

## Chapter 14

### STREETS, SIDEWALKS AND OTHER PUBLIC PLACES\*

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\* **Cross References:** Conservation commission, § 2-76 et seq.; animals, Ch. 4; animals running at large prohibited, § 4-1; dogs, § 4-26 et seq.; buildings and building regulations, Ch. 5; housing, Ch. 8; marine activities, structures and ways, Ch. 11; harbor, § 11-26 et seq.; solid waste, Ch. 13; municipal disposal area, § 13-50 et seq.; traffic and vehicles, Ch. 15; specific street regulations, § 15-46 et seq.; stopping, standing, parking, § 15-71 et seq.; pedestrian regulations, § 15-121 et seq.; regulations for bicycles and skateboards, § 15-141 et seq.; discharge of firearms restricted, § 17-2; subdivision regulations, App. A, § 501 et seq.; street construction standards, App. A, §§ 202.11, 506.3.

**State Law References:** Local highway law, 23 M.R.S.A. § 2701 et seq.

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**Art. I. In General, §§ 14-1--14-25**

**Art. II. Streets, §§ 14-26--14-45**

**Art. III. Sidewalks, §§ 14-46--14-70**

**Art. IV. Excavation, §§ 14-71--14-95**

**Art. V. Parks and Recreation Areas, §§ 14-96--14-164**

**Div. 1. Generally, §§ 14-96--14-120**

**Div. 2. Regulations, §§ 14-121--14-160**

**Div. 3. Coffin Pond Recreation Facilities, §§ 14-161--14-164**

### ARTICLE I.

#### IN GENERAL

#### **Sec. 14-1. Obstruction of public ways prohibited.**

(a) Three (3) or more persons shall not gather in a group or near each other on any public way or other public property in such a manner as to obstruct free passage.

(b) A person shall not obstruct or attempt to obstruct the free flow of vehicular traffic by thrusting himself, another person, or an object into a public way.  
(Ord. of 6-13-83, § 118; Ord. of 4-20-87, §§ 101, 105)

#### **Sec. 14-2. Unreasonable noise on public ways--Creation of certain noise upon public rights-of-way.**

(a) *Purpose.* The Brunswick Town Council finds that excessive noise on the public ways may cause distraction to other drivers and preclude the safe operation of motor vehicles to the detriment of the health, welfare and safety of the Brunswick's citizens. Accordingly, it is the policy of the Town of Brunswick to

prohibit unnecessary, excessive, annoying and distracting noise on public right[s]-of-way within the Town of Brunswick.

(b) *Definitions.* For the purpose of this section, the following words and phrases shall have the following meanings:

*"Motorcycle"* means an unenclosed motor vehicle, having a saddle for the use of the operator, with two (2) or three (3) wheels in contact with the ground, including, but not limited to, motor-scooters and mini-bikes.

*"Noise-creating devices"* means any electrical, mechanical or chemical device or instrument, or combination thereof that creates noise during its operation by a person.

*"Operation"* means actual control by a person.

*"Public right-of-way"* means any street, roadway, alley, sidewalk, or other area deeded or dedicated for public travel or transportation purposes.

*"Straight pipe exhaust system"* means any straight through muffler that does not contain baffles, including, but not limited to, glass packs, steel packs and straight pipes.

*"Town"* means the Town of Brunswick, Maine.

(c) *Creation of certain noises upon public right-of-way prohibited.*

- (1) No person, while occupying any public right-of-way in the town, shall emit any noise or operate any noise-creating device in such a manner that the public's attention is drawn to the source of the noise.
- (2) The prohibition of this section shall include, but not be limited to, the following activity or conduct:
  - a. Discharging fireworks or any exploding device;
  - b. Firing a starter pistol, air gun, BB gun or a firearm;
  - c. Sounding a bell or whistle for so extended a period of time as to cause annoyance to others;
  - d. Rapid throttle advance and/or revving of an internal combustion engine resulting in increased noise from the engine;
  - e. Operations of motor vehicle, as defined in 29-A M.R.S.A. § 101(42), including but not limited to a motorcycle, with a straight pipe exhaust system, an exhaust system with a cutout, bypass or similar device or an exhaust system that does not meet the requirements of Maine law, including, but not limited to, 29-A M.R.S.A. § 1912.

(d) *Exceptions.* The provisions of this section shall not apply to the following activity or conduct:

- (1) Expression or communication protected by the United State Constitution, including the First Amendment, or the Maine Constitution.
- (2) Any activity or conduct the regulation of which has been preempted by Maine Statute.
- (3) Any noise created by a governmental entity in the performance of an official duty.
- (4) Any noise for which a permit has been issued by an authority having jurisdiction to issue the permit.
- (5) The sounding of any signaling device permitted by law.
- (6) A noise emitted to warn a person or persons of danger.
- (7) Unamplified vocal or instrumental music between 7:00 a.m. and 10:00 p.m.

(e) *Engine brake.* A person operating a motor vehicle in the Town of Brunswick shall not use an unmuffled engine brake to slow the vehicle except in an emergency situation for the purpose of avoiding a collision with a vehicle, object, person or animal. As used in this section, "*engine brake*" means a device that retards the motion of a motor vehicle by using the compression of the engine of the motor vehicle and "*unmuffled*" means that the engine brake is not equipped with a muffler that complies with the requirements of 29-A M.R.S.A. § 1912. This section does not apply to emergency response vehicles operated by a governmental entity or licensed provider of emergency medical services.

(f) *Penalties.* Violation of this section is a civil violation punishable by the following civil penalties:

First and second offense: \$100.00

Third and subsequent offenses: \$500.00

A person may avoid the court process by executing a consent agreement with the police chief or the police chief's designee, the terms of which shall include, but not be limited to, an admission of the violation and provisions for the payment of civil penalties to the Treasurer of the Town of Brunswick.

(g) *Enforcement.* This section may be enforced by any Town of Brunswick Police Officer.  
(Ord. of 4-20-87, § 102; Ord. of 8-5-05)

### **Sec. 14-3. Fires prohibited.**

A person shall not ignite a fire on any public way or other public property without first obtaining a permit from the fire chief.

(Ord. of 4-20-87, § 103)

**Cross References:** Fire prevention and protection, Ch. 7.

**Sec. 14-4. Certain games prohibited.**

A person shall not fly a kite, play at any game of ball, or throw a stone or other object on any public way, public park, public mall, or public parking lot. Games may be played on a public mall under the supervision of a physical education teacher by elementary school children as part of their physical education program.

(Ord. of 4-20-87, § 104)

**Sec. 14-5. Littering prohibited.**

A person shall not place or cause to be placed on any public way, public park, public mall, public parking lot, or other public property any refuse of any kind including, but not limited to, glass, metal, wood, or paper products, and garbage except in proper containers placed there for the collection of garbage or rubbish, or except at a municipal dump.

(Ord. of 4-20-87, § 107)

**Cross References:** Solid waste, Ch. 13.

**Sec. 14-6. Occupancy of parks limited.**

A person shall not occupy in any manner a public park, public parking lot, or the upper or lower malls in the town running along Maine Street from Whittier Street to School Street between 12:00 midnight and 6:00 a.m. except along the sidewalks or walkways for the purpose of going from one (1) place to another. From June 1 through September 25, no person shall occupy the town's lower mall between the hours of 10:00 p.m. and 6:00 a.m. except for the purpose of going from one (1) place to another along the sidewalks and walkways. The lower mall is bounded by School Street on the North; Park Row, so-called, on the East; Fitch Place on the South; and Maine Street on the West.

(Ord. of 4-20-87, § 106)

**Cross References:** Parks and recreation areas, § 14-96 et seq.

**Sec. 14-7. Penalty.**

A person who violates any of the provisions of sections 14-1 through 14-7 shall be punished by a fine of not more than one hundred dollars (\$100.00).

(Ord. of 4-20-87, § 108)

**Secs. 14-8--14-25. Reserved.**

**ARTICLE II.**

**STREETS**

**Sec. 14-26. Protection of monuments, stones, trees, etc.**

All monuments, boundary stones, curb stones, stepping stones or horse blocks, trees, lamp posts, posts and hydrants, and all other things placed or to be placed within the limits of the roads, ways and streets of the town, for town purposes, shall be located by the town council, who shall keep a record thereof. No such objects shall be deemed defects in such road, way or street. No person shall wantonly or intentionally injure or remove

any such object so placed and located.  
(Bylaws of 1942, art. II, § 9)

**Sec. 14-27. Posting notices, posters restricted.**

No person shall post any placard, poster, or notice of any kind on any tree or pole within the limits of any public way of the town without first obtaining written consent of the town council. Such consent shall be recorded in the records of the town.

(Bylaws of 1942, Art. II, § 11)

**Cross References:** Licenses and business regulations, Ch. 10.

**Sec. 14-28. Assessor assigns street addresses.**

(a) The town assessor shall be responsible for assigning street addresses.

(b) All streets accepted by the town [shall] be assigned a street number and the accepted street name.

(c) All subdivisions shall have street names approved by the town assessor, fire chief and police chief prior to planning board approval. The approved street names shall appear on the final approved plan.

(d) All private rights-of-way with two (2) or more detached dwellings shall be assigned a street name by the town assessor. The town assessor shall contact abutting property owners of their name recommendation prior to assigning a name. The police chief and fire chief shall review all names of private rights-of-way for possible conflict from a public safety perspective.

(e) The town assessor shall notify the property owner, post office and all pertinent town departments of new street addresses or address changes.

(f) The property owner may appeal the town assessor's name selection for private rights-of-way within sixty (60) days of notice to the town council. The town council will hold a public hearing to receive testimony and then either confirm the town assessor's choice of name or approve a different name. All names approved by the town council must be reviewed by the police chief and fire chief for possible conflict from a public safety perspective.

(Ord. of 5-17-93)

**Sec. 14-29. Numbering system.**

The following criteria shall govern the numbering system:

(a) Numbers shall be assigned every fifty (50) feet along both sides of the road, with even numbers appearing on the right side of the road and odd numbers appearing on the left side of the road, as the numbers ascend. A 25-foot or less interval may be applied in more densely structured areas.

(b) All number origins shall begin from the center of town or that end of a road closest to the designated origin. For dead end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.

(c) The number assigned to each structure shall be that of the numbered interval falling closest to the front door or the driveway of said structure if the front door cannot be seen from the main road.

(d) Every structure shall have a separate number, apartments will have one road number with an apartment number, such as 235 Maple Road, Apt 2.

(Ord. of 5-21-01)

### **Sec. 14-30. Compliance.**

(a) All owners of structures shall, within ninety (90) days following the effective date of this ordinance, display and maintain in a conspicuous place on said structure, assigned numbers in accordance with section 14-30 (b) through (e).

(b) Number on the structure or residence. Where the residence or structure is within fifty (50) feet of the edge of the road right-of-way, the assigned number shall be displayed on the front of the residence or structure in the vicinity of the front door or entry.

(c) Number at the road line. Where the residence or structure is over fifty (50) feet from the edge of the road right-of-way or is otherwise not visible from the road right-of-way, the assigned number shall be displayed on a post, fence, wall, the mail box, or on some structure at the property line adjacent to the walk or access drive to the residence or structure.

(d) Size, color, and location of number. Numbers shall be of a color that contrasts with their background color and shall be a minimum of four (4) inches in height. Numbers shall be located to be visible from the road in any direction of travel at all times of the year.

(e) Proper number. Every person whose duty it is to display an assigned number shall remove any different number which might be mistaken for, or confused with, the number assigned in conformance with this ordinance.

(f) Interior location. All residents and other occupants shall post their assigned number and road name adjacent to their telephone for emergency reference.

(Ord. of 5-21-01)

### **Sec. 14-31. New construction.**

(a) All new construction shall be named and numbered in accordance with the provisions of this ordinance and as follows.

(b) New construction. Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to obtain an assigned number from the town assessor. This shall be done prior to the issuance of the Certificate of Occupancy.

(c) On new structures, numbering in accordance with section 14-30 (b)--(f) will be installed prior to the issuance of a Certificate of Occupancy.

(Ord. of 5-21-01)

**Sec. 14-32. Penalties.**

The Code Enforcement Officer shall give a property owner who violates any of the provisions of this code a written notice of violation, which shall include the action necessary to correct the violation, and allow two weeks for correction before enforcement under this section.

A person who violates any of the provisions of this code shall be punished by a civil penalty of not less than twenty-five dollars (\$25.00) and not more than one hundred dollars (\$100.00).

This code shall be enforced by the Code Enforcement Officer.  
(Ord. of 5-21-01)

**Secs. 14-33--14-45. Reserved.**

**ARTICLE III.**

**SIDEWALKS**

**Sec. 14-46. Clearance of awnings.**

No person shall maintain awnings extending over the sidewalk less than seven (7) feet from the sidewalk in the clear.

(Bylaws of 1942, Art. II, § 10)

**Cross References:** Buildings and building regulations, Ch. 5; licenses and business regulations, Ch. 10.

**Secs. 14-47--14-70. Reserved.**

**ARTICLE IV.**

**EXCAVATION\***

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\* **Cross References:** Buildings and building regulations, Ch. 5; utilities, Ch. 16.  
**State Law References:** Excavations, 23 M.R.S.A. § 3351 et seq.

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**Sec. 14-71. Permit required.**

Any person desiring to make an excavation in any public way shall first obtain an excavation permit from the public works director. All such excavations are governed by 23 M.R.S.A. § 3351 et seq. and this article.

(Ord. of 8-5-85, § 1)

**Sec. 14-72. Time of issue restricted.**

Except in an emergency as determined by the public works director, no street or sidewalk opening permit shall be issued between November 1 and March 15 of the following year.

(Ord. of 8-5-85, § 2)

**Sec. 14-73. Fee schedule.**

A fee of eight dollars (\$8.00) shall be paid for the issuance of an excavation permit, plus the following charges which are hereby established as being not in excess of the reasonable cost of replacement of the openings in the public way by the public works department:

<i>Excavation Charges per Square Yard</i>	Up to 25 Sq. Yds.	Over 25 Sq. Yds.
Bituminous concrete 4" or more in depth	\$35.00	\$31.00
Bituminous concrete less than 4" in depth	25.00	21.00
Bituminous concrete over portland cement concrete	39.00	35.00
Bituminous treated surface or shoulder	13.00	11.00
Plain gravel surface	4.00	4.00
Bituminous concrete sidewalk	19.00	17.00
Portland cement concrete sidewalk	27.00	25.00
Grass esplanade or median strip	13.00	13.00
Bituminous concrete curbing	\$ 8.00 per linear foot	
Granite curbing--Removal or realignment	20.00 per linear foot	
Granite curbing--Installation of new material	35.00 per linear foot	

(Ord. of 8-5-85, § 3)

**Sec. 14-74. Minimum charge.**

There is a minimum charge equivalent to three (3) square yards for any opening, to be assessed at the appropriate unit rate above. For curbing, the charge is assessed for what is actually destroyed or damaged.

(Ord. of 8-5-85, § 4)

**Sec. 14-75. Measurement of openings.**

Where two (2) or more street openings are made in sequence, and adjacent openings are fifteen (15) feet or less from center to center, the responsible party shall be charged for one (1) opening measured from the leading edge of the first opening to the trailing edge of the last opening.

(Ord. of 8-5-85, § 5)

**Sec. 14-76. Private contractor.**

The excavator may request the town's permission to contract privately for the repairs to the public way. The town manager may require him to post a performance bond. All work must be performed in a good, workmanlike manner according to town specifications which reflect proper construction methods and materials.

It is subject to inspection and approval by the public works director.  
(Ord. of 8-5-85, § 6)

**Sec. 14-77. Removal of bituminous concrete.**

When bituminous concrete overlaying portland cement is removed, it must be replaced to grade upon completion of the work.  
(Ord. of 8-5-85, § 7)

**Sec. 14-78. Excavation of cement surface.**

When an opening is made in a street where the surface is portland cement concrete, the concrete must be cut back at least twelve (12) inches beyond the edges of the trench before the new concrete patch is replaced. Sufficient reinforcing must be furnished to provide the equivalent of half-inch reinforcing steel rods on twelve-inch centers both ways, top and bottom, in the new concrete patch. The concrete in the new patch must be at least four (4) inches thicker than the existing concrete, and the top surface must be finished to conform with the surface of the old concrete. In all cases where there is a hot asphalt pavement or premixed bituminous pavement, the edges of the existing pavement must be cut back an additional eight (8) inches beyond the edges of the patch before the new, permanent surface is replaced.  
(Ord. of 8-5-85, § 8)

**Sec. 14-79. Compacting time required.**

On all ways where permanent pavement has been built, a period of two (2) months must elapse after a trench has been backfilled before the permanent surface is replaced, and during this period, a temporary surface of premixed bituminous material must be applied. On all other streets the trench must be patched with premixed bituminous material as soon as the backfilling has been completed.  
(Ord. of 8-5-85, § 9)

**Sec. 14-80. Violation and penalty.**

A person or organization which violates this article shall be punished for each offense by a fine of not more than one hundred dollars (\$100.00), plus the cost of any applicable fees and charges for the work done which remains unpaid. No further permits shall be issued to, and no further excavation work which requires a permit shall be done by any person which violates this article until any amounts due have been paid. If a private party fails to complete within a reasonable time any work for which an excavation permit is required, the town may complete the work and charge the owner of the property for the cost of doing so.  
(Ord. of 8-5-85, § 10)

**Secs. 14-81--14-95. Reserved.**

**ARTICLE V.**

**PARKS AND RECREATION AREAS\***

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\* **Cross References:** Conservation commission, § 2-76 et seq.; parks and shade trees excepted from the jurisdiction of the conservation commission, § 2-83; recreation commission, § 2-101 et seq.; human services, Ch. 9; shellfishing, § 11-71 et seq.;

occupancy of parks limited, § 14-6.

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## **DIVISION 1.**

### **GENERALLY**

**Secs. 14-96--14-120. Reserved.**

## **DIVISION 2.**

### **REGULATIONS\***

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\* **Cross References:** Recreation commission to adopt regulations for public recreation areas subject to the approval of the town council, § 2-103(2).

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### **Sec. 14-121. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Commission* refers to the recreation commission created in section 2-101.

*Director* refers to the parks and recreation director of the town.

*Municipal park ranger* shall mean the enforcement officer appointed by the parks and recreation director to enforce this division.

*Vehicle* means any conveyance including, but not limited to, an automobile, truck, motorcycle, trail bike, trailer, wagon, snowmobile, bicycle, or watercraft.  
(Ord. of 6-13-83, § 102; Ord. of 5-4-98)

**Cross References:** Definitions and rules of construction generally, § 1-2.

### **Sec. 14-122. Purpose.**

The purpose of this division is to regulate the conduct of persons using or occupying the public parks and recreation areas of the town in order to preserve these areas from misuse or destruction and to enhance their use for the members of the public who are capable of acting in a reasonable manner.  
(Ord. of 6-13-83, § 101)

### **Sec. 14-123. Construction.**

The following order of construction applies to this division:

- (1) *Scope of division.* This division applies to all activities in, on, or over the public parks described in section 14-124.

- (2) *Application to violation caused by another.* This division applies equally to any person who violates or who causes a violation of any of its provisions.
- (3) *Exception.* This division does not apply to the activities of town employees or independent contractors engaged in construction, maintenance, or repair operations under the supervision or control of the commission.

(Ord. of 6-13-83, § 103)

**Sec. 14-124. Description of parks and facilities.**

The parks referred to in this division include the areas within the boundaries of the following town properties as described in the records of the tax assessor's office as follows:

<i>Name</i>	<i>Assessor's Map &amp; Lot Numbers</i>	
Coffin Pond	16	4B
Edwards Field	U6	37
Lishness Field	40	7
Hambleton Ave. Playground	U2	64--66
Sawyer Park Marina	46	37C
Water Tower Nature Area	16	4A
Great Island Chain	41	12A, 13, 14, 14A, 14B, 14C, 14D, 14E
Municipal Tennis Courts	U22	29
Nathaniel Davis Park	U15	65
Town Commons	24	1
Simpson Point Landing	31	
Maquoit Landing	26	
Water Street Landing	U7	16, 17
Water Street Landing	40	8C
Baybridge Landing	47	12
Wetland Park		
250th Anniversary Park	U14	152, 152A, 153
Fish Viewing Facility	U14	150
Mill Street Portage Facility	U15	123
Prince's Point Landing	36	6A
Senior Gardens	U7	64
Lamb Park	U24	2A
Shulman Field	U40	17, 36
Wildwood Field	52	122
River Road Ski Trails	15	7
Coffins Ice Pond	36	48
Barnes Landing	32	
Longfellow Playground	U12	33
Androscoggin River Bicycle Path	40	7A, 8B, 8C, 11 and the Route 1 right-of-way
Cox Pinnacle	3	32
Old High School Athletic Field and Skate Park	U22	29
Pejepscot Dam Recreation Area	1 8	1 12, 14
Greater Commons	24 U40	8, 40, 42, 44, 70, 278, 228, 240

Upper/Lower Mall and Spanish War Triangle	U13	185
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(Ord. of 6-13-83, § 104; Ord. of 5-4-98; Ord. of 3-1-99; Emergency and Regular Ord. of 10-20-03(1))

**Sec. 14-125. Damage to property.**

A person shall not damage, move, or remove any building, structure, appurtenance, or personal property whatsoever.

(Ord. of 6-13-83, § 105)

**Sec. 14-126. Erection of structures.**

A person shall not construct or erect a building or structure of any kind.

(Ord. of 6-13-83, § 106)

**Sec. 14-127. Damage to plants.**

A person shall not climb, damage, remove, or pick the flowers or seeds of a tree or other plant. A person shall not attach a rope, wire or other contrivance to any tree or other plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

(Ord. of 6-13-83, § 107)

**Sec. 14-128. Improper use.**

A person shall not climb, walk, stand, or sit on a monument, vase, fountain, railing, fence, or any other structure not designed for that purpose.

(Ord. of 6-13-83, § 108)

**Sec. 14-129. Obey signs.**

A person shall obey all traffic signs and all signs posted for the protection of property, or the promotion of the health, safety, or general welfare of the occupants of a park or the residents of the town.

(Ord. of 6-13-83, § 109)

**Sec. 14-130. Operation of vehicles.**

A person shall not operate any vehicle in a park on any area except a public way, park road, or parking area, or in those areas specifically designated by the director.

(Ord. of 6-13-83, § 110)

**Sec. 14-131. Parking.**

The following regulations apply to parking:

- (1) *Designated areas.* A person shall park a vehicle only in a designated parking area and in accordance with any posted directions or the instructions of any parking attendant.

- (2) *Night parking.* Except as approved by the director, a person shall not leave a vehicle standing or parked at night in a park after closing hours. A vehicle found in a park after closing hours shall be towed away and stored at the expense of the owner.

(Ord. of 6-13-83, § 111)

#### **Sec. 14-132. Bicycles.**

The following regulations apply to bicycles:

- (1) *Confined to roads.* A person shall not ride a bicycle in other than an area designated for that purpose, but may wheel a bicycle over any area reserved for pedestrian use.
- (2) *Operation.* A person shall ride a bicycle on the right-hand side of the road, in single file, and in a reasonable manner, signaling all turns and passing to the right of any on-coming vehicles.
- (3) *Designated racks.* A person shall not leave a bicycle at a place other than a bicycle rack or designated bicycle parking area.
- (4) *Bicycles not in use.* A person shall not leave a bicycle lying on the ground or in any place or position where another may trip over or be injured by it.

(Ord. of 6-13-83, § 112)

#### **Sec. 14-133. Horses.**

Horses are prohibited from the Androscoggin Bicycle Path in its entirety from lower Water Street to the end of Grover Lane.

(Ord. of 3-1-99)

#### **Sec. 14-134. Bathing and swimming.**

A person shall not swim, bathe, or wade in a body of water or a park or any tributary or storm drain flowing into a park, except in those areas which are specifically designated for swimming or bathing purposes, and in compliance with regulations adopted by the commission.

(Ord. of 6-13-83, § 113; Ord. of 3-1-99)

#### **Sec. 14-135. Hunting and firearms.**

A person shall not hunt, trap, or disturb wildlife. A person shall not possess or discharge a firearm, blank gun, air rifle, spring gun, bow and arrow, sling, or any other type of weapon which is potentially dangerous to human beings or to wildlife. The second sentence of this section does not apply to blank guns or bows and arrows being used for sporting events authorized by the director. This section does not prohibit a licensed hunter in possession of a weapon, which is not ready to fire a projectile, from passing through a park to other areas lawful for hunting during hunting season.

(Ord. of 6-13-83, § 114; Ord. of 3-1-99)

**Sec. 14-136. Intoxicating beverages.**

A person shall not possess alcoholic beverages, except in those areas designated by the commission.  
(Ord. of 6-13-83, § 115; Ord. of 3-1-99)

**Sec. 14-137. Fires.**

A person shall not build a fire except in those areas designated and in accordance with regulations adopted by the commission.  
(Ord. of 6-13-83, § 116; Ord. of 3-1-99)

**Sec. 14-138. Closed areas.**

A person shall not enter or use an area closed to the public by the commission.  
(Ord. of 6-13-83, § 117; Ord. of 3-1-99)

**Sec. 14-139. Public wharves and landings.**

A. Obstruction of Wharves and Landings. No person shall obstruct by any means whatsoever the free use of piers, docks, and town landings. The town wharves shall be used only for loading and unloading. Watercraft shall not remain moored to the wharf or floats for a period longer than one (1) hour.

B. Animals.

A person who owns, possesses or controls an animal on a public landing and adjacent public lands shall remove any feces left by the animal in the area by transporting the feces to the person's residence for proper disposal.

C. Feeding of Migratory Waterfowl.

1. Definitions. As used in this article, the following terms shall have the meanings indicated:

MIGRATORY WATERFOWL includes those species of birds commonly known as "gulls", "geese", and "ducks", and any other waterfowl falling under the jurisdiction of the United States Fish and Wildlife Service.

2. It shall be unlawful for any person to feed any migratory waterfowl on public wharves and landings and adjacent town lands.

3. It shall be unlawful for any person to create any condition which results in a congregation of migratory waterfowl on a public landing and adjacent public lands which:

- a. Results in an accumulation of waterfowl feces or droppings;
- b. Results in damage to flora, fauna or public property or safety or welfare;
- c. Results in a threat or nuisance to the health, safety or welfare; or
- d. Results in a threat to the health, safety or welfare of said

migratory waterfowl.

(Ord. of 6-13-83, § 117A; Ord. of 3-1-99; Ord. of 6-19-06)

**Sec. 14-140. Merchandising, advertising and signs.**

Except for concessions authorized by the commission, a person shall not display, offer to sell, or sell anything. As used in this section, "concessions" shall include not only food but also the right to display, offer to sell, or sell goods and services.

(Ord. of 6-13-83, § 119; Ord. of 3-1-99; Ord. of 2-18-03(2))

**Sec. 14-141. Park operating policies.**

(a) *Hours.* The commission shall establish the hours of attendance at all parks. The commission shall have a notice of the hours of attendance posted at each park. The commission may vary the attendance hours for special activities.

(b) *Closed areas.* Any section or part of any park may be declared closed to the public by the director at any time for any interval of time, either temporarily or at regular stated intervals.

(c) *Entry prohibited.* Except with the written permission of the director, a person shall not enter, pass through, or remain in the park after closing time, or in the closed area of any park. If an admission fee is charged, a person shall not enter a park without first paying the fee.

(Ord. of 6-13-83, § 120; Ord. of 5-4-98; Ord. of 3-1-99)

**Sec. 14-142. Conflicting provisions.**

If there is a conflict between this division and any other provision of this Code or ordinance which might apply to a public park, the provisions of this division shall prevail.

(Ord. of 6-13-83, § 122; Ord. of 3-1-99)

**Sec. 14-143. Removal and disposal of animal waste on the Androscoggin River Bicycle path.**

(a) A person who owns, possesses or controls an animal on the Androscoggin River Bicycle Path shall have in his or her possession a tool, implement, device or waste bag for the purpose of removing and disposing of feces left by the animal.

(b) A person who owns, possesses or controls an animal on the Androscoggin River Bicycle Path shall remove any feces left by the animal in the area between the Androscoggin River and the fence that separates the path from the roadway and shall dispose of the feces by placing the feces in a litter receptacle provided on the Androscoggin River Bicycle Path or by transporting the feces to the person's residence for disposal.

(c) This section shall not apply to a person who is unable to comply with the requirements of this section because of a physical disability.

(Ord. of 10-20-03(2))

**Secs. 14-144--14-149. Reserved.**

**Sec. 14-150. Enforcement.**

Brunswick Police Officers and employees of the parks and recreation department, including municipal park rangers, shall enforce this division. Any person acting in violation of this division may be ejected from any park by those persons with enforcement power.

(Ord. of 6-13-83, § 123; Ord. of 5-4-98; Ord. of 3-1-99; Ord. of 10-20-03(2))

**Note:** Formerly § 14-143

**Sec. 14-151. Penalty.**

Any person who violates this division shall forfeit a civil penalty of not more than one hundred dollars (\$100.00) for the first and second offenses and not more than five hundred dollars (\$500.00) for subsequent offenses.

(Ord. of 6-13-83, § 124; Ord. of 3-1-99; Ord. of 10-20-03(2))

**Note:** Formerly § 14-144

**Secs. 14-152--14-160. Reserved.**

**DIVISION 3.**

**COFFIN POND RECREATION FACILITIES\***

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\* **Cross References:** Recreation commission, § 2-101 et seq.

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**Sec. 14-161. Purpose.**

The purpose of this division is to limit the attendance at the Coffin Pond recreation facility situated on River Road for the promotion of the health, safety, and general welfare of the residents of the town.

(Ord. of 6-18-84, § 101)

**Sec. 14-162. Membership.**

(a) *Required.* A person may not use the recreation facilities at Coffin Pond without first paying a fee and obtaining a membership tag from the recreation commission. Memberships are not assignable or transferable. The term of membership is for the swimming season each year as determined by the commission.

(b) *Guest.* A pass for the use of a guest visiting a town resident holding a valid membership to Coffin Pond may be purchased for a one (1) week period as follows:

(1) Adult . . . . \$ 2.25

(2) Youth (12 and under) . . . . 1.25

(Ord. of 6-18-84, § 102; Ord. of 7-2-90)

**Sec. 14-163. Membership fees.**

Membership fees under this division are as follows:

(1) *Resident.*

- a. Family membership . . . . . \$ 35.00
- b. Individual adult membership . . . . . 17.25
- c. Individual youth membership (12 and under) . . . . . 11.50
- d. Senior citizens membership . . . . . 11.50

(2) *Resident (nonmember) (Daily gate fee).*

- a. Adult . . . . . \$2.25
- b. Youth (12 and under) . . . . . 1.25
- c. Group rate, 50 people or more, per person . . . . . 1.00

(3) *Nonresident.*

- a. Family membership . . . . . \$60.00
- b. Individual adult membership . . . . . 30.00
- c. Individual youth membership (12 and under) . . . . . 17.25
- d. Senior citizen membership . . . . . 17.25

(4) *Nonresidents (Daily gate fees).*

- a. Adult . . . . . \$3.50
- b. Youth (12 and under) . . . . . 2.00
- c. Group rates, nonresident (12 and under) . . . . . 1.50

(Ord. of 6-18-84, § 103; Ord. of 7-2-90)

**Sec. 14-164. Violations and penalties.**

The following violation and penalty provisions apply to this division:

- (1) *Failure to obtain membership.* Except as provided in section 14-162, a person seventeen (17)

years of age or over who uses the recreation facilities at Coffin Pond without first obtaining a membership tag shall be punished by a fine of not more than one hundred dollars (\$100.00).

- (2) *Transfer of membership tag.* A person seventeen (17) years of age or over who transfers or attempts to transfer a membership tag to another to whom it does not belong shall be punished by a fine of not more than one hundred dollars (\$100.00).
- (3) *Juvenile violation.* A person under seventeen (17) years of age who violates either of the above subsections or aids another in so doing shall be punished by forfeiting the privilege of using the Coffin Pond recreation facilities for the remainder of the season.

(Ord. of 6-18-84, § 104)