



CITY OF SACO, MAINE

CITY COUNCIL APPROVED CODE SUPPLEMENT

Approved on September 16, 2024, with an effective date of October 17, 2024

CHAPTER 166 – PUBLIC SPACES AND PARKS

Councilor Johnston moved, Councilor Gunn seconded, be it ordered that the City of Saco hereby ordains Chapter 166 Public Spaces and Parks as presented.

Amendment - (Section 166-4 Camping or Use of Private Lands or Spaces) - Councilor Johnston moved, Councilor Gunn seconded, to amend by striking the word "temporarily" and remove the period so that it is one sentence. So, it would read: No person or family may camp on private property without the owner's permission. In the seconded sentence, strike "without the owner's permission", so it would read: If found to be doing so they will be asked by the Police Department to leave and take all of their possessions. The motion passed with six (6) yeas.

Mayor MacPhail called for a vote on the main motion as amended. The motion passed with six (6) yeas.

Chapter 166 Public Spaces and Parks

§Section 166-1. Title, Authority and Purpose.

Authority. This Chapter shall be known as the Public Spaces and Parks Ordinance. The Chapter is adopted pursuant to this City's Home Rule Authority under the Maine Constitution and pursuant to the delegated authority set forth in 30-A MRSA §3001 et. seq. and is intended for the protection of the citizens' health, safety and welfare.

Purpose. The City of Saco maintains multiple Public Spaces and Parks within its boundaries, including but not limited to, its public buildings, schools, parks, playgrounds, recreational areas, beaches, rivers, and trails. The citizens rely upon these Public Spaces and Parks for both good governance and management of the City, as well as for the enjoyment of life. Clean, safe, Public Spaces and Parks are therefore vital to Saco. Like many municipalities, the City has unhoused, homeless residents and visitors both living here, as well as residing overnight for unspecified durations. Sanitation and waste control problems, as well as illegal drug use are seen, both related to and from the Homeless, as well as from other visitors, and that these conditions adversely affect Public Spaces and Parks. The City's Public Spaces and Parks also see open consumption of liquor, littering, vandalizing and other nuisances that deter the public from fully enjoying these valued resources. The City Council enacts this Ordinance to advance and assure good management of the City's Public Spaces and Parks.

§Section 166-2. Definitions.

1. Camp. Means to sleep or rest overnight outdoors on the ground, in a tent or similar enclosure, or in a vehicle.
2. Dealer. Any person(s) engaged in selling, distributing, trafficking, or administering an illegal drug.

3. Drug. Any natural or synthetic substance or chemical compound recognized as having a pharmaceutical or chemical effect process or effect upon an individual that is used in the diagnosis, treatment, or prevention of disease or other abnormal condition, or as a component of a medication; such as a substance recognized or defined by the US Food and Drug Administration; a substance used recreationally, such as a narcotic or hallucinogen, which affects the central nervous system, causing changes in behavior and often addiction.
4. Homeless. An individual or family who lack a fixed, regular and adequate nighttime residence such as, but not limited to those living temporarily in shelters, transitional housing or places not customarily meant for persistent habitation such as the out of doors.
5. Homeless Encampment. Any outdoor location, public or privately owned, where more than one homeless person temporarily places their belongings, and shelters for sleeping purposes.
6. Liquor. Any alcoholic, spirituous, vinous, fermented, malted or other alcoholic beverage or combination of liquors and mixed liquors, intended for human consumption, which contains more than one-half of one percent of alcohol by volume.
7. Maine Law. Shall refer to all of Maine's Revised Statutes Annotated, including specifically, but not limited to Title 17 and Title 17-A.
8. Open container. A cup, mug, bottle or similar device for holding a liquid that lacks a cap, stopper or other cover in place.
9. Public Spaces and Parks. Any City owned or operated buildings, parking lots, schools, parks, playgrounds, recreational facilities, beaches, rivers, and trails.
10. Shelter. Means a designated site where a person or family may warm, cool, sleep or rest indoors.
11. Unhoused. Synonym for Homeless.

§Section 166-3. Public Camping or Use of Public Spaces and Parks.

No person or family may camp in the City's Public Spaces and Parks between the hours of 9:00 PM and 6:00 AM unless the City has designated the space as a shelter or otherwise posted it for overnight accommodation. Those found camping in violation hereof will be asked to leave and to take all their possessions. If they return after warning, the individual(s) may be temporarily detained by police, and their possessions will be removed.

No person may use a public park after 9:00 PM unless it is for an event operated or managed by the City of Saco, its School Department, or a properly licensed entity with a City permit.

§Section 166-4. Camping or Use of Private Lands or Spaces.

No person or family may camp temporarily on private property. If found to be doing so, without the owner's permission, they will be asked by the Police Department to leave and to take all their possessions. If they refuse to leave, the Police may arrest and detain the individual(s).

§Section 166-5. Homeless Encampment.

A Homeless Encampment as defined herein shall be considered a Nuisance and may be remediated as any other nuisance, whenever found.

§Section 166-6. Offensive Substances; Committing Nuisances.

No person shall, in any manner, carry or cause to be carried into, or leave on, the Public Spaces or Parks any filth, waste, offensive matter, or hazardous substance whatsoever; and no person shall commit any nuisance on such Public Spaces and Parks of the City.

§Section 166-7. Drug Use

No person may use, sell, deal or traffic drugs in or within five hundred (500) feet of Public Spaces and Parks at any time. Doing so shall be subject to any applicable criminal charges as set forth in Maine Law. No person may be in possession of drugs unless having a prescription for the same, or in excess of any amount otherwise allowed by law in or within five hundred (500) feet of Public Spaces and Parks.

All illegal drugs found on or at Public Spaces and Parks shall be confiscated by the City.

§Section 166-8. Public Drinking

No person shall openly consume liquor in Public Spaces or Parks, nor found to be in possession of or carrying an Open Container of the same. Any person found in violation hereof may be removed and the alcohol may be confiscated. They may be prosecuted as allowed under Maine Law.

§Section 166-9. Use of Motorized and Other Vehicles

No person shall operate any motorized vehicle, automobile, snowmobile, motorcycle, RV, camper on or in any of the City Public Spaces and Parks except where expressly permitted, such as City parking lots and rights of way, and any such operation must only be within allowed hours, designated spaces and in a prudent manner. This restriction shall not apply to municipal and emergency personnel acting in furtherance of official duties and commands.

§Section 166-10. Rights of Way; Sidewalks

No person shall block, impede, obstruct, or otherwise impair the use of any public right of way in the City, or any City sidewalk.

§Section 166-12. Safety.

All persons shall use and engage with others in Public Spaces and Parks safely and in a prudent and reasonable manner. No person shall undertake any action that causes injury to others. If failing to use Public Space safely, the offending party may be removed by law enforcement after one warning.

No person shall swim, bathe, or wade into a pool or body of water found at Public Spaces and Parks except this restriction shall not apply to the river and the beach provided such use complies with posted hours of use and other conditions.

§Section 166-11. Severability.

If any part of this Ordinance is determined to be invalid for any reason by a Court of Competent Jurisdiction, such judgement shall not otherwise invalidate the remainder, and the Ordinance shall thereafter be construed and enforced to the fullest extent possible as if such offending or invalid provision or part has been omitted.

§Section 166-12. Fines.

Any person found in violation of a provision of this Ordinance shall be subject to a \$50.00 fine for the first offense, and a \$75.00 fine for the second offense. All subsequent violations shall be subject to a fine of \$100.00 per offense.