

Ellis Short Sands Park Ordinances



Town of York, Maine

Date of Approval by the Ellis Short Sands Park Trustees: March 22, 2011
Most Recently Amended by the Ellis Short Sands Park Trustees: April 19, 2018

Prior Revisions:

June 28, 2016
June 23, 2016
January 13, 2016
May 7, 2015

Date of Adoption by the York Board of Selectmen: April 25, 2011
Most Recently Amended by the York Board of Selectmen: May 14, 2018

Prior Revisions:

June 29, 2016
June 27, 2016
January 25, 2016
May 11, 2015

ENACTMENT BY THE BOARD OF SELECTMEN

Date of the vote to enact/amend these Ordinances:

May 14, 2018

Certified by the Town Clerk:

May Anne Agamennon
(signature)

on *5/17/18*
(date)

ELLIS SHORT SANDS PARK

The area known as Ellis Short Sands Park is the result of a generous gift of private individuals who owned this land in 1887. On August 15 of that year, the following persons deeded this property under a “Deed of Trust” to be used as a park:

Ellen N. Ellis
Hazen Z. Ellis
Carlos Moseley
Nellie Moseley
William G. Garmon
Mary J. Garmon

The Park is a tribute to their interest and foresight in the future of York Beach, Maine.

An additional portion of the land was also deeded, in the same manner, in November 1979 by Martha F. Gordon.

Ellis Short Sands Park is an entity owned by, and maintained within the boundaries of, the York Beach Village Corporation. With the dissolution of the Corporation in 1977, it is now owned by the Town of York. However, under the “Deed of Trust” it is to be forever under the management and control of a board of five (5) trustees.

Past and present Trustees include the following:

<u>Past</u>	<u>Present</u>
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Vincent D. Adjutant	John F. Matthews
Kenneth S. Campbell	William H. Burnham
Martin G. Chase	Andrew T. Furlong, Jr.
Lawrence R. Ellis	John A. Garfield
Alpheus D. Spiller	Richard E. Boston
Edward M. Ellis	
Dexter T. Spiller	
Elwyn R. Boston	
John F. Garfield	
Peter B. Ellis	

ELLIS SHORT SANDS PARK ORDINANCES

PURPOSE

The purpose of these ordinances is to regulate and control activities within Ellis Short Sands Park at York Beach, Maine. These ordinances shall not apply to any person or entity working on behalf of the Park Trustees, nor to any public emergency services provider in the course of their duties.

GENERAL ORDINANCES

The following ordinances and conditions shall apply throughout all areas comprising the Park:

- A. Dressing, undressing and the changing of clothes are not permitted within the Park except in Bathhouses or structures suitable for this purpose. This does not apply to children five (5) years of age or younger.
- B. Fires of any sort, open or contained, are not permitted.
- C. Alcoholic beverages of any kind are not permitted
- D. Solicitation, collecting, advertising and/or vending are prohibited within the Park.
- E. Overnight parking, sleeping or camping within the Park is prohibited.
- F. Removal of sand, rocks or plant life of any kind is prohibited.
- G. Littering: the disposal of diapers, bottles, cans, cigarette butts, garbage or rubbish of any kind is prohibited, except in receptacles placed in the Park for said purpose. Said receptacles shall not be used for disposal of garbage or refuse which has accumulated in any home, cottage, cabin, hotel, motel or other like residence.
- H. Animal Waste: an owner or any person in control of an animal must remove and dispose of any feces left by his/her animal. Such feces shall be collected in a plastic bag or similar container and deposited into an appropriate litter receptacle.

- I. Hours of Operation: the Park shall be opened to pedestrians and vehicles from 4:00am until 1:00am and shall be closed between the hours of 1:00am and 4:00am.
- J. Skateboards shall be prohibited in the Park.
- K. In 2007 the Town of York Selectmen designated Ellis Short Sands Park as one of many Safe Zones in the community. State Law imposes more strict penalties on drug dealers and sex offenders for violations in these safe zones. In 2007 The Ellis Short Sands Park Trustees adopted the Selectmen's decision to name Ellis Short Sands Park as a Safe Zone.

DESCRIPTION

For the purpose of the following ordinances, Ellis Short Sands Park ("the Park") is divided into four (4) areas as follows:

- Area I Bathing Beach - the area between the Boardwalk (so called) and the Atlantic Ocean
- Area II Children's Playground and Basketball Court - the area adjacent to the southeasterly edge of the parking lot
- Area III Vehicle Parking - the hard-surfaced area with delineated parking spaces on the northwesterly end of the Park
- Area IV Grassed Areas, Boardwalk and Walkways - the area southeasterly of the Children's Playground and Vehicle Parking, between Ocean Avenue and the Boardwalk (so called), including the Boardwalk and all pedestrian walkways within the Park

Section 1 AREA I **BATHING BEACH** - the following restrictions and conditions shall apply to Area I of the Park:

- A. Playing of games such as hard or softball, football, soccer, volleyball, lacrosse, golf, iron horseshoes, Frisbee tossing or any other game or pursuit that may endanger other persons is prohibited from May 1 through October 15 of each year.

- B. Powered aircraft, toys or models shall not be operated.
- C. Motorized vehicles, motor scooters and bicycles are prohibited except by special permission from the Ellis Short Sands Park Trustees.
- D. The following restrictions apply to domestic animals on Short Sands Beach:
 - a. No dogs shall be present on the beach year round unless the dog is accompanied by an owner or responsible party who has voice control (see definition in the Town of York Animal Control Ordinance) over the dog and who is carrying a leash in hand, which can be used to restrain the dog. A responsible party with multiple dogs must have adequate leashes for the number of dogs under his or her control. Note: An owner or responsible party shall be required to leash their dog(s) during this period if directed by a law enforcement officer due to violations of the voice control or dog waste provisions of this ordinance.
 - b. No domestic animals shall be present on the beach between the hours of 8:00am and 6:00pm from May 20th through September 20th.
 - c. Dogs on the beach will be required to be on a leash between May 20th and September 20th between the hours of 6:00pm and sunrise (see definition).
 - d. Between May 20th and September 20th dogs will be allowed to be unleashed between sunrise and 8:00am as long as the dog is under the voice control of its owner or responsible party. The requirement of paragraph "a" regarding leashes is in effect during this period (The purpose of this exception is to allow individuals to walk, jog, run, or engage in other physical exercise with their dogs in the early hours of the morning).

- e. Horses and ponies are prohibited from being on the beach from May 20th to September 20th except by written permission of the Ellis Short Sands Park Trustees.
- f. When otherwise allowed to be present on the beach pursuant to this section, all other domestic animals must be under the control of their owner or responsible party at all times.

E. Surfing and the use of surfboards are prohibited from May 1 to October 15.

Section 2 AREA II CHILDREN'S PLAYGROUND AND BASKETBALL COURT - The following restrictions and conditions shall apply to Area II of the Park:

- A. Equipment within the Playground is reserved for use by children TWELVE (12) years of age or younger.
- B. Children under the age of six (6) years of age must be escorted by a person fifteen (15) years of age or older.
- C. Animals of any kind are prohibited.
- D. Smoking and/or eating are prohibited.
- E. Hours of operation shall be 7am to 9:00pm year round or as otherwise posted by the Park Trustees to assure public safety, as during maintenance, special events, or emergencies.

Section 3 AREA III VEHICLE PARKING - the following restrictions and conditions shall apply to Area III of the Park:

- A. Pedestrians shall have the right of way over all vehicular traffic at all times.
- B. Dates of Multi-Space Meter Operation (Kiosks):
Parking of vehicles shall be controlled by parking kiosks beginning May 15 and continuing through

October 15 of each season between the hours of 8:00am and 10:00 pm.

- C. Kiosk fees: The parking rate shall be \$2.00 per hour and maximum \$15.00 per day 4:00 am to 1:00 am.
- D. Marked Parking Spaces: The Trustees shall have markings painted or placed upon curbs and/or pavement. It shall be unlawful and a violation to this ordinance to park vehicles across any such line or marking or to park said vehicle in such a position that the same shall not be entirely within the area so designated by such lines and/or markings.
- E. Depositing Fees in Kiosks: When any vehicle shall be parked in any space which is designated in accordance with the provisions of this ordinance, the operator of said vehicle shall, upon entering said parking space, immediately purchase time for the designated space. Failure to purchase time and put kiosk into operation for the designated space shall constitute a violation of this ordinance and shall subject such operator to the penalty prescribed hereafter.
- F. Tampering with Kiosks: It shall be unlawful and a violation of the provisions of this ordinance for any person to deface, injure, tamper with, open and/or willfully break, destroy and/or impair any parking kiosk installed under the provisions of this ordinance.
- G. Slugs: It shall be unlawful and a violation of the provisions of this ordinance to deposit or cause to be deposited in any kiosk any slug, device, metallic substitute and/or any other substitute for a coin of the United States or Dominion of Canada.
- H. Duties of Meter Officer: It shall be the duty of the police officers of the Town of York, or other such agent(s) as designated in writing by the Park Trustees, acting in accordance with instructions issued by the Park Trustees to report the following information applicable to any motor vehicle in violation of this ordinance: parking space number, state license plate number, time of day and any other facts and/or knowledge that may be necessary for a thorough understanding of the circumstances attending such

violation(s). Each such police officer or agent shall also attach to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of provision of this ordinance.

- I. Fines and Penalties: Each owner or operator may, within ten (10) days of the time such notice was attached to such vehicle, pay to the York Police Department the sum of thirty-five (\$35.00) . The failure of such owner or operator subject to the penalty to make such payment within the ten (10) days shall render such owner or operator subject to the penalty of fifty dollars (\$50.00) for and in full satisfaction of such violation.
- J. Collection of Revenue: The Park Trustees shall designate such collectors and establish such methods as may be necessary for the proper collection of ~~all coins~~ monies deposited in kiosks. Such collectors shall be only such employees as may be bonded by a sum of not less than one thousand dollars (\$1,000.00) for their duties. All monies so collected, meaning and including fines and penalties, shall be deposited with the Town of York.
- K. Use of Revenue: All monies collected from parking meters and received from fines and penalties from any ordinance violations, shall be used exclusively for the general operation, maintenance and improvement of the Park at the direction of the Park Trustees.
- L. Speed Limit: Vehicular traffic shall not exceed fifteen (15) miles per hour, and shall proceed with caution at all times and yield to pedestrian right of way.
- M. Animals: Dogs, horses and/or any other domesticated animals are prohibited outside the owner's vehicle, except that dogs restrained by a hand leash may be allowed.
- N. Commercial Vehicles: Commercial vehicles and equipment are prohibited except where required for maintenance and service of the Park

- O. The use of Frisbees and the playing of other games that which may endanger other persons are prohibited from May 1 through October 15 of each year.

Section 4 AREA IV **GRASSED AREAS, BOARDWALK and WALKWAYS -**
The following restrictions and conditions shall apply to Area IV of the Park:

- A. Pedestrians shall have exclusive right of way within these areas.
- B. Motor vehicles, motor scooters and/or skateboards are prohibited. Bicycles are not allowed within the gazebo or pavilion.
- C. Powered aircraft, including toys and models, shall not be operated in these areas.
- D. Playing of games such as hard or softball, football, volleyball, soccer, lacrosse, golf iron horseshoes or any other games that may endanger persons are prohibited from May 1 through October 15 of each year.
- E. Dogs, cats, horses and/or any other domesticated animals are prohibited except that dogs restrained by a hand leash may be allowed.

Section 5 Damaging, vandalizing and/or defacing within the confines of the Park is considered a criminal offense.

Section 6 **VIOLATIONS/PENALTIES**

Any person who violates this ordinance shall be subject to civil penalty of \$100.00 for the first offense, \$150.00 for the second offense, and \$250.00 for the third and subsequent offenses.

Section 7 **WAIVER/PAYMENT OF FINES**

Any person charged with a violation of this section, shall be allowed to waive such violation and tender to the Town of York the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter

will be closed in the York Police Records system and listed as a subsequent offense for future violations.

If the offender chooses not to pay the waiver fine, he/she shall appear in court on the specified date to answer for the ordinance violation. If the offender is found to have committed the offense in court, fines, applicable court fees, attorney's fees, and prosecution costs may apply.

Section 8

These ordinances shall be in full effect upon approval by the Ellis Short Sands Park Trustees and adoption by the York Board of Selectmen. All preexisting ordinances, parts of ordinances or regulations are hereby superseded.

Section 9

Amendment Procedure: Any amendment of these ordinances shall be made as follows:

- A. Because of the legal authority of the Ellis Short Sands Park Trustees, the first step for any proposed amendment is approval by the Trustees. Upon voting to approve a proposed amendment, the Trustees shall forward the proposed amendment to the Board of Selectmen for adoption as a town ordinance.
- B. Upon receipt, the Board of Selectmen shall conduct a public hearing on the Trustees' proposed amendment.
- C. Following the public hearing, the Board of Selectmen shall vote to either adopt or reject the proposed amendment. If adopted, the amended ordinances shall take effect immediately. If rejected, the then-current ordinances shall remain in effect.

ELLIS SHORT SANDS PARK TRUSTEES

Dated of Approval: 03/22/2011

John F. Matthews
William H. Burnham
Andrew T. Furlong, Jr.
John A. Garfield
Richard E. Boston

BOARD OF SELECTMEN

Date of Adoption: 04/25/2011

Tracy Jackson-McCarty
Mary Andrews
Michael L. Estes
Edward W. Little