suffer to

- remain any piece of paper, garbage or other refuse, except in the receptacles designated therefor, nor throw a lighted match, cigar, cigarette or other burning substance in said receptacles, or upon the ground; nor bring or cause to be brought within any area under the control of said Park Department any garbage, refuse or material for the purpose of depositing same within said receptacles; or bring or cause to be brought within any area under the control of the Park Department glass containers or any articles made of glass; or break or cause to be broken any glass containers or any articles made of glass within any area under the control of the Park Department.
- B. No person shall within a park or playground area solicit the acquaintance of or annoy another person; or utter loud outcry; or solicit alms or subscriptions; or have possession of or drink any intoxicating liquor; or make a harangue; or make any undue noise or disturbance.
 - C. No person shall within a park or playground area have possession of or drink any intoxicating liquor.
 - D. No person shall within a park or playground have in their possession an opened glass beverage container.
 - E. No dumping of any kind shall be made within any park or playground area, except by written consent of the Park Commissioners.

Section 4. Permit Required (ART. 30, ATM – 05/05/04)

A permit is required for all organized groups to utilize a playing field. The Parks and Recreation Department may issue such permits as it deems appropriate with reasonable regulations as it shall determine relating to utilization of property under its jurisdiction. The regulations may include without limitation consideration as to the condition of the fields as affected by inclement weather or overuse.

Section 5. Hours of Operation

All areas under the care and control of the Board of Park and Recreation Commissioners are considered to be opened at 5:00 A.M. and closed at 9:00 P.M., unless extended by the written consent of said Board. Anyone found on said premises between the hours of 9:00 P.M. and 5:00 A.M. without permission shall be considered to be trespassers.

Section 6. Golf Prohibited

The playing of golf is strictly prohibited in or upon all areas under the care and control of the Park Department.

Section 7. Bathing Attire Required

No person unless properly clothed, shall be upon any beach, or swim, bathe or wade in any water within or adjoining any area under the care and control of the Park Department and then only at such times and in such places as the Park Commissioners may designate; nor loiter or walk upon a sidewalk or roadway or about an area, other than a bathing beach, in a bathing costume, unless wearing a closed covering; nor lower from their shoulders or remove any part of their bathing costume on any beach; nor disrobe for bathing in a public sanitary or within public view.

Section 8. Animal Control

(ART. 9, ATM – 04/28/03), (ART. 36, ATM – 5/12/10)

No person shall cause or permit any animal owned by them or in their custody or under their control, to roam or be at large, in, on or through any park or playground, except in any area designated by the Board of Park and Recreation Commissioners as a "Dog Park", "Dog Run", or "Dog Exercise Area" or, except a dog when restrained by a leash not exceeding six (6) feet in length. No animals are allowed on any beach under the care and control of the Park Department. Notwithstanding the foregoing, from park opening time until 9 am, a maximum of two dogs per handler may

be off-leash, under effective owner control, in all lands under control of the Parks and Recreation Commission except:

- A. those lands directly contiguous to school properties;
- B. within 15 feet of playground equipment;
- C. by specific exclusion of the Parks and Recreation Commission.

Section 9. Certain Travel Prohibited

No person shall ride or drive an animal or ride a bicycle or motorcycle, or ride or drive a motor car or other vehicle upon or over any area under the care and control of the Park Department which has been closed to travel by the placing therein or the erection thereon of a barrier, fence, light or sign indicating that such area is closed for public travel.

Section 10. Signs and Direction of Town Personnel

No person shall refuse or neglect to obey any rule, posted by sign concerning the use of any area under the care and control of the Park Department; nor shall they refuse or neglect to obey any reasonable direction of a police officer or a person in charge of such area.

Section 11. Violation and Fines (ART. 30, ATM – 05/05/04)

Any person violating any of the foregoing, except **Section 2**, Section 3C or Section 4 and Section 8 shall be punished by a fine of not more than twenty (\$20) dollars. Any person violating Section 8 for each offense, shall be punished by a fine of not more than fifty (\$50) dollars. **Any person violating Section 2 for each offense, shall be punished by a fine of not more than one hundred (\$100) dollars.** Any person violating Section 3C or Section 4, for each offense, shall be punished by a fine of not more than three hundred (\$300) dollars.

Select Board Report