

Southwick Bylaw – Gale version

TOWN OF SOUTHWICK

Chapter XX Parks, Beaches, Recreation, Conservation and Preservation Areas

GENERAL REFERENCES

Fines - See Southwick Ch. 1 Art. III

Lake Safety - See Southwick Ch. 76

Dogs - See Southwick Ch. 69

Regulating boating on a great pond - MGL Ch. 131 §45

Motor vehicle use on private property - MGL Ch.90B §26

Littering - See Southwick Ch. 128, 75-6

Boats and other recreational vehicles - See Southwick Ch. 75

Wetlands protection - See Southwick Ch. 182

Trespass - MGL Ch. 266-120, 120B, 123A

§XX-1.Purpose

The purpose of this chapter is to protect, preserve and enhance the Town of Southwick public parks, beaches, recreation, conservation and preservation areas, to protect public safety related to their uses, and preservation of neighbor rights including the quiet enjoyment of private or public property in a neighborhood by controlling or limiting activities deemed by the Town likely to have a significant or cumulative harmful or damaging effect upon resource values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, pollution, fisheries, wildlife habitat, recreation, aesthetics, access and general use, and overall public safety (collectively, the "resource values protected by this chapter"). In all cases, the Town of Southwick public parks, beaches, recreation, conservation and preservation areas includes Town owned or controlled docks, piers, launch sites and related facilities and parking areas. These areas, inclusive of their facilities, will be collectively referred to herein as "public recreation area(s)". This chapter is in addition to any general public nuisance bylaw of the Town of Southwick.

§XX-2.Security

All Town of Southwick public recreation areas may be monitored by the Southwick Police Department, Fire Department, Board of Health, Conservation Commission, Park & Recreation Commission, or any of the Town's authorized agents, and may employ video, camera, drone or other electronic measures. All visitors are subject to surveillance by video, camera, drone or other legal electronic means, and by entering the areas, shall have no expectation of privacy or exemption from such. Any person who violates any provision of this bylaw and is recorded doing so may be subject to legal action based on such recorded evidence.

§XX-3.Damaging, defacing, altering park, beach, recreation, conservation, preservation area property

Subject to express written authorization and specific rules, regulations and conditions by the governing body charged with oversight of any Town of Southwick public recreation areas,

- (a) No person shall willfully mark, vandalize, deface, disfigure, place graffiti, injure, tamper with, or displace or move any building, bridges, septic, sanitary, and/or storm water structures and facilities, water lines, plumbing fixtures, fountains, conduits, piping, lighting fixtures, controls, wiring, or other public utilities or parts or appurtenances thereof, fireplaces, railings, paving or paving material, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, boundary markers, fences, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal, in public recreation areas.
- (b) No person shall place any structures, personal property or improvements, memorial items, human or pet remains/ashes, memorabilia, or any other personal items as memorials in a public recreation area, except in areas that may be specifically designated for such purposes.

- (c) No person shall dig, fill, remove, dredge, build upon or alter any sand, soil, rock, stones, trees, shrubs, plants, down-timber, detritus or other wood or materials or make any excavation by tool, equipment, or other means or agency, on any bank, beach, dune or flat on any pond, lake, river or stream or land under said waters, or other wetland in either a public recreation area, with the exception of child's play area at the Town Beach, and maintenance by the governing body of the area.
- (d) No person shall change the preexisting drainage characteristics, sedimentation or flow patterns or flood retention characteristics, drainage or cause any other disturbance of the water level or water tables of a public recreation area water body.
- (e) No person shall knowingly introduce new plantings nor damage, cut, carve, transplant, remove or injure the bark or pick the flowers, seeds or fruit of any tree or plant, and no person shall dig in or otherwise alter, injure or impair the natural beauty or usefulness of any area in public recreation area.
- (f) No person shall climb any tree or walk, stand or sit upon monuments, rocks, boulders, cliffs, outcroppings railings, fences, or any other property not designated and marked for such activities or customarily used for such purposes in either a public recreation area. No person shall enter any areas posted for no entrance for repairs, rehabilitation, or other safety and property management purposes with the exception of authorized town personnel or its authorized agents.
- (g) No person shall dock or beach watercraft of any type, including canoes, rafts, boats, personal watercraft vehicles and the like, on conservation or preservation area shorelines unless in approved areas designated and marked for such use.
- (a) No person shall park or operate motorized vehicles on the land area in public recreation areas unless in areas designated and posted for such use, with the exception of wheelchairs or other similar aides for persons with documented disabilities and as allowed under federal and state disability laws, or as may be temporarily authorized by permission of the Town for organized group events such as charity concerts, drives or major events.
- (b) Nothing in this section shall prevent the Town or its authorized agents from carrying out proper maintenance of an area, constructing facilities and improvements as authorized by responsible town agencies, or issuing special permission to groups, both public and private, to carry out projects of an educational, historical, conservation or recreational nature.

§XX-4.Wildlife

Subject to express written authorization and specific conditions by the governing body charged with oversight of any Town of Southwick public recreation areas,

- (a) No person shall knowingly remove nor introduce new insects, reptiles, amphibians, fish, birds, animals, or any other fauna, nor remove, relocate, damage, or injure the nests, eggs or young of any wildlife, whether occupied or not, and no person shall alter, injure or impair the natural the habitat of any wildlife in any area in either a public recreation area, with the exception of express written permission to authorized persons only who may populate such areas, or rehabilitate such wildlife.
- (b) For the health and protection of wildlife and to prevent disease and nuisance animals, no person shall feed any insects, reptiles, amphibians, fish, birds, animals, or any other fauna, nor attempt to otherwise attract wildlife to human contact in any area in either a public recreation area, with the exception of express written permission to authorized persons only who may populate such areas, or rehabilitate such wildlife.

- (c) *Hunting*. Except as provided in subsection (e) and (f), no person shall hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile, amphibian, insect, or bird; nor shall he/she remove, collect, or have in his/her possession the young of any animal, or the eggs, nest or young of any reptile or bird in a public recreation area, with the exception of express written permission to authorized persons only who may remove sick, injured or dangerous animals and reduce, eliminate or otherwise control nuisance species. No person shall introduce new species of wildlife into any public recreation area, with the exception of authorized persons only who may populate such areas.
- (d) *Poisoning*. No person shall give, offer, or attempt to give any animal, insects, reptiles, amphibians, fish, birds, animals, or any other fauna any poison, pesticide, or other known noxious substance in a public recreation area.
- (e) *Fishing*. Subject to state and local laws and regulations, fishing shall be permitted in a public recreation area only in those waters designated by the state, the Town, or any of its authorized agents; the use of bait fish, or of nets or seines is expressly prohibited except in marked and designated areas.
- (f) *Use of firearms and weapons*. No person shall hunt, trap, or pursue wildlife at any time in a park or beach. No person shall hunt, trap, or pursue wildlife at any time in a conservation or preservation area except in designated hunting areas during state hunting seasons, and properly licensed and subject to all Massachusetts hunting regulations. No person shall use firearms, air-rifles, spring guns, bows and arrows, slings, or any kind of trapping device, or any other weapons potentially inimical to wildlife and dangerous to human safety, with the exception of properly licensed hunters or authorized persons who may hunt and trap to remove sick, injured or dangerous animals and to reduce or eliminate nuisance species.

§XX-5. Picnicking, Cookouts and Fires, Camping

Subject to express written authorization and specific rules, regulations and conditions by the governing body charged with oversight of any Town of Southwick public recreation areas,

- (a) *Picnicking*. No person shall picnic in a conservation or preservation area; picnicking may be allowed in parks, beaches or recreation areas only in designated and posted areas, if any.
- (b) *Cookouts and fires*. No one shall build or attempt to build any type of outside fire, including portable grills or similar cooking apparatus, in a public recreation area, with the exception of properly licensed or authorized persons who may manage open fire controlled burns for habitat maintenance and rehabilitation, or, in designated areas of parks or beaches, by permission of the Town for organized group events such as charity concerts, drives, or major events.
- (c) *Camping*. No person shall camp or raise tents, canopies, shade umbrellas, or other related items or structures, nor set tables, chairs or cooking and dining apparatus or supplies in a park, beach, recreation, conservation or preservation area. Canopies, tables, chairs or cooking and dining apparatus or supplies may be permitted by written authorization by the governing body charged with oversight of the area and only in designated areas of parks, beaches or recreation areas for permitted Town or organized group events such as charity concerts or drives. Overnight camping may be allowed in parks only by written authorization by the governing body charged with oversight of the area for certain permitted organized events.

§XX-6. Sanitation

- (a) No person shall throw, discharge, or otherwise place or cause to be placed in any streams, springs, or ponds or lakes in a public recreation area, any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters or present a health risk.
- (b) No person shall dump or deposit bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, diapers, gloves, human or pet waste, garbage, refuse, yard trash, or any other trash or debris in a public recreation area. All such trash or refuse shall be deposited in proper receptacles where provided for the purpose or carried away by the responsible parties.
- (c) All persons shall use restrooms if or as provided in a park or beach area and shall cooperate in maintaining restrooms in neat and sanitary conditions. Flushing of diapers, wipes, paper towels and the like in public restrooms is prohibited. Disposing of solid dog waste in public restrooms is prohibited.
- (d) The use of public drinking water faucets or fountains in a park or beach area for any washing purpose is prohibited.

§XX-7. Recreational Activities

Subject to the rules and regulations governing specific areas, any person participating in prohibited activities in a public recreation area at either times or places not so designated by the Town or its authorized agent shall do so at his own risk and the town shall not assume any responsibility whatsoever for any such active recreational pursuits which may be carried on.

- (a) No person shall swim, bathe, or wade in any springs, streams, ponds, lakes, or other water features in a public recreation area except at such times and in such places as the Town may designate by proper signs or notices.
- (b) Subject to the passive recreation rules and regulations governing each specific area, no person shall take part in or abet the playing of any game in a public recreation area involving horseshoes, golf, arrows, stones, flying disks, balls, or other propelled objects except in areas that may be set apart for such active recreational pursuits in a park or beach area.
- (c) No person shall hike or walk or interfere in any way in nature study areas or areas where educational, scientific, or experiments are carried out, or where rehabilitation areas have been cordoned off except along paths and trails laid out and marked accordingly.
- (d) Inflatable flotation devices are only allowed at the Town Beach and are prohibited in parks, recreation, conservation and preservation areas, with the exception of inflatable kayaks, canoes and other inflatable boating craft.
- (e) The diving, jumping or throwing of objects from any rock, boulders, cliffs, outcroppings or trees into any spring, stream, pond, lake or other body of water is prohibited.
- (f) No motorized water craft on any water body shall be operated within 30 feet of any conservation or preservation area shoreline, or inside of any designated buoys, floats, or other markers around such areas.

§XX-8. Traffic, Parking and Motorized Vehicle Regulations

These regulations do not constitute an endorsement that the trails or other lands are safe for wheelchair or Other Power-Driven Mobility Devices (“OPDMD”) use. OPDMDs pose a legitimate safety threat to the user and other individuals using the trails, natural and unmaintained lands, and they pose a substantial risk to the natural and cultural resources associated with the trails and lands, and by their nature, disturb the intended trail experience. Any outdoor activity, such as hiking, carries inherent risks and persons who use the Town of Southwick parks, beaches, recreation, conservation and preservation areas and trails do so at

their own risk.

For handicap accessibility exceptions, the governing body charged with oversight of the area may issue a written authorization to use an OPDMD in areas prohibited if it determines that a unique situation applies and special conditions can be placed on the use that would make it safe to operate the OPDMD or prevent serious harm to the user, other pedestrians, the environment or natural or cultural resources. In these situations, special circumstances permission should be requested 7 days in advance of arrival date.

- (a) Except for wheelchair and other electronic and other powered personal assistance mobility devices, no person shall operate any motorized vehicle anywhere in a park, beach, recreation, conservation or preservation area except along approved public access drives and within parking areas or in areas expressly designated and/or permitted.
- (b) No person shall operate a snow vehicle or recreation vehicle on publicly-owned property except on trails marked and designated for use by such vehicles.
- (c) No person shall park a vehicle in a public recreation area parking lot except in a designated parking area. No person shall park on any main or side streets in the surrounding areas. Parking violations will be subject to towing and fines.
- (d) No persons shall loiter or hold social events or gatherings in any parking areas, nor within any designated No Parking Zones on any main or side streets in the surrounding areas of any public recreation area except for certain permitted organized events and with written authorization of the Town or governing body charged with oversight of the area.
- (e) Overnight parking in any public recreation area parking lot is prohibited except for certain permitted organized events and with written authorization of the Town or governing body charged with oversight of the area.
- (f) No person shall trespass on foot, bicycle or any motorized vehicle on any surrounding privately-owned property to access a park, beach, recreation, conservation or preservation area. Violators will be subject to trespass citations and fines.
- (g) No person operating any type of boat shall deposit, or allow to be deposited by any passenger, waste or litter of any type into the water or in any way which may float upon any shoreline.

§XX-9. Dogs And Other Pets At Large Prohibited

- (a) In accordance with Chapter 69, Animals, no person shall permit dogs or other pets to run at large in a public recreation area, or in any parking area or upon any streets or private property adjacent to such areas, and dogs and other pets must remain leashed at all times, except in any dog parks or other areas expressly designation as off-leash areas, and except for service dogs, and except for hunting dogs in training or in service during hunting seasons and in accordance with MGL hunting regulations.
- (b) No person shall permit any dogs or other pets to be on any athletic fields or within children's play areas at any time in a public recreation area, unless the dog or other pet is a service animal subject to federal and state disability laws.
- (c) No person having custody or control of a dog or other pet shall permit such dog or other pet to soil or defile or commit any nuisance upon any sidewalk, field, parking area, street, thoroughfare, wetland, or in or upon any public property or in or upon the private property of other persons. All solid

waste shall be picked up by the owner or custodian of the dog or other pet and disposed of in a sanitary manner in appropriate trash receptacles.

§XX-10. Consumption or Possession of Alcoholic Beverages or Illegal Drugs

- (a) No person shall consume or have in his or her possession alcoholic beverages or illegal drugs in a conservation or preservation area, nor in a park, beach, or recreation area without express permit issued by the Select Board.
- (b) The serving of certain alcoholic beverages may be allowed in a park or beach only for certain organized events and only by express permit issued by the Select Board.

§XX-11. Prohibition Against Tobacco and Cannabis Products Usage

No person shall engage in the act of smoking or use of any tobacco or cannabis product, including matches and lighters, in any Town public recreation area.

§XX-12. Disorderly Conduct; Noise

In addition to any Town of Southwick bylaw governing public nuisance, any enforcement action taken under this section will be based on reasonable justification, guided by common sense and supported by credible evidence.

- (a) No person shall annoy another person's reasonable right to peace or privacy by making loud and continuous noise, where such noise is plainly audible at a distance of 100 feet from said person and such noise is continuous in excess of 15 minutes in a park or beach. The fact that such noise is plainly audible at said distance and continuous in excess of 15 minutes shall be prima facie evidence of a violation and subject to fines.
- (b) In order to avoid disturbance of wildlife, no audible music above a normal conversational volume is allowed in a conservation or preservation area, with the exception of firearms used for hunting in designated hunting areas during state hunting seasons, and subject to all Massachusetts hunting regulations.

§XX-13. Peddling; Unauthorized Signs & Solicitation

No person shall expose or offer for sale in a park, beach, recreation, conservation or preservation area, or within 350 feet on any roads fronting any such areas, or within 150 feet from the boundaries of any such area, any article, thing, or service, advertise or call attention to any article or service, or post signs of any nature in any location except as expressly permitted by the Town for certain organized public events.

§XX-14. Operating Policies

Any outdoor activity, such as hiking, carries inherent risks and persons who use the Town of Southwick parks, beaches, recreation, conservation and preservation areas and trails do so at their own risk.

- (a) No person shall enter or remain in a park, beach, recreation, conservation or preservation area before or after posted hours of operation except as permitted by the Town or its authorized agents or as a part of an approved program or event permitted by the Town, or except for hunting in conservation or preservation areas that expressly allow hunting, and which shall be in accordance with permitted hours per MGL hunting regulations.
- (b) The Town may declare any section of a park, beach, conservation or preservation area closed to the public, either entirely or in specified areas, either temporarily or at regular and stated intervals for particular uses, maintenance, seasonal closures, safety or other reasons, with or without prior notice.

- (c) The Town or its authorized agents reserve the right to search, seize, and confiscate any property, thing, or device, including but not limited to vehicles, persons, coolers, bags and backpacks which enter into a public park, beach, recreation, conservation or preservation area or its parking areas.
- (d) The Town reserves the right to prohibit or restrict access or activities that it reasonably deems to be disruptive, disorderly, unsafe, alarming to others, potentially damaging to habitat or wildlife, town property, residents or visitors at any time or as conditions emerge, or as specifically prohibited by posted signs and town bylaws.
- (e) Southwick Police or their designee/agents may direct individuals to stop any behaviour that is reasonably deemed to be disruptive, disorderly, unsafe, alarming to others, potentially damaging to habitat or wildlife, town property, residents or visitors, or specifically prohibited by posted signs and town bylaws. The Southwick Police or its authorized agents may eject from a park, beach, recreation, conservation or preservation area any person who refuses to stop any such behaviors or otherwise acting in violation of any provisions of this bylaw. Failure to comply with an order of the Town, police or its authorized agents will be a violation subject to citation and/or arrest and fines.

§XX-15. Penalties For Offenses

Any person who violates any provision of this Park, Beach, Recreation, Conservation and Preservation bylaw shall be subject to a fine of one hundred fifty dollars (\$150.00) for the first offense, two hundred dollars (\$200.00) for the second offense, and three hundred fifty dollars (\$350.00) for the third and subsequent offense. Fines shall be imposed per each separate offense or violation in addition to any civil or criminal charges.

Editor's Note: This draft was provided Diane Gale.