

Oak Bluffs Parks and Recreation Department

2.00 Use of the Town Parklands and Beaches

Section

- 2.01:** Government and Use of Parks and Beaches under the care and control of the Oak Bluffs Parks Commissioners
- 2.02:** Enforcement of Rules and Regulations by Town Police or Parks Commissioners
- 2.03:** Issuance of Special Use Permits – Generally
- 2.04:** Special Use Permits-Commercial Activity
- 2.05:** Special Use Permits – Special Events
- 2.06:** Special Use Permit- Special Events- Ocean Park
- 2.07:** Revocation of Special Use Permits

Section 2.01: Government and Use of Parks and Beaches under the care and control of the Oak Bluffs Parks Commissioners

- 1) Definition of Parks and Beaches. Parks and Beaches shall include all sidewalks, buildings, structures, land, beaches, ponds, and other waters under the care and control of the Oak Bluffs Parks Commissioners
- 2) Rules and Regulations Parks & Beaches.

TOWN OF OAK BLUFFS Park Rules

The following rules are under effect (unless exception by special permission*)

- a. No littering, cigarette butts, or glass bottles
- b. No graffiti, defacing, or disfiguring park structures or vegetation
- c. No lewd, threatening acts or profanity allowed
- d. No animals in playgrounds or ball fields. Animals must be under control of owner and all waste properly removed
- e. No Parking except in designated areas
- f. No alcohol or fires
- g. No signs, notices, advertisement, concessions, or soliciting/selling of articles

* special event permit may be issued for e, f, and g

- h. No overnight sleeping
- i. Bikes, Skateboards, must yield to pedestrians. No motorized vehicles (except assistive devices) on pedestrian paths.
- j. Town and Park employees must be obeyed in enforcement of above regulations and for Town Ordinances of: Amplified Music and; Excess Noise after 11pm

TOWN OF OAK BLUFFS

Beach Rules

1. Beach use is at individual's own risk. No Lifeguards on duty unless otherwise posted.
2. No dogs allowed on the beach during posted hours _____ from May 15th – Sept. 15th. Animals must be under control of owner and all waste properly removed
3. No walking on piers/jetties or dunes.
4. No graffiti, defacing, or disfiguring beach structures or vegetation
5. No boats, sailboards, scuba diving, or fishing in swim areas (between 7am-6pm from May 15 – Sept. 15)
6. No smoking on Beaches.
7. No littering, no glass bottles, Carry in–Carry out
8. No disruptive behavior - LOUD conversation or music, fighting etc.
9. No fires or alcoholic beverages allowed (except by special event permit).
10. Town and Beach officials must be obeyed in enforcement of above regulations and all town by-laws.

Section 2.02: Enforcement of Rules and Regulations by Town Police or Commissioners

- 1) If a Commissioner witnesses a violation of above rules & regulations they may verbally address the person(s) and/or call town police.

Section 2.03: Issuance of Special Use Permits – Generally

- 1) The Commissioners may upon a finding that a Special Use Permit request is consistent with the Park Commission's policy to increase public recreational opportunities, while preserving the environment of public parkland may issue a Special Use/Event Permit.
- 2) An applicant must comply with any terms and conditions contained within the Special Use Permit. Any act authorized pursuant to a Special Use Permit may be performed only by the person(s) named therein, and any such authorizations may not be assigned or delegated, except as provided by such permit.
- 3) Special Use Permits may be issued by the Commissioners on an annually renewable basis, or for such a period of time as in the judgment of the Commissioners appears reasonable and consistent with Commission policy or as limited by any provision(s) of the General Laws.
- 4) All person(s) requesting a Special Use Permit must agree to indemnify and hold the Town, the Commission, its employees and agents harmless against all claims relating to or arising out of the use of Parks or beaches. The Commissioners may require the Permittee to obtain liability insurance to support The Permittee's obligation to indemnify and hold the Commonwealth and Commission harmless.

Section 2.04: Special Use Permits-Commercial Activity

The Commissioners shall issue a special use permit for commercial activity only after evaluating the proposed use in light of the following policies:

- 1) All commercial activities within Town Park and Beach lands shall be dependent upon the resources therein and shall enhance the public's enjoyment thereof.
- 2) In determining whether to allow a proposed commercial use, the Commissioners shall consider the likely impact on Town Park & Beach lands and facilities, the recreation or conservation benefits that will result, and the relative cost and resource effectiveness of the proposal.
- 3) The Commissioners may, at their discretion, conduct a public hearing on any application for a permit for a commercial activity.
- 4) Commercial activities that do not necessitate private control over a given area or resource for a period greater than five years shall be allowed only through revocable permits. Commercial activities requiring such control for a longer

period shall be allowed only through lease arrangements approved by the General Court, pursuant to the provisions of Article 49 (Amendments to the Constitution of the Commonwealth of MA), and only after such feasibility and impact studies as the Commission deems necessary.

2.05: Special Use Permits – Special Events

- 1) Special Events or activities are defined as supervised or organized situations involving one or more participants or spectators, which might be expected to affect the public use or enjoyment or the general environmental quality of any of the park lands or beaches of the Town.
- 2) No person shall conduct any special activity or event upon the lands or waters of the Parks and Beaches without first obtaining a “Special Use Permit” from the Commissioners. (Document III, *rev.* 6/10)
- 3) The “Special Event Permit” must be submitted by four business days before the Park Commissioners meeting.
- 4) Advertising, Digital Notification (for e.g. email), or Posting of an Event may not occur until the event has been: approved by the Park Commissioners and any other necessary town entities and; the fully completed Special Event form must also be returned to the Parks and Rec. Administrator.
- 5) The contact person and/or group are responsible for fulfilling the requirements agreed upon in the Special Event Permit Application.

2.06: Special Use Permit- Special Events- Ocean Park

- a) Wedding ceremonies and small gatherings may be scheduled in the Bandstand.
- b) The island band – The Vineyard Haven Band is a regularly scheduled summer event in the Bandstand (usually every other week) as agreed upon by the Parks Commissioners and the Band Director. As much as possible, all reservations for the Bandstand will be arranged around their schedule.
- c) Major Events will be limited to the three events which already occur on this town “signature park” due to the extensive landscaping and complicated infrastructure below ground. These three events are: The Possible Dreams Auction – Community Services; Della Hardman Day – Town of Oak Bluffs; and the Fireworks – Fire Dept. Association.
- d) Tents and structural spikes will only be allowed in the designated area while under direct supervision by a Parks Dept. designee during placement (due to risk of infrastructure damage).

2.07: Revocation of Special Use Permits

- 1) All Special Use Permits issued by the Commission are in the nature of a license, and are revocable at-will.
- 2) Any violation of a Permit by its holder, its agents, employees or guests of any term or condition therein shall constitute grounds for its revocation by the Commissioners, whose action therein shall be final.
- 3) In case of revocation of any Special Use Permit, all monies paid for or on account thereof shall, at the option of the Commissioners, be retained by the Commission, and the holder of such permit, together with his or her agents, employees, and guests who violated said terms or conditions shall be jointly and severally liable to the commission for all damages and/or loss suffered by the Commission in excess of such monies retained. Neither such retention by the Commission of the whole nor any part of such monies nor the recovery or collection thereby of such damages, or both, shall in any manner relieve such person(s) from criminal liability for violation of any other state or local law, ordinance, rule or order.