

CHAPTER 12
PARKS, RECREATION AND FORESTRY

Section 12-1 Board of Park Commissioners (Amended 12/3/98)

12-1.1 Organization

There is hereby established within the Municipal Government an unpaid Board of Park Commissioners consisting of five members appointed by the Mayor subject to confirmation by the Municipal Council. Each member shall be a resident of the City of Attleboro especially fitted by education, training and experience to perform the duties of the office. Each member shall serve for a term of five years with the term of one member to expire each year. Members of the Board shall elect their chairman annually.

12-1.2 Powers and Duties

The Board of Park Commissioners, under the general supervision and control of the Mayor, shall provide policy direction for the public parks and public zoo in the City of Attleboro. The Board of park Commissioners may establish Rules and Regulations for the use of such public parks and zoo. The Board of park Commissioners shall have all the powers and duties now or from time to time vested by General Law or Special act in Boards of Park Commissioners.

Section 12-1.3 Staff (Deleted 12/3/98)

12-1.4 Proceedings of Board of Park Commissioners

The Board of Park Commissioners shall meet regularly once a month in at least ten months of every year and shall hold such special meetings as may be called by the Chairman, the Mayor, or directed by a vote of the Board, the Board shall keep a record of its proceedings, may establish its own rules of procedure, and may, subject to appropriation or other available funding, make such expenditures as may be necessary to the performance of its functions.

Section 12-2 Board of Recreation Commissioners (Amended 6/22/99)

12-2.1 Organization

There is hereby established within the Municipal Government an unpaid Board of Recreation Commissioner consisting of six members to be appointed by the Mayor subject to confirmation by the Municipal Council. Each member shall be a resident of the City of Attleboro especially fitted by education, training and experience to perform the duties of the office. Each member shall serve for a term of three years with the terms of two members to expire each year. Members of the Board shall elect their Chairman annually.

12-2.2 Powers and Duties

The Board of Recreation Commissioners, under the general supervision and control of the Mayor, shall provide policy direction for the athletic fields, playgrounds and recreation centers of the City, except those under the control of the Department of Parks and Forestry, and may establish Rules and Regulations for the use of the same.

The Board of Recreation Commissioners shall have all the powers and duties now or from time to time vested by the General law or Special Act in Board of Recreation Commissioners.

12-2.3 Staff (deleted 6/22/99)

12-2.4 Proceedings of Board of Recreation Commissioners

The Board of Recreation Commissioners shall meet regularly once a month in at least ten months of every year and shall hold such special meetings as may be called by the Chairman, the Mayor, or directed by vote of the Board. The Board shall keep a

record of its proceedings, may establish its own rules of procedure, and may, subject to appropriation or other available funding, make such expenditures as may be necessary to the performance of its functions.

Section 12-3 Rules and Regulations for Parks, Commons, Playgrounds, Athletic Fields, and Recreation Centers
(Amended 2/19/02)

Section 12-3.1 Powers and Duties

The Board of Park commissioners and the Board of Recreation Commissioners, hereafter referred to as Commissioners unless otherwise specified, shall enforce the following ordinances in the areas under their respective jurisdictions.

Section 12-3.2 Permit Requests (amended 4/6/10)

Permits to use recreation or park facilities for picnics, ball games, athletic meets, pageants, and other recreational, social, educational, political, and patriotic assemblages, shall be secured from the appropriate Commissioners. No tickets of admission shall be sold unless the sponsoring organization is non-profit. Requests to use recreation or park facilities shall be submitted in writing, at least 60 days prior to the planned event, and shall include the following:

- a. Name, address, and phone number of the applicant(s)
- b. Name of the sponsoring organization or individuals(s)
- c. Event date(s)
- d. Description of planned event
- e. Copy of "Certificate of Non-Profit Status" (Form 501c3), if applicable

The Commissioners may grant permission and impose such conditions as are necessary to be consistent with the intent of this ordinance and in the best interests of the safety and well being of the City of Attleboro and persons using recreation and park facilities. If a request is denied, the Commissioners shall provide a clear and sufficient exposition of the reasons upon which the denial was based.

Section 12-3.3 Prohibited Activities (amended 4/3/08)

Unless otherwise directed, organized, or permitted by the Commissioners, it shall be unlawful in the parks, commons, playgrounds, athletic fields, and outdoor recreation facilities of the City of Attleboro to:

- a. Be present between the hours from dusk to dawn, except with express permission from the Commissioners to be present after dusk, but not later than 11:00 PM at lighted facilities. This ordinance shall become effective on April 4, 2008.
- b. Operate or park any motor vehicle, including but not limited to automobiles, mopeds, motorcycles, motor bikes, mini bikes, dirt bikes, all-terrain vehicles, trucks, and vans, anywhere other than on the roads, drives, or parking lots designated for such purpose. The Commissioners shall have the power within their jurisdiction to direct traffic and close any roads whenever they deem it is necessary.
- c. Operate any motor vehicle for the purpose of learning how to operate said vehicle on any road, drive, or parking lot unless such area is so designated.
- d. Operate any motor vehicle at a speed exceeding 15 miles per hour.
- e. Operate any motor vehicle between the hours of 9:00 P.M. and 6:00 A.M., except as provided in Section 12-3.3a.
- f. Ride or drive an animal anywhere other than on the roads, drives, or parking lots designated for such purpose. Such animals shall be well broken and under control of the rider or driver.
- g. Suffer or permit a dog under the control or care of any person to enter or remain, unless it is led by a leash of suitable strength not more than 6-feet in length. At no time shall dogs be allowed in the animal buildings, other buildings, lawns, or athletic fields. In accordance with Chapter 9 of the Revised Ordinances of the City of Attleboro, the owner or keeper of a dog shall remove any excreta deposited by the dog(s), and be liable for such fines specified in that section.
- h. Injure, molest, feed, or disturb any animal, or in any way interfere with exhibits or barriers provided for their protection.

- i. Cut, injure, deface, or disturb any tree, shrub, plan, rock, building, exhibit, monument, fence, bench, or other property.
- j. Play ball, golf, or other games, except where designated for such purposes.
- k. Swim, bathe, or wade in any fountain, pool, lake, pond, or stream, except those designated for such purpose.
- l. Throw stones, missiles, sticks, or other objects in any fountain, pool, lake, stream, or swimming pool.
- m. Deposit or leave the waste of fruit, food, lunch boxes, paper, or refuse.
- n. Bring onto, or dump any trash, including yard waste or construction debris.
- o. Drink any alcoholic beverages, unless licensed in accordance with Chapter 11 of the Revised Ordinances of the City of Attleboro.
- p. Loiter or behave oneself in a rude or disorderly manner, use any indecent or profane language, or solicit the acquaintance of, follow, or otherwise annoy other visitors.
- q. Camp or lodge in any park, common, playground, athletic fields, or recreation centers.
- r. Make or kindle a fire for any purpose, except where designated.
- s. Carry or discharge any firearms, fireworks, rockets, or other explosive devices.
- t. Post any notices, bills, or advertising matter of any kind or nature.
- u. Sell, or offer for sale, except at the zoo gift shop and concession stands, any merchandise, article, or articles whatsoever, or to practice, carry on, conduct or solicit any trade, occupations, business, or profession.
- v. Exclude any person from admittance to any recreational, social, educational, political, or patriotic assemblage, providing that said persons are not disruptive or in violation of any other provisions of this ordinance.
- w. Leave children and pets in unattended vehicles.

Section 12-3.4 Exemptions to Prohibited Activities

The Commissioners have the right to waive any or all of the provisions of Section 12-3.3 or establish conditions specific to an activity, that are in the best interests of the safety and well-being of the City of Attleboro and persons using recreation and park facilities. Requests for exemptions shall be in writing and submitted to the Commissioners during the permit request application process.

Section 12-3.5 Penalty for Violations

Any person who disrupts any activity being held in a park, common, playground, athletic field, or recreation center shall be removed from the facility. A person who violates any provision of this ordinance shall be punished by a fine according to the following schedule:

- a. First Offense: \$150.00
- b. Second offense and each offense thereafter, \$300.00.

Such penalties shall be assessed in accordance with the provisions for the non-criminal disposition of violations in General Laws Chapter 40, Section 21D, as amended.

The Superintendent of Parks and Forestry, Director of Recreation, Park Foreman and Recreation Foreman shall be authorized to issue written notice of violations.

In addition, any person(s) responsible for damaging a park, common, playground, athletic field, recreation center, or equipment and facilities associated therein, shall be liable to pay for the cost incurred to repair such damage, including the labor charges of staff workers who perform the repair work.

Section 12-3.6 Cancellation Authority

The Commissioners reserve the right to deny any athletic activity or event from being held on an athletic field due to inclement weather and/or poor field conditions. Teams or leagues in violation of this ordinance will be subjected to one or more of the following disciplinary actions:

- a. Written warning to the President or Chairman of the organization for the first offense.

- b. Suspension of the team(s) or organization from practicing on athletic fields for one week.
- c. Forfeiture of the privilege of a team or organization to either practice or play games on athletic fields for the remainder of their season.
- d. Financial restitution by the team or organization for damage to the athletic fields.

Section 12-3.7 Capron Park Zoo Admission Fees and Policies Amended 6/24/10

Section 12-3.7 Capron Park Zoo Admission Fees and Policies:

	<u>RESIDENTS</u>	<u>NON-RESIDENTS</u>
Children (under age 3)	FREE	FREE
Youths (age 3 – 12)	\$4.50	\$5.50
Adults (age 13 and over)	\$5.50	\$7.00
Senior Citizens (age 65 and over)	\$3.75	\$4.75
Military	\$2.75	\$2.75

Group Rates for five or more individuals of non-profit organizations only are:

	<u>RESIDENTS</u>	<u>NON-RESIDENTS</u>
Children (under age 3)	FREE	FREE
Youths (age 3 –12)	\$4.00	\$5.00
Adults (age 13 and over)	\$5.00	\$6.50
Special Needs Groups	FREE	FREE
(One on one Attendant only)	FREE	FREE

ANNUAL MEMBERSHIPS

Senior Citizen Membership – \$45.00 - Includes two (2) senior citizens (age 65 and over) and up to four (4) grandchildren under the age of eighteen (18).

Individual Membership – \$25.00 - Includes one (1) individual over the age of eighteen (18).

Household Plus Membership – \$65.00 - Includes two (2) adults over the age of eighteen (18) and up to four (4) children under the age of eighteen (18) plus one (1) caregiver.

An adult must accompany all children under the age of 13 years. School age persons may not enter the zoo during school hours unless accompanied by a chaperone.

Disabled people, whom are assisted by a working dog, must be accompanied by a staff member when visiting the zoo.

The Superintendent of Parks and the Zoo Director shall have the authority to waive the admission fee during inclement weather.

The admission fee or pass shall cover the entire day. Persons will be permitted to leave and re-enter the zoo on the same day without having to pay an additional fee.

The Superintendent of Parks & Forestry and the Zoo Director shall be responsible for implementing the provisions of this ordinance and for the safekeeping and accounting of the monies collected. All monies collected from admission fees shall be deposited in a revolving fund in accordance with the provisions of MA General Laws, Chapter 44, Section 52 1/2E. All persons involved in the handling of such monies shall give bond to the City of Attleboro in the amount determined by the City Treasurer.

Friends of Capron Park Zoo who are active in the organization do not pay entrance into the zoo. All other programs offered by the zoo are at normal cost.

Residents with a financial need may obtain free passes to the zoo through various agencies or by contacting the zoo office. Information regarding the availability of free passes will be posted at the zoo.

This ordinance shall become effective immediately upon passage.

Section 12-3.8 Severability

The provisions of this ordinance are severable. If any provision of this ordinance, or its application to any person or circumstance, is held invalid, such invalidity shall not affect the remaining provisions or applications of this ordinance.

Section 12-4 Department of Parks and Forestry (Established 12/3/98)

12-4.1 Organization

There is hereby established within the Municipal Government a Department of Parks and Forestry to be headed by a Superintendent of Parks and Forestry. The mayor shall appoint the Superintendent of Parks and Forestry, subject to conformation by the Municipal Council for a term of three years from candidates recommended by the Board of Park Commissioners. The Superintendent of Parks and Forestry shall be a person especially fitted by education, training and experience to perform the duties of the office and shall receive such salary as the mayor and Municipal Council shall from time to time determine.

12-4.2 Powers and Duties

The Superintendent of Parks and Forestry, under the general supervision and control of the Mayor, shall administer the public parks and public zoo of the City of Attleboro and shall have the care and control of all public shade trees, shrubs and plantings in the City except those within a state highway.

The Superintendent of Parks and Forestry shall have all the powers and duties now or from time to time vested by General law or Special Act in Tree Wardens and Superintendents of Insect Pest Control.

12-4.3 Staff

The Superintendent of Parks and Forestry, subject to appropriation and applicable law, may employ such labor, clerical, technical and other assistance as is deemed necessary to carry out the function of the Department of Parks and Forestry.

12-4.4 Director of Capron Park Zoo

There is hereby established with the Department of parks and Forestry the position of Director of Capron park Zoo. The mayor shall appoint the Director of Capron Park Zoo, subject to confirmation by the Municipal council for a term of three years from candidates recommended by the Board of Park Commissioners. The Director of Capron Park Zoo shall be a person especially fitted by education, training and experience to perform the duties of the office and shall receive such salary as the Mayor and Municipal Council shall from time to time determine.

The Director of Capron Park Zoo, under the administrative direction of the Superintendent of Parks and Forestry, shall carry out the professional duties and responsibilities pertaining to the Zoo and any zoological operations.

12-5 Department of Recreation

12-5.1 Organization

There is hereby established within the Municipal Government a Department of Recreation, to be headed by the Director of Recreation. The Mayor shall appoint the Director of Recreation, subject to confirmation by the municipal Council, for a term of three years, from a candidate recommended by the Board of Recreation Commissioners. The Director of Recreation shall be a person especially fitted by education, training and experience to perform the duties of the office and shall receive such salary as the Mayor and Municipal Council shall from time to time determine.

12-5.2 Powers and Duties

(updated 12/3/2013)