

Ordinance Regulating Use of the Cliff Path and Fisherman's Walk



Town of York, Maine

Most Recently Amended: November 8, 2016

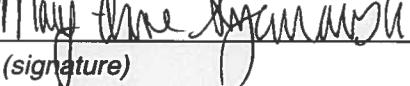
Prior Dates of Amendment: **May 16, 2015**

Date of Original Enactment: **November 4, 1997**

ENACTMENT BY THE LEGISLATIVE BODY

Date of the vote to amend this Ordinance: November 8, 2016.

Certified by the Town Clerk:


(signature)

on 11/14/16
(date)

Ordinance Regulating the Use of the Cliff Path and Fisherman's Walk Town of York

Section 1 Purpose

The purpose of this Ordinance is to promote the safe, responsible use of the Cliff Path and Fisherman's Walk, hereafter referred to as the "Walk", and to protect the privacy of citizens that own property along the Walk.

Section 2 Location

- A. The section of Walk regulated under this Ordinance shall include all publicly owned sections beginning at the Wiggleby Bridge and proceeding in a northeasterly direction along the shores of York Harbor and the Atlantic Ocean.
- B. All users of the Walk shall keep to the traveled section of the path and respect the privacy of property owners along the Walk. Trespassing on private property along the Walk shall be considered a violation of this Ordinance.

Section 3 Pedestrian Use Only

The Walk is intended for pedestrian use only. Non-pedestrian uses such as but not limited to, motorized vehicles, bicycles, skateboards, in line and roller skates are prohibited from using the Walk. The only exception is bicycles and motorized vehicles, which may be utilized, by the Town or other authorized personnel for maintenance, law enforcement and public safety activities.

Section 4 Domestic Animals

Domestic Animals are not permitted on the Walk except when on a leash. The animal's owner is responsible for cleaning up any waste left by the pet. Except for service animals as defined by the Americans With Disabilities Act, domestic animals are prohibited on the Cliff Walk, from Harbor Beach Road northerly.

Section 5 Hours of Operation

The section of the Walk beyond Harbor Beach in a northeasterly direction will be open for public use in accordance with the provisions of this Ordinance. Following a public hearing, the Board of Selectmen shall adopt, and may amend, a schedule which limits the hours of public use. These hours shall never begin earlier than sunrise nor extend later than sunset, and may be more restrictive. The hours may vary by day of the week, season of the year, or other relevant factors. The schedule shall be posted at the sign on the Harbor Beach end of the Walk. Any portion of the Walk may be closed when in the opinion of Town personnel hazardous conditions necessitate or repairs are required.

Section 5-A Prohibition of Municipal Signs

The Town shall not post any signs directing the public to the Walk that are not on or immediately adjacent to the Walk, and shall remove any such signs that exist prior to enactment of the amendment of the Ordinance.

Section 6 Littering and Use of Alcohol

No littering or disposal of garbage of any kind shall be permitted. Use of Alcohol anywhere on the path is prohibited.

Section 7 Noise Restrictions

No radios, boom boxes or similar electronic devices that emit music or other sound are permitted on the Walk except that devices with head phones designed to be heard by the user only shall be permitted.

Section 8 Authority of Selectmen to Amend

The Board of Selectmen shall have the authority to amend this ordinance after holding a duly advertised public hearing.

Section 9 Penalties

Any person who violates this ordinance shall be subject to a civil penalty of \$300.00 for the first offense, \$350.00 for the second offense, and \$400.00 for the third and subsequent offenses.

Section 10 Waiver/Payment of Fines

Any person charged with a violation of this section, shall be allowed to waive such violation and tender to the Town of York the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter will be closed in the York Police Records system and listed as a subsequent offense for future violations.

If the offender chooses not to pay the waiver fine, he/she shall appear in court on the specified date to answer for the ordinance violation. If the offender is found to have committed the offense in court, fines, applicable court fees, attorney's fees, and prosecution costs may apply.

Fines recovered will be utilized for maintenance of the Walk.