

Chapter 150

PARKS

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[HISTORY: Adopted by the Town Council of the Town of Windham 12-13-2022 by Order No. 22-229. Amendments noted where applicable.]

§ 150-1. General provisions.

- A. Purpose. The purpose of this chapter is to ensure for the benefit of all citizens of Windham that the parks of the Town will be clean, safe, and enjoyable places for people to engage in the recreation pursuits of their choice.
- B. Definitions. As used in this chapter, the following terms shall have the meanings indicated:
 - (1) The term "parks," as used herein, is defined to include all recreational facilities and lands regarding which the Town of Windham holds a legal interest for open space and recreation use, whether such lands are developed or undeveloped.
 - (2) "Park" includes, but is not limited to, playgrounds, open spaces, trails, beaches, pathways, forests, and public parks.
- C. Authority. Town parks will be operated, maintained, and supervised by the Windham Parks and Recreation Department.
- D. User's responsibility. Visitors use Windham parks at their own risk. The Town is not responsible for theft, personal injury, property damage or any other loss. Such losses, however, should be reported to the Parks and Recreation Department and the Police Department.
- E. Applicability. This chapter controls all activities in Windham parks unless specific modifications are made through the enactment of ordinances relating to individual parks.

§ 150-2. Conduct; alcoholic beverages; smoking; firearms; fireworks; improvements.

- A. Unlawful conduct. It shall be unlawful to post bills, cut, deface, write upon, remove or destroy, modify or plant any tree, shrub, rock, sign, building, table, bench, fireplace, grill, or other structure or equipment, facility, or park property or appurtenances, whatsoever.
- B. Personal conduct. No person shall disturb the peace, endanger public safety, use obscene or profane language, or obstruct or discourage the use of Town parks by others.

- C. Alcoholic beverages. Drinking of alcoholic beverages in Town **P**arks is strictly forbidden unless the individual is a member of a group that has been issued a permit by the Police Department and Parks and Recreation Department.
- D. Smoking. Smoking is not permitted within the boundaries of any Town **P**ark. “Smoking” includes carrying or having in one’s possession a lighted or heated cigarette, cigar, or pipe or a lighted or heated tobacco or marijuana product intended for human consumption through inhalation whether natural or synthetic in any manner or in any form. This policy also bans the use of all tobacco products, including cigarettes, cigars, smokeless tobacco products, electronic smoking devices, and any new tobacco products of any and all types on the entire property under the control of the management of the Town, including within personal vehicles while on the property, 365 days per year, 24 hours a day. Non-smoked tobacco and marijuana products including, but not limited to, edibles, dabs, chewing tobacco, chew and snuff are also included in this prohibition.
- E. Firearms/fireworks, etc. Firearms of any description, air rifles, gas weapons, slingshots, bows and arrows, firecrackers, and explosives shall not be discharged in Town **P**arks, with the exception of hunting activities at Lowell Preserve and East Windham Conservation Area.
- F. Improvements. The Town welcomes volunteer efforts to improve, maintain and beautify Town **P**arks; however, all such work shall be authorized in advance by the Parks and Rec Director.

§ 150-3. Camping; boating; fishing; hunting; trapping.

- A. Camping. Overnight camping is prohibited unless such activity is confined to areas specifically designated by the Town Council and approved by the Parks and Recreation Director for that purpose. Overnight camping is only allowed at the Lowell Preserve area. Camping permits are required from the Parks and Recreation Department.
- B. Boating and fishing. Boating and fishing are permitted in any area designated for such intended use.
- C. Hunting and trapping. Hunting and trapping are not permitted in any Town **P**ark, except hunting is allowed at Lowell Preserve and the East Windham Conservation Area during regulated hunting seasons.

§ 150-4. Fires.

- A. Permitted locations. Fires shall be built only in outdoor fireplaces provided by the Town or in grills in designated picnic areas. There will be no fires allowed in park areas or trails unless a permit from the Fire Department is obtained.
- B. Stoves. Portable stoves may be used only in designated picnic areas. Such stoves, when in use, shall be placed on charcoal grills or outdoor fireplaces and not upon the ground, adjacent woods, refuse receptacles, picnic tables, or benches.
- C. Fires. Fires shall not be left unattended.

§ 150-5. Refuse.

- A. Receptacles. Refuse, rubbish, garbage, or other trash of any nature shall not be left in Town **P**arks, except in receptacles where provided.
- B. Town waters. No person shall pollute the waters of any Town **P**ark through the deposit of any foreign material therein.

§ 150-6. Traffic.

- A. Pedestrians. Pedestrians have the right-of-way on all park roads.
- B. Motorized vehicles. All persons driving motorized vehicles shall obey all traffic signs and directions of park employees and shall park only in areas designated for that purpose.
- C. Speed limit. The speed limit on all park roads is 10 mph unless otherwise designated.

- D. Trails and other areas.
- (1) Motor vehicles, including motorcycles and motorbikes, are prohibited on foot trails and other areas other than on roads maintained for public vehicular traffic.
- E. ATVs and snowmobiles. All-terrain vehicles (ATVs) and snowmobiles are not permitted within the boundaries of Town Parks or trails, except within areas designated for such use by the Town Council. ATVs and snowmobiles are allowed at Lowell Preserve and East Windham Conservation Area on designated trails.

§ 150-7. Domestic animals; plants; wildlife.

- A. Domestic animals. Owners of domestic animals are required to clean up any waste after their animals and dispose of it in a proper manner.
- B. Horseback riding. Horseback riding is permitted in areas specifically designated for such purpose by the Town Council.
- C. Plants and wildlife. Within the boundaries of any park, trees, shrubs, flowers, ferns, or other plants shall not be lifted or picked by park visitors. Stones, rocks, birds, or animals shall not be removed. Removal of bark from trees is prohibited. Cutting and removal of firewood is prohibited unless specifically authorized, in writing, by the Parks and Recreation Director or Town Manager.
- D. Animals. No person shall maliciously disturb or injure any animal within the confines of a Town Park, nor disturb any animal habitat.

§ 150-8. Hours; fees.

- A. Hours of operation. Town Parks, including roads and parking areas, are open only from dawn to dusk unless otherwise designated by the Parks and Recreation Department. Outdoor lighted facilities in Town Parks will be considered closed once lights are no longer on. The Recreation and Parks Director may allow special activities after hours in concurrence with the Police Chief.
- B. Towing fees. Cars and other types of motor vehicles left in Town Parks after hours or in unauthorized areas may be towed away at the owner's expense.
- C. Park fees. Reasonable fees may be assessed by the Town Council for individual and group use of the parks.

§ 150-9. Enforcement.

- A. Fine. Any person who violates any of the provisions of this chapter may be fined not more than \$100 for each violation. Each violation shall constitute a separate offense.
- B. Park ejection. The Parks and Recreation Director, park employees, and police shall have the authority to eject from the park any person acting in violation of any provisions of this chapter or in violation of any permit issued pursuant to this chapter.

§ 150-10. When effective.

This chapter shall take effect upon passage.