

## Chapter 54

### PARKS AND RECREATION\*

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- Sec. 54-11. Penalties.

**\*Cross references:** Department of recreation, § 2-386 et seq.; removing or destroying public plants or fixtures prohibited, § 50-7.

**State law references:** Authority to establish parks, 30-A M.R.S.A. § 3252.

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### **Sec. 54-1. Public park established; commercial uses forbidden.**

The Lewiston City Park, or Common, so-called, which was conveyed to the Town of Lewiston by the Franklin Company on December 18, 1861, shall at all times be kept open for a public park, or common, to be used by the public in general; no building whatsoever shall at any time be erected thereon, and the park shall not at any time be used by any person for commercial purposes. No license or permission shall be granted for the use of such park or common in violation of the above restrictions without the approval of the city administrator or deputy city administrator.

(Code 1982, § 20-1; Ord. No. 01-8, 7-5-01; Ord. No. 05-24, 2-16-06)

### **Sec. 54-2. Lewiston City Park or Common defined.**

The term "Lewiston City Park" or "Common" when used in this chapter shall mean Kennedy Park.

(Code 1982, § 20-2)

### **Sec. 54-3. Riding and driving on public grounds regulated.**

No person shall ride, lead or drive any horse or vehicle in or on the open grounds of the city, nor in or upon any enclosed public square, unless by permission of the council.

(Code 1982, § 20-3)

**Cross references:** Traffic and vehicles, ch. 70.

### **Sec. 54-4 Reserved.**

**Editor's note** – Ord. No. 09-03, effective 7-02-09, repealed § 54-4 in its entirety. Formerly, said section pertained to depositing substances likely to cause injury while in or adjacent to park.

### **Sec. 54-5. Depositing of offensive substances; committing nuisances.**

No person shall, in any manner, carry or cause to be carried into the commons, parks or public squares or places of the city any dead carcass, filth or any offensive matter or substance whatsoever; and no person shall commit any nuisance on such commons, parks, public squares or places of the city.

(Code 1982, § 20-5)

**Cross references:** Nuisances, § 34-26 et seq.

**State law references:** Maine Litter Control Act, 17 M.R.S.A. § 2261 et seq.

### **Sec. 54-6. Unlawful to be in Kennedy Park during certain hours; exception.**

It shall be unlawful for any person to be or remain in Kennedy Park in the city between the hours of 10:00 p.m. and 5:00 a.m., unless such person is in lawful employment making it necessary to be in Kennedy Park between 10:00 p.m. and 5:00 a.m. or participating in a program or activity sponsored or authorized by the city.

(Code 1982, § 20-6; Ord. No. 18-05, 8-09-18)

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### **Sec. 54-7. Unlawful to be in the following city parks and school grounds during certain hours; exception.**

It shall be unlawful for any person to be or remain in Farwell School grounds, Franklin Pasture Athletic Complex, Geiger School grounds, Jude's Place at Marcotte Park, Judge Armand A. Dufresne, Jr. Plaza, Knox Street Park, Leeds Park, Lewiston Athletic Park, Lincoln Street Boat Launch and Park, Lionel Potvin Park, Longley School grounds, Marcotte Park, Mark W. Paradis Park, Martel School grounds, Mayher Park, McMahon School grounds, Mike McGraw Park, Montello School grounds, Pettingill School Park, Randall Road Softball Complex, Raymond Park, Ricker Park, Simard-Payne Police Memorial Park, Smiley Park, Sunnyside Park and Veterans Memorial Park in the city between the hours of 9:00 p.m. and 5:00 a.m., unless such person is in lawful employment, participating in a program or activity sponsored or authorized by the city.

(Code 1982, § 20-7; Ord. No. 94-11, 10-6-94; Ord. No. 01-8, 7-5-01; Ord. No. 01-16, 10-18-01; Ord. No. 09-03, 7-02-09; Ord. No. 13-02a, 3-21-13; Ord. No. 15-05, 7-2-15; Ord. No. 15-11, 11-05-15; Ord. No. 18-05, 8-09-18; Ord. No. 19-08, 10-31-19; Ord. No. 22-03, 03-31-22)

### **Sec. 54-8. Public drinking of alcoholic beverages prohibited.**

(a) *Definitions.* As used in this section, the following terms have the following meanings:

*Liquor* means and includes any alcoholic, spirituous, vinous, fermented or other alcoholic beverage or combination of liquors and mixed liquors, intended for human consumption, which contains more than one-half of one percent of alcohol by volume.

*Open container* means not having a cap, stopper or other cover in place.

*Public park, playground or recreational facility* means any of the following city-owned or operated public fields, parks, playgrounds and recreational facilities:

Child's Park;

Couture Park;

Farwell School grounds;

Franklin Pasture Athletic Complex;

Geiger School grounds;

Jude's Place at Marcotte Park;

Judge Armand A. Dufresne, Jr. Plaza;

Kennedy Park;

Knox Street Park;

Leeds Park;

Lewiston Athletic Park;

Lewiston Memorial Armory;

Lincoln Street Boat Launch and Park;

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Lionel Potvin Park;  
Longley School grounds;  
Marcotte Park;  
Mark W. Paradis Park;  
Martel School grounds;  
Mayer Park;  
McMahon School grounds;  
Mike McGraw Park;  
Montello School grounds;  
Pettingill School Park;  
Randall Road Softball Complex;  
Raymond Park;  
Ricker Park;  
Riverside Greenway;  
Simard-Payne Police Memorial Park;  
Smiley Park;  
Sunnyside Park;  
Veterans Memorial Park.

- (b) *Penalty.* A person is guilty of public drinking if he drinks liquor while at any public park or playground, unless at specific events authorized by the city council.
- (c) *Evidence.* The possession of an open container of liquor at a public park or playground is prima facie evidence of a violation of this section.

(Code 1982, § 20-8; Ord. No. 94-11, 10-6-94; Ord. No. 01-8, 7-5-01; Ord. No. 01-16, 10-18-01; Ord. No. 09-01, 3-19-09; Ord. No. 13-02a, 3-21-13; Ord. No. 15-04, 6-4-15; Ord. No. 15-05, 7-2-15; Ord. No. 19-08, 10-31-19; Ord. No. 22-03, 03-31-22)

### **Sec. 54-9. Designation of Drug-Free “Safe Zones”.**

- (a) *Definitions.* As used in this section, the following terms have the following meanings:

*Drug* means any natural or synthetic substance or chemical compound recognized as having a pharmaceutical or chemical effect process used in the diagnosis, treatment, or prevention of a disease or other abnormal condition, or as a component of a medication; such a substance as recognized or defined by the US Food and Drug Administration; a substance used recreationally, such as a narcotic or hallucinogen, which affects the central nervous system, causing changes in behavior and often addiction.

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*Dealer* means any person(s) illegally engaged in buying, selling and distribution; trafficking or administration the use of a drug.

*Public park, playground or recreational facility* means any of the city-owned or operated public fields, parks, playgrounds and recreational facilities frequented by minors.(see listing in Sec.54-8)

(b) *Penalty.* A person found to be engaging in drug dealing activity within 1000 feet of a designated “safe zone” will be made subject to an enhanced penalty as specified by legislation.

(c) *Evidence.* Informational signs posted at a public athletic field, park, playground or recreational facility, being conspicuously marked using wording provided by the Commissioner of Public Safety which designate the area to be a Drug-Free Safe Zone with increased penalties for drug crimes committed within this zone as specified by legislation.

(Ord. No. 09-01, 3-19-09)

### **Sec. 54-10. Smoking in public parks, playgrounds or recreational facilities prohibited.**

Smoking and all other use of tobacco products, including vaping and e-cigarette use, will not be permitted on city-owned public parks, playgrounds or recreational facilities. “Tobacco Products” is defined to include all tobacco-derived or containing products including, but not limited to, cigarettes, cigars, spit and smokeless tobacco, dip, chew, snuff, snus, electronic cigarettes, vape products, and other electronic nicotine delivery systems, excluding products specifically approved by the US Food and Drug Administration (FDA) for the purpose of cessation or nicotine replacement therapy. “Smoking” includes carrying or having in one’s possession a lighted or heated cigarette, cigar, or pipe, or a lighted or heated tobacco or plant product intended for human consumption through inhalation, whether natural or synthetic, in any manner or in any form. “Smoking” includes the use of an electronic smoking device. “Smoking” also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this policy.

(Ord. No. 09-03, 7-02-09; Ord. No. 15-05, 7-2-15; Ord. No. 19-08, 10-31-19)

### **Sec. 54-11. Penalties**

A violation of section 54-10 shall be subject to minimum fines as established by a policy adopted by the City Council.

(Ord. No. 09-03, 7-02-09; Ord. No. 19-08, 10-31-19)