

**THE TOWN OF POOLESVILLE
BOARD OF PARKS, RECREATION AND STREETS**

**RULES AND REGULATIONS
FOR THE USE OF
TOWN PARKS**

**ISSUE V
EFFECTIVE: November 21, 2005**

CHAPTER 1
INTRODUCTION

Section 1. Purpose

The rules and regulations set forth hereinafter for the use of Town parks are hereby promulgated by the Board of Parks, Recreation and Streets, pursuant to the authority vested in it by Section 82-29 (b) (2), of the Charter of the Town of Poolesville for the protection of the public using the property and facilities owned and operated by the Town of Poolesville as its park system and for the protection of such park property and facilities.

Section 2. Applicability

Except where otherwise indicated The Rules and Regulations defined herein shall apply to all parks owned and operated by the Town of Poolesville.

Section 3. Definitions

Where the following terms appear in this document, the following definitions shall apply:

<u>Town</u>	:	The Town of Poolesville
<u>Commissioners</u>	:	The duly elected Commissioners of Poolesville
<u>Parks Board</u>	:	The Board of Parks, Recreation and Streets provided for in Section 82-29 of the Charter of the Town of Poolesville.
<u>Town Manager</u>	:	The Town Manager of the Town of Poolesville
<u>Bodmer Park</u>	:	Consisting of an 11,000 square foot parcel located on the south side of Bodmer Avenue, just west of Whites Road with Poolesville Well #6 and E.E. Halmos Jr. Recreation

Park on the rear side. The park is surrounded by homes on both sides and across Bodmer Avenue.

Brooks Park : Consisting of a one-acre triangular parcel immediately adjacent to Poolesville Well #3 and bordered by the backs of the homes on Wootton Avenue to the south, the backs of homes on Soper Street to the east and the townhouses on Kohlhoos Road to the west.

Campbell Park : Consisting of a 2.36-acre triangular parcel beginning at the southwest corner of the intersection of Wootton Avenue and Fisher Avenue. It is bordered by the homes on those two streets and on the third side by the homes on Hempstone Avenue. Entrances are on Wootton and Hempstone Avenues.

Dowden Way Park : Consisting of a .25+ acre parcel with entrances on Dowden Way and Hempstone Avenue.

E.E. Halmos Jr Recreation Park:

Consisting of 15+ acres with entrances on Hoskinson Road, Bodmer Avenue, Tom Fox Avenue and Hughes Road. It is bordered by Hoskinson Road and Hughes Road on the west and east respectively and by the homes on Bodmer Avenue to the north and by the homes on Hoskinson Road and Tom Fox Avenue to the south.

Elgin Park: Consisting of 4.3 acres located in the Brightwell Crossing Subdivision bordering Elgin and Jerusalem Roads.

Lori Gore Tot Lot : Consisting of a 6,794 square foot parcel located on McKernon Way and is bordered by homes on all sides.

L.M. Stevens Recreation Park:

Consisting of 11.5 acres with entrances on Seneca Chase Park Road, Dowden Circle and Wootton Avenue. It is bordered by the homes on Spates Hill Road, Hempstone Court and by all the homes on the outside of Dowden Circle to the south, by the homes on the outside of Collier Circle to the west, by Dry Seneca Creek and the Town Surge Basin and wetlands to the north and by Poolesville Maintenance Road to the east.

Old Methodist Church Grounds :

Consisting of property surrounding the Old Methodist Church, which includes the cemetery. The parcel is located on West Willard Road.

Parcel 840: Consisting of 3.77 acres located in the General Commercial District along Wootton Avenue.

Perkins Park: Consisting of 3.95 acres located in the Stoney Springs Subdivision off McNamara Road and bordered by single family homes.

West Willard Road: Soccer practice field consisting of 3.79 acres located on West Willard Road. It is bordered by homes on Oxley Farm Road and Poolesville Well #4 on the north side.

Whalen Commons: Consisting of 3.2 acres with entrances on Fisher Avenue, Milford Mill Road, Beall Circle and Fyffe Road. It is bounded by the roads mentioned above.

Wootton Heights Tot Lot: Consisting of one-third acre parcel in the Wootton Heights Townhouse subdivision and fronting on Beatriz Avenue.

CHAPTER II

GENERAL PROVISIONS

Section 1. Hours of Operation

- A. Town parks, which have lights, shall be open to the public between the hours of 8:00 AM and 10:00 PM, Sunday through Saturday, April through October, for all facilities unless otherwise designated. Other months the lighted parks will close at 9:00 PM. It is however required that no field sport activity continue beyond 10:00 PM except by special permission of the Town Manager or Town Clerk.
- B. Any Town Park may be closed to the public entirely or for certain uses by the Town Manager or Town Clerk either temporarily or at regular intervals, and such closing shall be posted for public notice.
- C. Smaller neighborhood and unlighted parks (Wootton Heights Tot Lot, Campbell Park, Brooks Park and Stevens Park) open at 8:00 AM and close at sundown.

Section 2. Use by the General Public

All Town parks shall be open for use by all members of the public regardless of race, sex, national origin, color or creed. Additionally, the parks have been designed to accommodate access and use by the handicapped and no rule or regulation shall be established which might otherwise prevent the use of the parks by these individuals.

The activities referred to herein shall be conducted strictly in conformity with the terms and conditions of any permits issued by the Town Manager or Town Clerk and in conducting the activities described herein no person shall:

In any way obstruct, delay or interfere with the free movements of any other person, seek to coerce or physically disturb any other person, or hamper or impede the conduct of any authorized duties or activity on any park property.

Section 3. Facility and Activity Permits

- A. Informal use of all park facilities is permitted except for the concession stands. Permits can be requested for the use of the athletic fields, comfort station(s) and picnic areas. In the event of conflict between permitted and informal use of the park facilities, such informal use shall cease and any field or facility relinquished to any group or organization, which holds an approved permit. Operation of the park concession stand(s) is limited to permittees and is not transferable.
- B. All organizational applications for Park Facilities Permits shall be reviewed and approved by the Pooleville Parks Board., Parties less than 20 people may be reviewed and approved by the Town Manager/Clerk. .
- C. In approving permits, the Parks Board or Town Manager/Town Clerk shall ensure that the facilities or activity areas, for which a permit is being requested, are available for the purpose specified in the permit, and the proposed use or activity is consistent with the size, location and available amenities of the relevant park property.
- D. Permits are issued subject to:
 - 1. All regulations currently in effect.
 - 2. Agreement by permittee to hold harmless and indemnify the Town of Pooleville against all liability, claims and demands for personal injury or property damage or other expenses suffered or arising out of any negligent act or omission of the permittee or any member of the permittee's group incurred in the use of any park facilities.
 - 3. Revocation at any time, for good cause shown.

Section 4. Lost and Found Objects

Lost objects found on park property shall be turned over to the personnel at Town Hall and may be recovered with proper identification. Lost objects will be held by the Town for three (3) months, after which time that will be disposed of by any means necessary or desired.

CHAPTER 111

TRAFFIC CONTROL

Section 1. Enforcement

All applicable traffic laws and regulations shall be observed when operating motorized vehicles in park parking lots. Any traffic direction from any member of a law enforcement agency shall supersede written or posted laws and regulations.

Section 2. Speed Limit

No person shall operate any motorized vehicle with the Parks in excess of fifteen (15) miles per hour, unless otherwise posted or directed.

Section 3. Permissible Roadways

Operating any motorized vehicle, except for responding Fire/Rescue or Law Enforcement vehicles, on any area except **parking areas** ~~paved or gravel roadways~~ ~~provided for this purpose~~ is **PROHIBITED** except as authorized by the Town Manager or Town Clerk.

Section 4. Trucks over ¾ Ton, Commercial Vehicles, Buses

Truck, commercial vehicles (excluding taxicabs) with commercial markings, tools of trade and buses, which exceed ¾ ton gross weight, shall not operate on park property except by special permit and under the direct on-site control/supervision of the Town Manager or Town Clerk.

Section 5. Parking

The provisions of this Section shall govern the parking of vehicles in Town Parks, except when they conflict with any other applicable law or direction of a Police Officer or traffic control device, in which event such other law or direction shall apply.

- A. Stopping, Standing or Parking – No vehicle used in gaining access to, or associated with the use of a Town Park shall be allowed to stop, stand or park:
 - 1. in front of a public or private driveway,
 - 2. within an intersection,
 - 3. within a crosswalk,
 - 4. upon a bridge,
 - 5. any place an official sign prohibits stopping, standing or parking,
 - 6. on or along the Town roadways abutting or leading to a Town Park,
 - 7. so as to obstruct another vehicle or traffic,
 - 8. so as to occupy more than one parking space or across painted parking lines,
 - 9. within the parks during any hours when park property is not open to the public,
 - 10. on any bicycle path or access road,
 - 11. so as to obstruct any entrance to or exit from an access road,
 - 12. on any grass area so as to injure any tree, shrub, plant or vegetation,
 - 13. alongside or opposite any roadway barricade, excavation or obstruction when such parking would obstruct traffic,
 - 14. in any manner not in accordance with an official sign,
 - 15. in a fire lane.

B. No parking fees shall be charged for the use of park parking lots by permittee.

Section 6. Impoundment of Illegally Parked Vehicles – Storage Fees

Any illegally parked vehicle may be removed and impounded in accordance with the procedures prescribed in Section 12.9 of the Poolesville Code.

CHAPTER IV

ACTIVITIES PROHIBITED ON PARK PROPERTY

Section 1. Animals: Domesticated/Wildlife

No domestic animal may be brought upon park property unless it is on a hand held leash or electronic leash and is at all times entirely within the control of the person

bringing it upon park property. Domestic animals are not permitted at any time in certain posted areas of the park property. It is the owner's responsibility to remove droppings.

Section 2. Audio Devices and Audible Noise

Noise levels shall be maintained within the limitations of the Montgomery County Noise Control Ordinance and no public address systems shall be used with the Town parks other than reasonable voice or instrument amplification systems at Town sponsored events or for coaching, safety and announcing purposes.

Section 3. Automobile Service

No person may service any automobile on park property including washing, waxing, repairing or performing other work except in case of an emergency.

Section 4. Comfort Station

No person over the age of seven (7) may use the Town parks comfort stations designated for the opposite sex.

Section 5. Destruction or Interference with Park Property

No person may climb upon, deface, destroy, injure in any way, misuse, remove or waste any park property.

Section 6. Disturbance of the Peace

No person shall act in a disorderly manner in a Town Park to the disturbance of the public peace or willfully act in a disorderly manner by making loud and unseemly noises or by swearing or using obscene language in a Town Park.

Section 7. Employees: Interference with Duties

No person may interfere with any Town Employee acting in the course of his or her official duties.

Section 8. Fireworks and Explosives

No person may possess or discharge any fireworks or other pyrotechnics, including but not limited to model rocket engines.

Section 9. Gambling

Games of chance are prohibited to the extent they are illegal under State law (Criminal Law Article, Maryland Annotated Code, §12-101 et seq). "Qualified

organizations” are permitted to conduct bingo games and raffles pursuant to Subtitle 18, Criminal Law Article, Maryland Annotated Code.

Section 10. Littering and Dumping

- A. No person may deposit, leave or spill refuse or other substances on park property other than in receptacles provided for this purpose.
- B. No person may deposit refuse from private premises in park trash receptacles.

Section 11. Loitering

- A. No person shall loiter on or in a Town Park in such manner:
 - 1. To interfere, impede or hinder the free passage of pedestrian or vehicular traffic.
 - 2. To interfere with, obstruct, harass, curse or threaten or to do physical harm to another member or members of the public.
 - 3. That by words, acts, or other conduct it is clear that there is a reasonable likelihood a breach of the peace or disorderly conduct shall result.
- B. No person shall loiter in a Town Park and fail to obey the direction of a Town Employee, a uniformed Police Officer or a properly identified Police Officer not in uniform to move on, when not to obey such direction shall endanger the public peace.

Section 12. Unauthorized Presence

No person may refuse to leave park property that is closed to the public for any reason upon being requested to do so by authorized personnel.

Section 13. Weapons

No person shall carry, possess or discharge a bow and arrow, dart, firearm (to include BB guns and pellet guns), knife with a blade more than three (3) inches in length, or other dangerous weapons on park property. This provision does not apply to authorized programs or law enforcement officers.

Section 14. Other

The launching, landing or use of hot air balloons or other aircraft except in an emergency, or by special permit, is prohibited on or within any Town Park.

CHAPTER V

ACTIVITIES SUBJECT TO REGULATION

The following activities are **PROHIBITED** upon park property except within designated areas.

Section 1. General Provisions

- A. Drinking or possession of alcoholic beverages.
- B. Money making ventures except for non-profit groups proving 501(c)(3) tax status, and/or as approved by the Parks Board for Town sponsored events.
- C. Grazing of any animal.
- D. Freeing of animals so as to cause them to remain on park property.
- E. Attaching or posting notices, signs or any other objects.
- F. Storing of material of any description upon park property, except as permitted by the Town.
- G. Enclosure of any area or erection of any structures except by permit.
- H. Planting of vegetation or causing vegetation to be planted except by permit or otherwise authorized.
- I. Conducting of surveys, interviews, or polls.
- J. Using metal detectors and digging into the surface on park property.

Section 2. Solicitation

Any person or organization desiring to engage in the solicitation of contributions or assemble for the purpose of protesting, demonstrating or disseminating any form of written or oral information upon park property shall first obtain a written permit from the Town Manager or Town Clerk.

Section 3. Permit Application

Written application for a permit for activities shall be submitted to the Town Manager or Town Clerk in the form prescribed by the Parks Board setting forth at least the following:

- A. The full name, mailing address and telephone number of the person or organization sponsoring, promoting or conducting the proposed activities.
- B. The full name, mailing address and telephone number of the individual person or persons who will have supervision of and responsibility for the proposed activities.
- C. Description of the proposed activities.
- D. The dates and hours on and during which the activities are proposed to be carried out, and the expected duration of the proposed activities.
- E. Whether a portable toilet will be used and the date when it will be removed but no later than the day following the event.
- F. When applicable, the type, purpose or content (copy) of any solicitation or distribution as defined in Section 2. above.
- G. Organizations submitting permit applications shall:
 - Submit a Certificate of Insurance, which includes proof of liability insurance, agent name and policy number
 - Submit a copy of the playing and practice schedules for review. Any open dates shall revert to the Town for issuance of other permits to other applicants.
 - Agree to indemnify and hold the Town harmless for any claims resulting from their activities on park property

Section 4. Granting of Permit

Applications of one-time use of any park facility may be submitted at least one week prior to the date the facility is desired. Applications for Spring seasonal use of playing fields and appurtenances must be submitted by January 31st and by June 30 for the fall season preceding the planned use of the facility. Permits shall be issued after the approval of the Parks Board and following receipt of the application and all requested information required by the Parks Board. The applicant shall be furnished a written statement indicating the reasons why the permit is denied.

Section 5. Reasons for Denial, Refusal or Cancellation of Permit

The application shall be granted and the permit shall be issued unless one or more of the following facts is found to exist:

- A. That one or more of the statements in the application is not true.
- B. That the applicant or any agent or representative of the applicant who will

participate under the permits is presently, or has been convicted by a Court of competent jurisdiction of engaging in a fraudulent transaction or enterprise, or has been convicted of a felony or other criminal offense involving moral turpitude.

- C. When the applicant or any agent or representative of the applicant who will participate under the permit has previously violated any portion of the Rules and Regulations, or has violated any of the terms and provision of any prior permits.
- D. A permit has already been given for the date and time requested.
- E. The requested use is not in conformance with these rules and regulations.
- F. The permit may be withdrawn for failure to comply with the Town Code or Rules and Regulations.
- G. The applicant for any such permit whose application is denied may appeal such denial to the Town Board of Zoning Appeals within ten (10) days of receiving notice of the denial of the application.

CHAPTER VI

SPECIAL PURPOSE ACTIVITY AREAS

The following activities are restricted to designated areas.

Section 1. Athletics

Persons holding a permit for use of an athletic field are entitled to exclusive use of such areas on the dates and between the hours specified in the permit.

Section 2. Fires

- A. Fires are permitted only in picnic areas and are restricted to privately owned or Town furnished grills.
- B. Extreme care will be used in putting out fires and disposing of ashes to prevent damage to vegetation.
- C. Building of fires may be prohibited or limited by the Parks Board or Town Manager when a fire hazard exists.
- D. Active use of cooking apparatus is prohibited within pavilions and gazebos.

Section 3. Bicycles and Other Vehicles

- A. The use of mini-bikes, mopeds, motorcycles or any other motorized vehicles, except motorized wheelchairs or similar devices, is prohibited in all areas of Town Parks except for Town, Law Enforcement or Emergency Vehicles.
- B. Manually propelled vehicles are restricted to specifically designated access roads, bicycles paths and parking areas.
- C. The use of any vehicle in such a manner to destroy or injure a tree, shrub, plant or other vegetation is prohibited.
- D. All above vehicles must obey all traffic laws.

Section 4. Picnicking

- A. Picnicking is permitted in areas of the park designated for such use. Picnic areas not requiring a permit are operated on a “first come- first served basis”. Gazebos and pavilions may be reserved by applying for a permit for the day and times requested.
- B. Persons holding a permit for the use of the pavilions/gazebos will be entitled to exclusive use of such areas on the dates and the hours specified on the permit.

Section 5. Special Events

Whenever pageants, ceremonies and entertainments on park property are to be held, special regulations as to the parking of vehicles and positions and movements of spectators may be promulgated by the Parks Board or their designee. All persons within the areas of such regulations shall obey and comply with the lawful orders of the authorized persons engaged in maintaining order.

Section 6. Use of the Tennis and Basketball Courts

Users of the basketball and tennis courts are subject to the following rules:

- A. Tennis shoes will be worn at all times.
- B. No behavior that might interfere with other use or enjoyment of the courts.
- C. Compliance with any posted regulations at the tennis courts.
- D. Tennis and basketball court lighting is limited by automatic switch devices, which will operate only between the hours of sunset and 10:00 PM, Sunday through

Saturday, April through October. The remainder of the year the lights will turn off at 9:00 PM.

- E. The courts cannot be used for any activities (i.e. street hockey, roller blades, roller skates, skateboards, etc), which may damage either the surface or equipment.

CHAPTER VII

SPECIAL RULES

Section 1. Additions and Amendments

The Parks Board may promulgate special rules as necessary and appropriate to administer these regulations consistent with the Town Charter. The special rules shall be in writing and may be obtained from Town Hall.

Section 2. Penalties and Violations

The permit holder assumes personal liability for the cost of excessive clean up of the premises; loss, breakage or removal of park property.

Any person committing a violation of these Rules and Regulations shall, upon adjudication by the District Court, be guilty of a municipal infraction, which shall be punishable by a fine in accordance with The Town of Poolesville Code Chapter 1.13 as amended from time to time, in the discretion of the Commissioners.

Any person committing a violation of any State, County or Town law or ordinance applicable to Town park property, shall upon conviction by a Court of competent jurisdiction, be punishable in accordance with the provision of such law or ordinance.

Section 3. Effective Date

These Rules and Regulations, Issue V, are hereby made effective.

George Deyo, Chairperson

Kurt Behrend

Timothy Pike

Douglas McKenney

Kevin Carmack

Butch Zachrel

Jerome Klobukowski, Commissioner Liaison
Parks, Recreation and Streets Board