



## Town of Sunapee

### **RECREATION AREA ORDINANCE**

#### **SECTION 1. PURPOSE.**

The purpose of this ordinance shall be to preserve public peace and good order on lands operated as recreational areas by the Town of Sunapee, and to contribute to the safety and enjoyment of the users of such recreational areas by regulating the hours of use and use of motorized vehicles, and by prohibiting certain activities harmful to use or users of such areas. This ordinance is adopted under authority conferred in RSA 35-B:3, V and RSA 41:11-a.

#### **SECTION 2. DEFINITIONS.** In this ordinance:

- A. "RECREATIONAL AREAS" means real Property owned and maintained by the Town of Sunapee for recreational use, including, but not limited to, the following areas: Coffin Park including the Hydro Plant and Information Booth area, Sunapee Harbor, Ben Mere lawn and property, Dewey Beach, Georges Mills Beach, Ski Tow land off Rte. #103-B, boat launches, docks, and associated town-owned parking areas. Recreational Area shall mean the grounds, buildings thereon, and any other property necessary for the operation thereof and constituting a part thereof which is now or hereafter will be maintained, operated, and controlled by the Town of Sunapee for public recreation use.
- B. "EQUIPMENT" means benches, tables, picnic tables, trash barrels, docks, floats, monuments, cultivated trees, shrubs, plants, flowers, and any other property of the Town of Sunapee and placed or positioned on the grounds of a recreational area incidental to, or to aid in, recreation.
- C. "RESIDENTIAL TRASH" means all trash, refuse, garbage, or litter not incidental to picnicking. All trash, refuse, garbage or litter packaged in any manner with letters, envelopes, or mail, including said letters, envelopes or mail, shall be deemed residential trash.
- D. "VEHICLE" means any motorized device in, upon, or by which a person or property is, or may be, transported.
- E. "PERSON" means any individual, firm, partnership, corporation, or association.-
- F. "BOAT LAUNCH" means real property abutting the waters of Lake Sunapee and owned and maintained by the Town of Sunapee for the purpose of launching boats, so designated by the Board of Selectmen.

#### **SECTION 3. HOURS OF CLOSING.**

No person shall be permitted to remain, stop or park within the confines of any recreational area between the hours of 10:00 P.M. and 5:00 A.M. prevailing local time, except as provided in subsections A and B.

- A. Any person may apply for a permit from the Board of Selectmen to have use of any recreational area during these times. Said permit to be issued by Board of Selectmen or its designee when it is in the public interest to do so.
- B. Sunapee Harbor and the Ben Mere property will be open at all times, provided however, that the Board of Selectmen may close any portion of these areas when it is in the public interest to do so.

#### **SECTION 4. PERMITS.**

- A. A permit must be obtained from the Board of Selectmen or its designee for the following uses and activities:
  - a. Use of a recreational area between the hours of 10 P.M. and 5 A.M.
  - b. Use of a recreational area between the hours of 5 A.M. and 10 P.M. for a function such as a wedding or fair.
  - c. Camping by organized groups at the Dewey Little League Field and Ski Tow.
  - d. Vending of food or drink by non-profit organizations.
  - e. Those acts prohibited without a written permit as set forth in Section 5 of this ordinance.
- B. Permit applicants must be 18 years of age or older and shall agree to be responsible for all damage to recreational area premises or equipment and shall agree to indemnify the Town of Sunapee for any such damage caused incidental to the applicant's use of the recreational area.

#### **SECTION 5. ACTS PROHIBITED WITHOUT WRITTEN PERMISSION.**

No person shall commit any of the following acts within a recreation area without a written permit from the Board of Selectmen or its designee:

- A. Posting any sign, banner, or advertisement of any kind within any recreational area.
- B. Moving or carrying any equipment out of the area.

## SECTION 6. ACTS PROHIBITED.

- A. No person shall use obscene, profane, or abusive language while in a recreational area.
- B. No person shall deposit residential trash or any other material of any kind in recreational area trash barrels or elsewhere in a recreational area except the refuse, garbage, or other material of a picnic or other permitted activity within the area.
- C. Vehicles shall not be permitted in recreational areas except on roads, parking lots, or paths maintained for use by vehicles.
- D. No person shall park any vehicle on the grass lawns of any recreational area.
- E. Conducting any business activities, including without limitation hawking, peddling or vending of any kind, is prohibited in recreational areas-except by such non-profit or charitable organizations which apply for and receive a permit from the Selectmen to do so. Permits shall be issued in accordance with Section 4 this ordinance. Also,
  - a. Hawking, peddling or vending may be allowed at Dewey beach and George's Mills Beach by permit only. The number of permits shall be determined by the Board of Selectmen. Permits shall be issued in accordance with section 4 of this ordinance, provided further that all such permit applications must be first submitted to the Sunapee Recreation Committee for review and for its recommendation to the Board of Selectmen; and
  - b. Rental of dock space for business activities and uses related to such activities may be allowed by the Selectmen. Such use must be, in their judgment, a benefit to the general public and in keeping with the Town development plans. The Board of Selectmen shall annually negotiate the rental rate of said dock space at the prevailing fair market value for dock rentals for commercial use.
- F. Engaging in the business of renting watercraft, or motorized land or water vehicles from recreational areas is prohibited, -including, without limitation, delivering or accepting return of such vehicles, accepting or making payment for such-services, advertising such services (other than through signs lawfully affixed to legally parked motor vehicles), or making contracts for such services, other than as may be specially permitted under Section 6, E. b.

## SECTION 7. PARENTAL RESPONSIBILITY.

No parent, guardian, or custodian of any minor shall permit or allow the minor to do any act which would constitute a violation of this ordinance. Non-observance of this Section shall be a violation

## SECTION 8. SUNAPEE HARBOR NO SWIM ZONE.

With the exception of Dewey Beach, there shall be no swimming or playing in the water of Sunapee Harbor from recreational areas including the boat launch, Town docks, and the park area east of the Town docks

## SECTION 9. PENALTIES.

- A. Violation of any provision of this ordinance shall constitute a violation and anyone so convicted shall pay a fine of no more than One Hundred Dollars (\$100.00), except:
  - a. Any person found to have violated sections regarding the disposal of residential trash within a recreational area shall pay a fee of fifty dollars (\$50.00) to the Town of Sunapee.
  - b. Any person found to have violated sections regarding the operation or parking of vehicles shall pay a fine as specified in the Town of Sunapee "Parking Ordinance" for violations of that ordinance. Said fines to be administered through the existing Police Department parking violation system.
- B. In addition, persons found to be violating any provision may be denied use of the recreational area by a member of the Board of Selectmen, their designees, or a member of the Sunapee Police Department. Any such denial of use may be appealed to the Board of Selectmen.

## SECTION 10. ENFORCEMENT.

This ordinance shall be enforced by the Board of Selectmen, its designees, and by the Town of Sunapee Police Department or any other police agency having jurisdiction within the Town of Sunapee in the manner prescribed for enforcement of violations of law by New Hampshire Statute.

**RECREATION AREA ORDINANCE** voted and signed June 9, 2003. This supercedes any previous recreation ordinance.

William Roach  
Emma M. Smith  
Frederick C. Gallup  
Stephen W. White  
David E. Gibbens

Sunapee Board of Selectmen

F/Ordinances/recreation Final 060903