

TOWN OF FRIENDSVILLE

ORDINANCE 2013-03

PARKS AND RECREATION

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF FRIENDSVILLE REGULATING THE USE OF RECREATIONAL AMENITIES LOCATED UPON TOWN PROPERTY IN FRIENDSVILLE; REPEALING ALL OTHER ORDINANCES AND RESOLUTIONS REGULATING THE USE OF RECREATIONAL AMENITIES LOCATED UPON TOWN PROPERTY IN FRIENDSVILLE; AND MAKING THE VIOLATION OF THIS ORDINANCE A MUNICIPAL INFRACTION.

WHEREAS, the Mayor and Town Council of Friendsville is authorized by Article 23 A of the Maryland Annotated Code and by the Friendsville Town Charter to enact ordinances to protect the health, safety and welfare of residents of and visitors to Friendsville; and

WHEREAS, the Mayor and Town Council of Friendsville is aware of the need for more specific regulations regarding the use of recreational amenities upon town property in Friendsville.

NOW, THEREFORE, THE MAYOR AND TOWN COUNCIL OF FRIENDSVILLE, DOES ORDAIN AND RESOLVE THE FOLLOWING:

ARTICLE ONE

REPEAL OF PRIOR ORDINANCES AND RESOLUTIONS

Any and all other ordinances and resolutions enacted and adopted by the Mayor and Town Council of Friendsville regulation the use of recreational amenities within the Town Park of Friendsville, prior to the enactment of this ordinance, are hereby repealed.

ARTICLE TWO

DEFINITIONS

1. "Alcoholic Beverage" shall mean any liquid beverage containing 0.5% or more of alcohol by volume.
2. "Animal" shall mean any domesticated or non-domesticated creature.
3. "Athletic Fields/Courts" shall mean any parcel of Town property specifically designated for the use of playing ball. (Baseball, soccer, softball, basketball, tennis, etc.)
4. "Camping" shall mean erecting a tent or shelter of any type, or rolling out a sleeping bag, mat or any other device utilized for sleeping purposes, with the intent to spend the night.
5. "Event" shall mean any organized activity created by any person, group, organization, or entity.
6. "Fees" shall mean an amount of money established by the Mayor and Town Council of Friendsville that must be paid to the Town of Friendsville for the right to engage in specific activities or events to be held upon Town property.
7. "Fires" shall mean the creation of any flame by means of any combustible materials to include, but not limited to wood, paper, plastic, grass, weeds, rubber, etc.
8. "Firearm" shall mean any device capable of discharging ammunition to include but not limited to shotguns, rifles, pistols, muzzleloaders, etc.
9. "Holder" shall mean any person to which a permit has been issued.
10. "Garbage" shall mean any debris, trash or rubbish of any kind.
11. "Littering" shall mean the act of depositing any debris, trash or rubbish in areas other than designated garbage containers.
12. "Loitering" shall mean whoever without right enters or remains in or on public property after having been forbidden to do so either by notice posted thereon, or by the person or people who have lawful control of said premises, or by any officer of the law.
13. "Motorized Vehicle" shall mean any automobile, truck, bus, motor home, motorcycle, motor scooter, ATV, boat, airplane, construction vehicle, or any other conveyance used in transporting passengers or merchandise by land, water, or air.
14. "Nuisance" shall mean a use of property or course of conduct that interferes with the rights of others by causing damage, annoyance, or inconvenience.
15. "Park" shall be deemed to include all parks, playgrounds, recreational centers, open spaces, water areas, ball fields and ball courts, public restroom facilities, parking lots or areas, or other recreational areas, developed or undeveloped, and structures thereon, owned, operated, leased or managed by the Town of Friendsville.
16. "Permit" shall mean any written license issued by or under the authority of the Mayor and Town Council of Friendsville permitting specific acts.

17. "Person" shall mean any natural person, firm, partnership, association, corporation or organization of any kind.
18. "Pets" shall include but is not limited to dogs, cats, primates, snakes, rodents, members of the ferret and weasel family, swine and any other animal kept in domestication.
19. "Town" shall mean the Town of Friendsville, a municipal corporation organized under the laws of the State of Maryland, and includes the Mayor and Town Council of Friendsville.
20. "Vandalize" shall mean the act of willfully and intentionally injuring, defacing, disturbing, destroying or disfiguring any property, building, sign, equipment, or other property found therein.
21. "Wildlife" any wild animal or bird.

ARTICLE THREE

HOURS OF OPERATION

- A. The Mayor and Town Council of Friendsville shall have the authority for establishing opening and closing hours for all parks, walking trails, athletic fields and courts as well as parking areas. It shall be unlawful for any person to fail to leave a park, walking trail, parking area or other recreational area to include parking areas prior to the **posted** closing time of that particular recreational area.
- B. Any section or part of a park, walking trail or parking area may be declared closed to the public by the Mayor and Town Council of Friendsville at any time and for any period of time as the Mayor and Town Council of Friendsville deems in the best interest of the public.

ARTICLE FOUR

SUPERVISION

All children twelve (12) years of age or younger must be under the supervision of at least one adult, eighteen (18) years of age or older, to use the parks, walking trails, athletic fields, parking areas or other recreation areas.

ARTICLE FIVE

ALCOHOL CONSUMPTION

- A. Alcohol consumption is permissible in the Town Park of Friendsville **by permit only** for persons who are twenty-one (21) years of age or older as required by Maryland State Law.
- B. It shall be unlawful to engage in the consumption of alcoholic beverages within the Town Park of Friendsville without first obtaining a permit from the Town of Friendsville in the amount of **\$35.00**.

- C. It shall be unlawful to engage in the consumption of alcoholic beverages in any other area of the Friendsville Town Park other than the **immediate** area surrounding the pavilions. Consumption of alcoholic beverages on or near athletic fields or courts and playgrounds is **strictly prohibited**.
- D. It shall be unlawful to engage in the consumption of alcoholic beverages in or on any walking trails, parking areas, or any other recreational areas of the Town of Friendsville.
- E. Public drunkenness within any recreational or parking area of the Town of Friendsville is **strictly prohibited**.

ARTICLE SIX

PROHIBITIONS WITHIN PARKS, WALKING TRAILS, PARKING AREAS OR ANY OTHER TOWN RECREATION AREA

- A. Littering.
- B. The possession of illegal drugs.
- C. Underage Alcohol consumption.
- D. The use of threatening, inappropriate or vulgar language.
- E. Physically assaulting any person or persons.
- F. The operation of any motorized vehicle unless such operation is in a designated area such as an appropriate parking area.
- G. Parking in a handicapped area without a handicapped permit.
- H. Parking in areas other than those designated are appropriate parking areas.
- I. Parking in areas posted as **no parking zones or no parking areas**.
- J. Allowing pets or animals to run at large without being leashed or in a cage.
- K. Hunting or trapping of wild animals.
- L. Camping.
- M. Building fires unless in designated areas such as grills for food consumption purposes.
- N. Soliciting.
- O. Loitering.
- P. Trespassing.
- Q. Vandalism.

ARTICLE SEVEN

USE OF PAVILIONS

- A. Any person or group reserving a pavilion must make an advance reservation with the Town of Friendsville and pay any deposit fees, reservation fees and/or permit fees associated with the reservation.
- B. Any person or group reserving a pavilion and wish to consume alcoholic beverages must obtain a permit and pay a **\$35.00 non-refundable fee** for alcohol consumption, in addition to any other deposits or reservation fees charged by the Town of Friendsville at the time of the reservation.

ARTICLE EIGHT

HOLD HARMLESS CLAUSE

- A. Any person or persons using any Town park, walking trail, athletic field or court, parking area, or any other recreational facility within the Town of Friendsville holds the Mayor and Town Council of Friendsville harmless from any injuries to said person or persons while using the Town parks, walking trails, athletic fields or courts, parking areas, or any other recreational facility or amenity owned and operated by the Town of Friendsville.
- B. A copy of the Hold Harmless Clause for the Town of Friendsville can be viewed during normal hours of operation at the Friendsville Town Hall.

ARTICLE NINE

ENFORCEMENT

Violation of any provision(s) of this ordinance is a municipal infraction and is subject to the Enforcement Ordinance and the fines or penalties provided in the Resolution of Fines for Municipal Infractions. The Mayor and Town Council of Friendsville may change the amount of fines and penalties in the Resolution of Fines for Municipal Infractions after the changes have been duly posted in accordance with the policy of the Mayor and Town Council of Friendsville for advertising for the adoption of resolutions. Nothing contained in this ordinance shall prohibit or prevent the Town of Friendsville from seeking other legal remedies, such as injunction, criminal prosecution, or damages in a civil action pursuant to Section 3 of Article 23A, Annotated Code of Maryland as amended.

ARTICLE TEN

MINORS

In the event the violator of any provision of this ordinance is a minor, the enforcement provisions in Article Nine shall apply with full force and effect upon the parent, guardian, or other such person or persons directly responsible for the conduct of the minor.

ARTICLE ELEVEN

SEPARABILITY AND REPEAL

- A. It is the intention of the Mayor and Town Council of Friendsville that each separate provision of this Ordinance shall be deemed independent of all other provisions herein.
- B. It is further the intention of the Mayor and Town Council of Friendsville that if any provisions of this Ordinance be declared invalid or unconstitutional, all other provisions hereof shall remain valid and enforceable.
- C. Any ordinance of the Town or any provision of such ordinance which conflicts with any provision of this Ordinance is hereby repealed to the extent of the conflict.

ARTICLE TWELVE

ENACTMENT

IT IS HEREBY ORDAINED AND RESOLVED, this ordinance shall be in full force and effect after introduction, advertising, public hearing, and approval as provided by law.

BE IT FURTHER ORDAINED AND RESOLVED, this ordinance shall be duly advertised in accordance with the Policy for the Adoption of Ordinances by the Mayor and Town Council of Friendsville, and a public hearing on this ordinance shall be held on the 13th day of January, 2014, at 6:30pm at the Town Hall in Friendsville.

INTRODUCED this 11th day of December, 2013.

SECOND READING AND ADOPTION this 13th day of January, 2014.

AND BE IT FURTHER RESOLVED, this Ordinance shall be effective as of January 13, 2014.

THIS ORDINANCE IS SUBJECT TO REFERENDUM AS OUTLINED IN ARTICLE 23A, SECTIONS 11 THROUGH 17.

Attest:

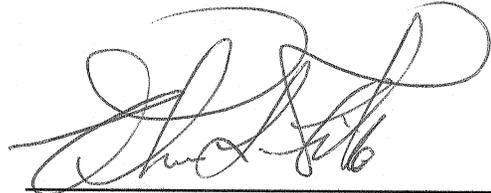
By,



Karen S. Benedict, Clerk/Treasurer



Spencer R. Schlosnagle, Mayor



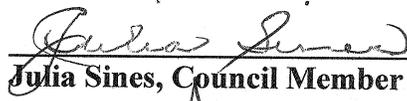
Thomas L. Fike, Council President



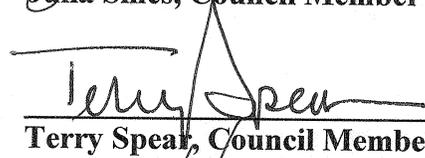
Bonnie Artice, Council Member



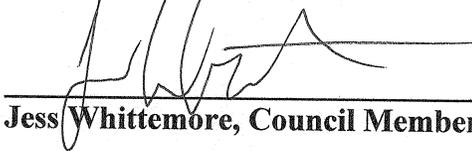
Joseph Sessa, Council Member



Julia Sines, Council Member



Terry Spear, Council Member



Jess Whittemore, Council Member