



Town of Oak Bluffs, Massachusetts
Parks & Recreation Department
P.O. Box 1327
Oak Bluffs, MA 02557-1327
Telephone: (508) 693-0072
Fax: (508) 696-6472

Richard Combra, JR
Amy Billings
Antone Lima

Chapter XXVIII PARKS AND RECREATION DEPARTMENT

A. Use of the Town Parklands and Beaches -

1. Government and Use of Town Parks and Beaches is under the care and control of

The Oak Bluffs Parks Commissioners, who also have independent powers under G.

L. c. 45.

2. Enforcement of Rules and Regulations by Town Police or Parks Commissioners – Sections C and D.
3. Issuance of Special Use Permits – Generally – Section E.
4. Special Use Permits - Special Events – Section F.
5. Enforcement/Revocation of Special Use Permits – Section G.

B. Definitions/Commissioners Rules and Regulations

1. Parks and Beaches. Parks and Beaches shall include all sidewalks, buildings, structures, land, beaches, ponds, and other waters under the custody, care and control of the Oak Bluffs Parks Commissioners.

2. Rules and Regulations Governing the use of Parks & Beaches. In addition to the rules and regulations governing Parks and Beaches contained in this By-law, the Commissioners have also promulgated, and from time to time may amend, additional rules and regulations under the authority granted to them by G. L. c. 45, § 5. The Commissioners have also created application forms, checklists, and informational materials related to the uses and permits provided for herein, which can be obtained at the Parks Department.

C. Use of Parks/Prohibited Uses - Conduct

1. No littering, cigarette butts, or glass bottles.
2. No graffiti, defacing, or disfiguring park structures or vegetation.
3. No lewd behavior or threatening acts are allowed.



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4. No animals in playgrounds or ball fields. Animals must be under the control of their owner at all times, and all waste must be properly removed.
5. No parking of motor vehicles on park greenspace is allowed unless authorized by the Park Commissioners.
6. No open containers of alcohol or fires are allowed.
7. No commercial activity including, without limitation, signs, notices, advertisement, concessions, or soliciting/selling of goods, services, or articles.
8. No overnight sleeping.
9. Bikes, skateboards, and similar vehicles must yield to pedestrians. No motorized vehicles (except assistive devices) on pedestrian paths.
10. No amplified music.
11. Special Use Permits for events may permit or condition certain prohibited uses identified in subsections 6, 7, or 10.

D. Use of Beaches/Prohibited Uses-Conduct

1. Beach use is at individual's own risk. No Lifeguards on duty unless otherwise posted.
2. No dogs allowed on public beaches from May 15th — September 15th between 8:00 a.m. and 5:00 p.m., and on Inkwel Beach between 7:00 a.m. and 5:00 p.m. (during the same months).
3. Animals must be under the control of their owner at all times, and all waste must be properly removed.
4. No walking on jetties beyond signage or dunes, as posted.
5. No graffiti, defacing, or disfiguring beach structures or vegetation.



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6. No boats, sailboards, or fishing in swimming areas between 7 a.m. and 6 p.m. from May 15th — September 15th.
7. No smoking.
8. No commercial activity including, without limitation, signs, notices, advertisement, concessions, or soliciting/selling of goods, services, or articles.
9. No littering, no glass bottles. Carry in - Carry out all trash and waste.
10. No disruptive behavior, including loud conversation, fighting, or similar conduct reasonably likely to interfere with the public's enjoyment of the Parks and Beaches.
11. No amplified music.
12. No fires or open containers of alcoholic beverages are allowed.
13. Special Use Permits for events may permit or condition certain prohibited uses identified in subsections or 8, 11, or 12.

E. Special Use Permits

1. The Commissioners may issue a Special Use Permit upon receipt of a complete application for an otherwise prohibited activity identified in Sections C(6), (7), or (10), or in D(8), (11), or (12), or for a Special Event as outlined in Section F. The Commissioners shall decide each application on its merits, considering, in their discretion whether issuance of a permit:
 - a.) increases or promotes public recreational opportunities;
 - b.) preserves, or may be adequately conditioned to preserve, the environmental integrity of the particular park or beach; and
 - c.) is consistent with the rights of the public to use the park or beach simultaneously with the event or use requested.



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2. As noted in Section B(2), the Commissioners have promulgated, additional rules and regulations under their authority granted to them by G. L. c. 45, § 5 governing, and providing other limitations on, Special uses/Special Events, which the Commissioners may amend from time to time as they determine is necessary to govern Town Parks and Beaches.

3. The Commission has created application forms for Special Use Permit requests. An applicant must follow the rules set out on the application. All applications must be filed at a minimum of ten (10) days before the Commissioners meet in order to give adequate time for posting and comment.

4. The Commissioners may grant the application, deny the application, or approve the application with conditions. The Commissioners have broad discretion in acting on Special Use Permit applications.

5. An applicant must comply with any terms and conditions contained within a 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 the Special Use permit.

6. All person(s) receiving a Special Use Permit must agree, as a condition, 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 applicant to obtain liability insurance to support the Permittee's obligation to indemnify and hold the Town harmless.

F. Special Use Permits – Special Events

1. Special Events are defined as supervised or organized activities involving one or more participants or spectators, which might reasonably be expected to affect the public use or enjoyment, or the general environmental quality, of any Park or Beach.

2. No person shall conduct any Special Event upon the lands or waters of a Park or Beach without first obtaining a "Special Use Permit" from the Commissioners.

3. The "Special Event Permit Application" must be submitted ten (10) business days before a scheduled Park Commissioners meeting.



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4. There shall be no advertising, posting, or digital notification (for e.g. via email or social medial distribution) of a proposed special event before the event has been approved by the Park Commissioners and any other necessary town entities.
5. The contact person and/or group are responsible for fulfilling the requirements imposed by the Special Event P-Use Permit.
6. Approved groups using park or beach areas shall respect the rights and privacy of neighbors.

G. Enforcement

1. All Special Use Permits are in the nature of a license, and are revocable at-will, in the discretion of the Commissioners.
2. Any violation of a Special Use 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, or from responsibility under governing law for the violation.
4. This By-law may be enforced by non-criminal disposition under G.L. Chapter 40, § 21D, in the following manner:
 - a. For the first offense within a twelve (12) month period, a \$100.00 fine;
 - b. For the second offense within a twelve (12) month period, a \$200.00 fine;
 - c. For the third and subsequent offense(s) within a twelve (12) month period, a \$300.00 fine.



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5. Each day, or portion thereof during which a violation continues, shall constitute a separate offense.
6. This by-law may be enforced, including but not limited to the provisions of G. L. c. 40, § 21D, by Town Police Officers or other officers having police powers.
7. Upon request of the Commission, with Board of Selectmen approval, Town Counsel shall take legal action as may be necessary to enforce this by-law and the conditions of Special Use Permits issued under its provisions.
8. The Commissioners may from time promulgate and amend a separate fine schedule under the independent authority granted to them by Massachusetts law.