

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

March 13, 2023

AN AMENDMENT TO AN ORDINANCE SEC. 11-5 RULES AND REGULATIONS FOR ALL PUBLIC PARKS AND PLAYGROUNDS OF THE MUNICIPAL CODE

Be it ordained by the City Council of the City of Newburyport as follows:

Chapter 11 Administration
Section 5 Rules and regulations for all public parks and playgrounds.

Amend Sections 11-5(f), 11-5(h), 11-5(k), 11-5(l), 11-5(q), 11-5(t), 11-5(v), and 11-5(y) by deleting the clauses, as follows, with deletions ~~double stricken through~~:

Sec. 11-5. Rules and regulations for all public parks and playgrounds.

- (a) All other city ordinances applying to public areas also apply to the public parks and playgrounds listed in section 11-2, including but not limited to the following:
- (1) Dogs shall be leashed and animal waste cleaned up and disposed of pursuant to chapter 3 of the Code of Ordinances; provided, however, that pursuant to such chapter 3 dogs are permitted off leash certain locations, as set forth therein. Both the city marshal and the health director, and their designees, including, without limitation, the animal control officer, are expressly authorized to enforce these rules by issuing citations for civil infractions pursuant to M.G.L.A. c. 40, § 21D.
 - (2) No littering is permitted.
 - (3) No vandalism, damage or defacement or other acts of willful destruction of public property is permitted.
 - (4) Loud noise, music, and other sounds are prohibited from 10:00 p.m. to 7:00 a.m. pursuant to chapter 8 of the Code of Ordinances.
 - (5) No snowmobiles, motorcycles, motorbikes or other motorized vehicles, with the exception of wheelchairs, are permitted outside of designated driveways or parking lots, unless specifically authorized by city council vote.
 - (6) No smoking pursuant to chapter 8 of the Code of Ordinances.
 - (7) For other activities regulated by city ordinances, additional authorization may be required from the city officer or department designated under this Code of Ordinances.

- (8) No activities are permitted that would potentially endanger members of the public.
- (b) No activities are permitted that would interfere with the use and enjoyment of the city's public parks and playgrounds, without prior written authorization from the parks commission.
- (c) No commercial activities, including, without limitation, soliciting, are permitted without prior written authorization from the parks commission.
- (d) No commercial activities of any nature are permitted on any portion of the Bartlet Mall unless for specific, nonprofit events that benefit the Newburyport community, unless it is approved in advance by a majority vote of the city council.
- (e) No vehicular parking is permitted in areas other than designated parking lots, in accordance with posted signs. No unauthorized vehicles are allowed in areas other than designated driveways and parking lots.
- (f) No alcoholic beverages are permitted without prior written authorization from the parks commission and licensing commission.
- (g) Horses are not allowed except as expressly authorized by rules and regulations promulgated under this chapter 11, and with prior written authorization from the parks commission.
- (h) No dogs are permitted on athletic fields, ~~tennis~~ courts, in fountains, or in other restricted park areas.
- (i) No bicycling, rollerblading, snowboarding, or skateboarding is permitted on play equipment or site furnishings, including, without limitation, benches, curbs, walls, statuary, handrails, fountains, ponds, tennis courts, playing fields, etc., except as specifically authorized by the parks commission. Within those public parks and playgrounds, as indicated by signage approved by the parks commission, bicycling, rollerblading, and skateboarding are prohibited entirely.
- (j) Trash receptacles in public parks and playgrounds are intended for the collection of refuse related to public use of such facilities, and the disposal of other items in park trash receptacles is not permitted. Dumping of private yard waste is not permitted.
- (k) No unauthorized posting of bills, signs, or any other materials is permitted. No inflatable equipment, ground stakes to anchor equipment, or confetti is permitted.
- (l) No fires are permitted except in specific locations expressly authorized by rules and regulations promulgated under this chapter 11, or with prior written authorization from the parks commission and fire chief.
- (m) No fireworks are permitted without prior written authorization from the fire chief.
- (n) No firearms are permitted.
- (o) No camping is permitted, unless specifically authorized by parks commission vote.
- (p) No unauthorized change of any sort to the property, vegetation, equipment, or structures in is permitted, including, without limitation, trimming, pruning, removal or harming of plantings.
- (q) No use of water or electrical receptacles is permitted, with the specific exception of public drinking fountains, and as authorized under an individual license or permit issued by the parks ~~commission~~ manager.
- (r) Athletic field lighting shall be turned off by 10:00 p.m.
- (s) Fines for violation of any rules and regulations promulgated under this chapter 11 shall be established by ordinance of the city council.
- (t) The parks commission shall be the permitting authority for all of the city's public parks and playgrounds, and applications for activities therein shall be made to such commission. Solely for routine, ~~non-recurring~~ applications, as specified under "Policy & Procedure on Parks Reservations," the parks commission may delegate its authority to process such applications ~~to the parks director,~~ by promulgating a rule pursuant to section 11-6.

- (u) For Market Landing Park and other Newburyport Waterfront Trust property, the Newburyport Waterfront Trust shall be the permitting agency, and applications for activities therein shall be made to the Newburyport Waterfront Trust.
- (v) Permit applications for activities at parks and playgrounds, made pursuant to the rules and regulations of this chapter 11, shall be processed in the order of their receipt. The parks commission, or ~~the parks director as~~ its designee pursuant to subsection (t), shall determine whether to grant or deny an application within thirty (30) days of receipt of determining that such application is complete, in all respects, unless the applicant provides written consent to extend such period for a set period,
- (w) A granted application for authorization made pursuant to the rules and regulations of this chapter 11 may permit the applicant a revocable license with a duration of no more than six (6) months to use designated areas of the relevant public park or playground. All other rights of use to any public park or playground, whether by revocable license, lease, or otherwise, shall be invalid unless approved by the city council pursuant to all applicable laws. Notwithstanding the foregoing, the Newburyport Waterfront Trust may grant rights of use at Market Landing Park, and other property held by it in public trust, pursuant to its declaration of trust, as amended.
- (x) All fees for use of any public park or playground, regardless of type or duration, shall be established by ordinance of the city council, in consultation with the parks commission. Notwithstanding the foregoing, the Newburyport Waterfront Trust may grant rights of use at Market Landing Park, and other property held by it in public trust, pursuant to its declaration of trust, as amended.
- (y) Denial of an application for authorization shall be in writing, and shall set forth clearly the grounds upon which the permit was denied. Where feasible, the parks commission, or ~~the parks director as~~ its designee pursuant to subsection (u), shall suggest in such written denial those measures by which the applicant may cure any defects in its permit application, or otherwise procure a permit in a subsequent application.
- (z) An application for authorization may be denied on any of the following grounds:
 - (1) The application (including any required attachments and submissions) is not fully completed and executed;
 - (2) The application contains a material falsehood or misrepresentation;
 - (3) The applicant is legally incompetent to contract, or to sue and be sued;
 - (4) The applicant has on a prior occasion damaged public park or playground property, and has not paid full compensation for such damage, or has other outstanding and unpaid debts to the relevant authorizing agency;
 - (5) A fully completed and executed application for an activity at the same time and place has been received, and authorization has been or will be granted to such prior applicant authorizing uses or activities that do not reasonably permit multiple occupancy of the particular public park or playground, or part thereof;
 - (6) The use or activity intended by the applicant would conflict with a program or activity previously planned by the parks department, or by another city department or city official, for the same time and place; or
 - (7) The proposed use or activity is prohibited by or inconsistent with any rules and regulations of this chapter 11, or with the classifications and uses of the relevant public park or playground.

(Ord. of 9-19-18)

Councillor Heather L. Shand

In City Council March 13, 2023:

Motion to collectively refer ODNC00143 to Public Works & Services, ODNC00144 to Budget & Finance, ODNC00145 to Community Services, ODNC00146 to General Government, and ODNC00147 to Community Services by Councillor Zeid, seconded by Councillor McCauley. Roll call vote. 10 yes, 1 absent (BL). Motion passes.