

Section 1. Title

This ordinance shall be known as the Town of Poland Beach Use Ordinance.

Section 2. Purpose

The purpose of this ordinance is to provide for the enjoyment, health, welfare and safety of all persons using the designated public beaches and beach parking areas at Lower Range Pond and Tripp Lake Beach; to provide a means of maintenance, operation and protection of the public beaches and parking areas, and to provide a family-oriented atmosphere for lawful users of these beaches.

Section 3. Administration

Authority to Act: The Poland Recreation Department, acting under the direction of the Town Manager, shall be delegated the day-to-day responsibility pertaining to maintenance, operation, and general stewardship of the designated town beaches and beach parking areas. The Poland Recreation Department, acting through the Town Manager, shall propose to the Poland Board of Selectpersons revisions of this Town of Poland Beach Use Ordinance and any rules and regulations subsequently adopted under this Ordinance to ensure enjoyment, health, welfare and safety of all persons using the beaches.

The Selectmen may adopt rules, regulations and fees not inconsistent with this Ordinance further regulating the use of Town beaches by posting a notice of proposed rule-making at the Poland Town Office and newspaper of greatest general circulation in Poland at least 7 days prior to the date of the meeting at which such rules and regulations will be considered.

These rules and regulations, consistent with the ordinance, shall also be posted in a manner reasonably conveying the rules and regulations to beach users, and shall have the full force and effect of the law.

Section 4. Use of Facilities

The use of Town-owned beaches is limited to Poland residents, and their accompanied guests, with a valid, displayed Transfer Station Use Permit, and to people who do not reside in Poland that have a valid “Beach Use Permit.”

1. Persons using Town-owned beach facilities shall do so at their own risk.
2. Town-sponsored activities or functions shall have priority for the use of all facilities over general recreational use. Notice of such activities shall be posted in advance of their scheduled date.
3. Conduct, Use and Access
 - a) Posted Rules & Regulations: All town residents and landowners and accompanied guests will be expected to follow all posted rules and regulations, as well as the requirements of this Ordinance.
 - b) Picnic tables: Are usable for picnicking and are available on a first come, first served basis.
 - c) Offensive behavior: No person shall engage in any indecent language or behavior, nor create or permit loud noises of any type which would be offensive to any reasonable person.

d) Supervision: All children under age 15 must be accompanied by someone at least 18 years of age, and may be denied access without such supervision.

e) Group activity and use other than swimming: Poland residents, Beach Use Permit holders and accompanied guests requesting to use the beach and beach parking areas for a large group gathering or activity other than swimming must seek written approval from the Recreation Department at least 7 days prior to the date requested. A fee may be assessed if the activity costs additional resources from the town services in order for the activity to take place.

4. Access to Beach Areas

a) A current, displayed Transfer Station "Use Permit" will be used by Poland residents to allow access to town of Poland beaches. Any resident not in the possession of a valid Transfer Station Use Permit may be denied access.

b) Non-residents may utilize Town beaches and beach parking areas, shall be required to obtain a special "Beach Use Permit" from the Recreation Department.

5. Fees

Fees for a Beach Use Permit shall be established by the Board of Selectmen under the provisions of Section 3 of this Ordinance.

6. Season and Hours

The Tripp Lake Beach shall be open to residents holders of Beach Use Permits from June 15 to September 15 of each year, and shall have daily hours of 8:00 am to 8:00 pm.

Lower Range Pond is open to residents holders of Beach Use Permits from June 15 to September 15 of each year, and shall have daily hours of 8:00 am to 8:00 pm. During the summer, portions of the beach area may be rented or under a lease arrangement that provides for "shared" beach use.

Section 5. Prohibited Activities

The following activities and uses are prohibited on all Town of Poland beaches and beach parking areas:

1. The possession or consumption of alcoholic beverages.
2. The use of glass beverage containers or bottles.
3. The kindling or use of open fires. Cooking appliances can be utilized at beach facilities as long as said cooking appliances are removed when finished, and do not cause damage or leave waste. Outdoor cooking appliances are subject to prior approval by the Fire/Rescue Department in accordance with outdoor burning privileges.
4. Overnight camping.
5. The importation and deposit of household waste or refuse generated off the beach premises in containers supplied for control of waste generated at the beach.
6. All pets, except for a pet used an identifiable disability assisted pet.
7. Destruction or misuse of the facilities provided.

8. Body or hair washing on premises including use of soap, shampoo or other cleaning agents.
9. Leaving trash in a non-designated site.
10. Use of port-a-toilets as a trash receptacle.
11. Wearing of disposable diapers in the water (Recommend “Swimmies”).
12. Motorcraft moored or launched from beach areas.
13. Waterskiing launched from beach areas.
14. Bicycles on beach area.
15. Activities which endanger persons or willful damage to any public property at the beach or beach parking facilities, including but not limited to, bathrooms, picnic areas, rocks, fencing, trees, brush or other vegetation.

Section 6. Enforcement

This Ordinance may be enforced by any duly authorized law enforcement officer, as well as other individuals specifically designated by the Board of Selectmen, including Recreation Department staff.

Section 7. Penalty

Any person found in violation of this Ordinance shall be subject to a fine payable to the Town of Poland of not more than \$100.00. Each individual occurrence or infraction shall be considered a separate violation.

First time and minor violations of this ordinance not involving any property damage, injury, or cost to the town of Poland will be enforced by means of a written warning issued by a duly authorized law enforcement officer or Recreation Department designee.

Any violations that result in any property damage, injury to others, or that involves either repeated violations by the same individual or results in any expenses to the Town as a result of the violation may be subject to the issuance of a summons for such violations. The summons will notify the alleged violator of the date, time and court in which the notice of violation will be heard. If the Town prevails in any enforcement action under this section, it will be entitled to an award of its costs of prosecution, including its reasonable attorney’s fees, in addition to penalties and any costs of repair or replacement resulting from the violation.

Section 8. Severability

Should any portions of this Ordinance be declared invalid by court, the remaining portions of this Ordinance shall remain in full force and effect.

Section 9. Effective Date.

This Ordinance shall take effect upon adoption by the Town of Poland.

Adopted by Town Meeting vote April 2, 2011.