

**TOWN OF SCITUATE**  
**TOWN ORDINANCE**  
**Chapter 9 PARKS AND RECREATION\***

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**\*Cross references:** Public entertainment, § 6-156 et seq.; vehicle tracks and amusement parks, § 6-231 et seq.; planning, Ch. 10; zoning, App. A.

**State law references:** Parks and recreational areas, G.L. 1956, Title 32; municipal regulation of parks, G.L. 1956, § 32-3-1.

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Art. I. In General, §§ 9-1--9-25

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Art. III. Manning Athletic Fields, §§ 9-51--9-69

Art. IV. John Gorham Field, §§ 9-70--9-79

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**ARTICLE I. IN GENERAL**

Sec. 9-1. Protection of property.

(a) No person shall enter upon, or remain within the limits of the town properties during the hours of 10:00 p.m. to 7:00 a.m. without official permission of the town council, or its designee, unless otherwise set forth herein

(b) No person shall ride, drive or park any automobile or motor vehicle upon any walking trail or turfed portion of any park or land owned or controlled by the town, nor shall any person operate any snowmobile over such land without first obtaining permission from the Town Council or its designee.

(c) No person shall take, pluck, injure, destroy, cut, mark, or deface any flower, root, plant, shrub, tree, building, fence, or monument or other property belonging to the town.

(d) No alcoholic beverages may be taken onto or consumed on any town property, without the official permission of the town council.

(e) Any person violating any provision of this section shall be subject to a fine for the first offense of \$150.00 and for second and subsequent offenses, a fine of \$300.00.  
(Ord. of 8-10-72(1))

Sec. 9.2. Use of Tennis Courts. Reserving Time. Time Restrictions.

(a) Use of tennis courts is restricted to residents of the town and their guests. Guests shall only be allowed to play on the same court on which their resident host is playing.

(b) Proper tennis shoes shall be worn at all times while using the tennis courts.

(c) No time for tennis courts shall be reserved or used for league or tournament play without written permission of the Town Council, or its designee. (Ord. of 5-13-76, § 9)

(d) The playing of tennis at town courts shall be restricted to a maximum of one (1) hour when other players are waiting.

Sec. 9-3. Turf Management Plans.

The Town Council shall establish turf management plans for any Town property used for recreation, either passive or active, if, in the opinion of the Council, and with recommendation from the Conservation Commission, it is determined that the protection and maintenance of the property will benefit from such a management plan. In the event that a management plan is called for, the Council shall refer the matter to the Conservation Commission for recommendations and development of said plan(s).

Sec. 9-4. Hold harmless agreement and waiver of liability.

Any person using Town property pursuant to a permit issued by the Town Council or its designee, or through the school department, which has been issued to him or to an organization in which he is a participant, or to any other user of said property, shall thereby be deemed to agree to save, indemnify and hold harmless the town, including the school department, its agents and servants, from any and all liability which may arise out of use of the fields or any game or contest being played thereon and further to release and waive any claims for personal injury against the town, including the school department, its agents and servants, arising out of any activities which may occur on the premises.

Secs. 9-5--9-25. Reserved.

## ARTICLE II. BERKANDER FIELD

### Sec. 9-26. Scope.

This article pertains to that property located at the Village Green, consisting of a softball field, volleyball court, basketball court and tennis courts owned by the town at Berkander Field on Institute Lane. (Ord. of 5-13-76, § 1)

### Sec. 9-27. Use of fields restricted.

No person or organization shall use the fields except for a sport or contest in keeping with the nature of the facilities, e.g., baseball, softball, football, tennis, basketball, etc. In particular, the fields shall not be used for golfing, archery, shooting or for animals of any kind, except for service animals.

### Sec. 9-28. Vehicles prohibited.

No motor vehicles, snowmobiles, bicycles, carts or wagons shall be permitted on the fields.  
**Cross references:** Motor vehicles and traffic, Ch. 7.

### Sec. 9-29. Possession, consumption of alcoholic beverages.

No alcoholic beverages may be taken onto or consumed on the premises.

**Cross references:** Possession, consumption of alcoholic beverages on town property, § 8-4.

### Sec. 9-30. Litter control.

All litter shall be picked up and deposited in containers provided for that purpose. Any person or organization receiving a permit is deemed to assume the responsibility of leaving the fields litter-free upon completion of the event or contest for which the permit was issued.

### Secs. 9-31--9-50. Reserved.

## ARTICLE III. MANNING ATHLETIC FIELDS

### Sec. 9-51. Purpose.

This article is enacted for the purpose of enabling enforcement of the rules and regulations enacted by the school committee concerning use of the athletic fields located at the intersection of Rockland Road and Danielson Pike, known as "Manning Field." This property consists of fields for soccer, lacrosse, baseball, softball; and, an area for cross-country running (in season). (Ord. of 7-14-88, § 1)

### Sec. 9-52. Use permit required.

No person or organization shall have use of the fields without first obtaining a permit from the school department.

(Ord. of 7-14-88, § 2)

Sec. 9-53. Use of fields restricted.

No person or organization shall use the fields except for a sport or contest in keeping with the nature of the facilities, e.g., soccer, baseball, softball, track and field. In particular, the fields shall not be used for golfing, archery, shooting or for animals of any kind. Walking is permitted at the fields as well as on the walking path connecting the fields to the Scituate Middle/High School facility.

(Ord. of 7-14-88, § 3)

Sec. 9-54. Vehicles prohibited.

No motor vehicles, snowmobiles, bicycles, carts or wagons shall be permitted on the fields.

(Ord. of 7-14-88, § 4)

**Cross references:** Motor vehicles and traffic, Ch. 7.

Sec. 9-55. Possession, consumption of alcoholic beverages.

No alcoholic beverages may be taken onto or consumed on the premises.

(Ord. of 7-14-88, § 5)

**Cross references:** Possession, consumption of alcoholic beverages on town property, § 8-4.

Sec. 9-56. Litter control.

All litter shall be picked up and deposited in containers provided for that purpose. Any person or organization receiving a permit is deemed to assume the responsibility of leaving the fields litter-free upon completion of the event or contest for which the permit was issued.

(Ord. of 7-14-88, § 6)

**Cross references:** Littering, § 8-1.

Sec. 9-57. School department to have primary use.

Primary use of the fields is for the school department and the school department shall have the right, even though a permit may have been issued, to preempt use of the fields by the permit holder.

(Ord. of 7-14-88, § 7)

Sec. 9-58. Hold harmless agreement.

Any person using the fields pursuant to a permit which has been issued to him or to an organization in which he is a participant shall thereby be deemed to agree to save, indemnify and hold harmless the town, its agents and servants, from any and all liability which may arise out of use of the fields or any game or contest being played thereon and further to release and waive any claims for personal injury against the town, its agents and servants, arising out of any activities which may occur on the premises.

(Ord. of 7-14-88, § 8)

Sec. 9-59. Hours of use restricted.

Permits shall state the hours for which they are valid and in no event shall the fields be used between the hours of sunset and dawn.

(Ord. of 7-14-88, § 9)

Sec. 9-60. Liability for damages.

Any person or organization to which a permit has been issued shall be personally liable to the town for any damage which may be done to the fields or facilities such as fences, stands, backstops, goal posts, dugouts, etc., during the time for which the permit is issued.

(Ord. of 7-14-88, § 10)

Secs. 9-61--9-69. Reserved.

#### ARTICLE IV. JOHN GORHAM FIELD

Sec. 9-70. Scope and Purpose.

This article pertains to use of the athletic fields located on the southerly side of Route 101, also known as “John Gorham Field”. This property consists of two (2) fields for baseball, a tennis court, basketball court, and an open field located at the southern end of the property.

Sec. 9-71. Use of fields restricted.

No person or organization shall use the fields except for a sport or contest in keeping with the nature of the facilities, e.g., baseball, softball, football, tennis, basketball, etc. In particular, the fields shall not be used for golfing, archery, shooting or for animals of any kind, except for service animals.

Sec. 9-72. Vehicles prohibited.

No motor vehicles, snowmobiles, bicycles, carts or wagons shall be permitted on the fields.

**Cross references:** Motor vehicles and traffic, Ch. 7.

Sec. 9-73. Possession, consumption of alcoholic beverages.

No alcoholic beverages may be taken onto or consumed on the premises.

**Cross references:** Possession, consumption of alcoholic beverages on town property, § 8-4.

Sec. 9-74. Litter control.

All litter shall be picked up and deposited in containers provided for that purpose. Any person or organization receiving a permit is deemed to assume the responsibility of leaving the fields litter-free upon completion of the event or contest for which the permit was issued.

Sec. 9-75. Concession Facility.

With permission of the Town Council or its designee, from March to November, the Scituate-Foster Little League and Tri-Town Titans shall have the right to sell at concessions from the Field House and to use the facility in conjunction with the sports activities of those and other organizations. The Field House shall be closed from mid-November to mid-March.

Secs. 9-76--9-79. Reserved.

ARTICLE V. TASCA FIELD

Sec. 9-80. Scope and Purpose.

This article pertains to use of the athletic fields located on the northerly side of Route 6, at the Scituate-Johnston town line, also known as “Tasca Field”.

Sec. 9-81. Use of fields restricted.

No person or organization shall use the fields except for a sport or contest in keeping with the nature of the facilities, e.g., soccer, walking track, low-impact sport and recreation activities. In particular, the fields shall not be used for golfing, archery, shooting or for animals of any kind, except for service animals.

Sec. 9-82. Vehicles prohibited.

No motor vehicles, snowmobiles, bicycles, carts or wagons shall be permitted on the fields.

**Cross references:** Motor vehicles and traffic, Ch. 7.

Sec. 9-83. Possession, consumption of alcoholic beverages.

No alcoholic beverages may be taken onto or consumed on the premises.

**Cross references:** Possession, consumption of alcoholic beverages on town property, § 8-4.

Sec. 9-84. Litter control.

All litter shall be picked up and deposited in containers provided for that purpose. Any person or organization receiving a permit is deemed to assume the responsibility of leaving the fields litter-free upon completion of the event or contest for which the permit was issued.

Sec. 9-85. Concession Facility.

With permission of the Town Council or its designee, from March to November, the Scituate Youth Soccer Association (“SYSA”) shall have the right to sell at concessions from the Field House and to use the facility in conjunction with the SYSA sports activities. The Field House shall be closed from mid-November to mid-March.

Sec. 9-86. Turf management plan.

There shall be established a turf management plan for the fields in order to promote use of the fields consistent with the highest possible standard of recreation conditions throughout the year, with an emphasis, though not exclusively, on the sport of soccer. The Conservation Commission shall prepare and recommend a Turf Management Plan for Tasca Field to the Town Council, which shall take the recommendation under advisement and approve said Plan and such updates or amendments as from time to time may be required.

Secs. 9-87--9-89. Reserved.

ARTICLE VI. DOCTORS FIELD

Sec. 9-90. Scope and Purpose.

This article pertains to use of the baseball/softball fields located off Route 116 in the Village of Hope, also known as “Doctor’s Field”.

Sec. 9-91. Use of fields restricted.

No person or organization shall use the fields except for a sport or contest in keeping with the nature of the facilities, e.g., baseball, and softball. In particular, the fields shall not be used for golfing, archery, shooting or for animals of any kind.

Sec. 9-92. Vehicles prohibited.

No motor vehicles, snowmobiles, bicycles, carts or wagons shall be permitted on the fields.

**Cross references:** Motor vehicles and traffic, Ch. 7.

Sec. 9-93. Possession, consumption of alcoholic beverages.

No alcoholic beverages may be taken onto or consumed on the premises.

**Cross references:** Possession, consumption of alcoholic beverages on town property, § 8-4.

Sec. 9-94. Litter control.

All litter shall be picked up and deposited in containers provided for that purpose. Any person or organization receiving a permit is deemed to assume the responsibility of leaving the fields litter-free upon completion of the event or contest for which the permit was issued.

Sec. 9-95. Access not restricted to adjacent landowners. Right of Way preserved.

(a) There is a deeded Right-of-Way allowing access of adjoining property owners to the Doctors Field area and the surrounding areas; the Town shall respect said Right-of-Way in perpetuity.

(b) The Town has an interest in ensuring that Doctors Field remains protected from vandalism, damage, and unauthorized access and, furthermore, the Town asserts that the presence of two (2) tubular steel gates, acts as a reasonable measure to accomplish the aforementioned interest.

(c) Notwithstanding the gates mentioned in paragraph (b), above, the Town Council, as the governing body of the town, has no interest in pursuing a claim for ownership or control over the Right-of-Way, by way of an adverse possession, or other claim against the present and future owners thereof.

Secs. 9-96--9-99. Reserved.

#### ARTICLE VII. LAWTON FARM PROPERTY

Sec. 9-100. Scope, Purpose, Permitted Uses.

This article pertains to that property located along Seven Mile Road in the Town of Scituate. The property includes two (2) parcels: a 40 +/- acre parcel, subject to an Open Space Conservation Easement, which parcel is under the care, custody and control of the Conservation Commission; and, a 15 +/- acre parcel, which is subject to a Management Plan, and under the care, custody and control of the Conservation Commission, by order of the Town Council.

The primary purpose of the Open Space Conservation Easement is to provide a grassland habitat for nesting birds. As such, the guidelines pertaining to and restricting the public use and access to the property shall be tailored to these conservation purposes.

Permitted uses include passive recreation only (i.e. walking, cross-country skiing, snow-shooping, nature observation, and environmental education.) During nesting season (April 1 through August 31), access shall be limited to the proper trails. Dogs on leashed are permitted on trail only during the months of September through March, and dog owners are expected to clean up after their dogs, and remove the waste from the property, consistent with other “carry-in/carry-out” provisions herein. For scheduling school groups and other large groups, groups shall contact the Town Clerk who, in conjunction with the Conservations Commission Chair, will provide scheduling services.

Horses are not permitted at any time upon the property as they can disrupt the nesting locations.

Sec. 9-101. Management Plan controls.

The Management Plan, adopted by the Town Council and subject to the period review and amendment by the Conservation Commission, with the approval of the Town Council, establishes the property maintenance, best practices, access and scope of use for the property. Access and use are limited to those described in the Management Plan.

Sec. 9-102. Vehicles, horses, dogs, prohibited.

No motor vehicles, snowmobiles, bicycles, carts or wagons shall be permitted on the fields. Horses are not permitted on the property. Dogs are not permitted from April 1 through August 31, as outlined in the Management Plan. Consistent with the Management Plan, certain agricultural vehicles shall be permitted on the property at designated times.

Public access and motor vehicle parking is provided at the southeast corner off of Seven Mile Road. Public vehicle parking is in the southwest corner of the property, at the end of the access lane.

**Cross references:** Motor vehicles and traffic, Ch. 7.

Sec. 9-103. Possession, consumption of alcoholic beverages.

No alcoholic beverages may be taken onto or consumed on the premises.

**Cross references:** Possession, consumption of alcoholic beverages on town property, § 8-4.

Sec. 9-104. Litter control.

All litter shall be picked up and deposited in containers provided for that purpose.

Secs. 9-105--9-119. Reserved.

#### ARTICLE VIII. WESTCONNAUG MEADOWS

Sec. 9-120. Scope and Purpose.

This article pertains to the woodland area located in the Village of Clayville, also known as “Westconnaug Meadows”.

Sec. 9-121. Public Access and Vehicle Parking

Public access is provided at the trail head at the north corner of the ball field parking lot at George Washington Highway.

Sec. 9-122. Vehicles, horses, dogs, prohibited.

No motor vehicles, snowmobiles, bicycles, carts or wagons shall be permitted on the fields or walking trails.

Sec. 9-123. Possession, consumption of alcoholic beverages.

No alcoholic beverages may be taken onto or consumed on the premises.

**Cross references:** Possession, consumption of alcoholic beverages on town property, § 8-4.

Sec. 9-124. Permitted use at property.

Permitted uses include passive recreation only (i.e. walking, cross-country skiing, snow-shooping, nature observation, and environmental education.) Dogs on leashed are permitted on trails only. Dog owners are expected to clean up after their dogs, and remove the waste from the property, consistent with other “carry-in/carry-out” provisions herein. Horses are not permitted at any time upon the property.

Sec. 9-125. Litter control.

All litter shall be picked up and deposited in containers provided for that purpose. Any person or organization receiving a permit is deemed to assume the responsibility of leaving the fields litter-free upon completion of the event or contest for which the permit was issued.

Secs. 9-126--9-129. Reserved.

#### ARTICLE IX. CLAYVILLE FIELD

Sec. 9-130. Scope and Purpose.

This article pertains to the woodland area located in the Village of Clayville, adjacent to the Westconnaug Meadows and consists of a softball field and soccer field.

Sec. 9-131. Public Access and Vehicle Parking

Public access is provided at the trail head at the north corner of the ball field parking lot at George Washington Highway.

Sec. 9-132. Vehicles, horses, dogs, prohibited.

No motor vehicles, snowmobiles, bicycles, carts or wagons shall be permitted on the fields. .

Sec. 9-133. Possession, consumption of alcoholic beverages.

No alcoholic beverages may be taken onto or consumed on the premises.

**Cross references:** Possession, consumption of alcoholic beverages on town property, § 8-4.

Sec. 9-134. Use of fields restricted.

No person or organization shall use the fields except for a sport or contest in keeping with the nature of the facilities, e.g., baseball, softball, soccer. In particular, the fields shall not be used for golfing, archery, shooting or for animals of any kind.

Sec. 9-135. Litter control.

All litter shall be picked up and deposited in containers provided for that purpose. Any person or organization receiving a permit is deemed to assume the responsibility of leaving the fields litter-free upon completion of the event or contest for which the permit was issued.

Secs. 9-136--9-139. Reserved.

#### ARTICLE X. HOPE PARK

Sec. 9-140. Scope and Purpose.

This article pertains to use of the property located off Clinton Avenue in the Village of Hope, also known as "Hope Park". This property consists of a baseball field, softball field, tennis and basketball courts, and a playground area.

Sec. 9-141. Use of fields restricted.

No person or organization shall use the fields except for a sport or contest in keeping with the nature of the facilities, e.g., baseball, softball, tennis, basketball, etc. In particular, the fields shall not be used for golfing, archery, shooting or for animals of any kind.

Sec. 9-142. Vehicles prohibited.

No motor vehicles, snowmobiles, bicycles, carts or wagons shall be permitted on the fields.

**Cross references:** Motor vehicles and traffic, Ch. 7.

Sec. 9-143. Possession, consumption of alcoholic beverages.

No alcoholic beverages may be taken onto or consumed on the premises, except as may be permitted by the town council.

**Cross references:** Possession, consumption of alcoholic beverages on town property, § 8-4.

Sec. 9-144. Litter control.

All litter shall be picked up and deposited in containers provided for that purpose. Any person or organization receiving a permit is deemed to assume the responsibility of leaving the fields litter-free upon completion of the event or contest for which the permit was issued.

Secs. 9-145--9-149. Reserved.

*[THIS SECTION INTENTIONALLY LEFT BLANK]*

**EFFECTIVE DATE:        This Ordinance shall become effective upon passage.**

I hereby certify that the foregoing Ordinance was adopted by the Honorable Town Council of the Town of Scituate at a regular meeting held on the \_\_\_\_\_ day of March, 2013.

Attest:

\_\_\_\_\_  
Margaret M. Long  
Town Clerk

\_\_\_\_\_  
Charles A. Collins, Jr.  
President, Town Council

Server://Town of Scituate/Town Council Matters/Chapter 9 Parks & Recreation Ordinance [Rev 02-20-13]