

# **Town of Sunapee, New Hampshire**

## **Ordinance regulating Town properties**

In Accordance with and under the authority of New Hampshire Revised Statutes Annotated 41:11, 41:11-a, and 41:11-b, the Town of Sunapee Board of Selectmen hereby establishes the following ordinance for the regulation of Town Properties.

### **Section I**

#### **Purpose**

The purpose of this ordinance is to protect the safety, health and welfare of the general public and to regulate the behavior in and protect the property interest of the facilities owned and/or operated by the Town of Sunapee, to include the town's roads and sidewalks.

### **Section II**

#### **Definitions**

The following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Director-** the Recreation director, who is responsible for the operations of all parks and recreation facilities and programs. All park attendants, life guards, volunteers and committees members of such areas are responsible to the director.

#### **Town Parks Areas Defined:**

**Georges Mills Beach-** The area encompassing the park and waterfront beach area located adjacent to Georges Mills Harbor.

**Dewey Beach-** The area encompassing the park and waterfront beach area located on Garnet Street.

**Dewey Field** – The area encompassing the baseball and park area to the right side of the entrance (this is not to include Sawyer Trail)

**Nona's Playground** – Playground area at Tilton Park.

**Sunapee Harbor** – Green spaces, Gazebo and Sand Area located near the intersection of Lake Avenue, Main Street and Burkehaven Hill.

**Tilton Park-** Park and recreation area off Edgemont Road used by the Town of Sunapee.

**Veterans Field** – Area on Route 11 between Lake Sunapee Bank and Sunapee Safety Services owned by the Town of Sunapee.

**Person-** Any person, firm, partnership, association, corporation, company or organization of any kind.

**Service Animal-** Any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with disability, including but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling wheelchair, or fetching dropped items.

**Town Property-** All real Property, physical plant and equipment and any other properties owned, leased, used or otherwise under the control of the Town of Sunapee, to include all town roads and sidewalks.

### **Section III**

**The following activities and behaviors are prohibited on Town property:**

- A. Water pollution. Throwing, discharging, or otherwise placing or causing to be placed in the waters of any fountain, pond, lake, stream, or other body of water in or adjacent to any Town property or any tributary, stream, storm sewer, or drain flowing into such waters any substance, matter, or thing, liquid or solid, which will or may result in the pollution of the water on Town property.
- B. Refuse and trash. Dumping, depositing, discarding or leaving any bottle, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse, or other trash. No such refuse or trash shall be placed or left anywhere on Town property, but shall be placed in the proper receptacles where these are provided; where receptacles are not provided, all such rubbish or waste shall be carried away from the Town property by the person responsible for its presence, and properly disposed of.
- C. Loitering or behaving in a boisterous manner. Sleeping or protracted lounging on seats, benches, or other areas; engaging in loud, boisterous, threatening, abusive, insulting, or indecent language; engaging in any disorderly conduct or behavior that breaches the public's peaceful use of Town Property.
- D. Camping, to include setting up tents, shacks, or other temporary shelter for the purpose of overnight camping.
- E. Any activity or behavior that constitutes a threat to the safety and welfare of others.

### **Section IV**

#### **Animals**

(Service animals are exempt from this provision)

- A. On Town Property, animals shall be on a leash and under the control of their handlers and shall not be allowed to become a nuisance to other patrons.
- B. It shall be unlawful for any person owning, possessing or controlling an animal on any sidewalk, street or public area or on any private property neither owned nor occupied by said person to:
  - a. Fail to carry any article or means to remove any feces left by such animal; or
  - b. Fail to remove and dispose of any feces left by such animal in a manner consistent with NH RSA 163-B
  - c. This section of the ordinance shall be enforced only if the failure to appear without a means of removal or the failure to remove and dispose of said dog feces occurs in the presence of a law enforcement officer or any individual (private or town official) witnessing a violation of the ordinance who is willing to testify to the police and the courts regarding such violation.
- C. Pets are not allowed at Dewey Beach, Nona's Playground, Georges Mills Beach Area.

- D. A person in custody of any animal who is in violation of this section will be required to remove the animal from Town property immediately.

## **Section V**

### **Enforcement**

Violation. Per RSA 47:17, can impose penalties up to \$1,000 for violations of ordinances under that statute – which for towns includes use of public ways and squares.

- A. Any person who violates this ordinance shall be guilty of a violation and upon conviction thereof, subject to a fine pursuant to RSA 651:2 in an amount not to exceed \$1000.00
- B. Enforcement Officials. The Police Department shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter
- C. Summons. The Police Department shall have the authority to issue a summons requiring an offender to pay a fine in the amount of \$50.00 for the first offense \$100.00 for a second offense and \$250.00 for each subsequent offense. Failure to pay the fine to the Sunapee Police department within 72 hours of issuance of summons will cause the police department to summons the offender to court for prosecution. Nothing in this ordinance shall prevent the police department from issuing a summons to an offender under any other provisions of law.
- D. Removal. The Recreation Director, park attendants and the police shall have the authority to eject from the Town property any person acting in violation of these ordinances.
- E. Restriction. The Selectboard is authorized to restrict any individual from use of Town property for violations of the ordinances in accordance with the following:
  - 1. Notice of restriction shall be given in writing;
  - 2. The imposition and length of restriction shall be reasonable under the circumstances of each individual case, taking into account the severity of the violation and the number of times the offender has violated town property rules; and
  - 3. The offender's failure to abide by the notice of restriction may result in the prosecution for Criminal Trespass RSA 635:2.

This Ordinance was adopted effective October 26, 2010 and replaces the Dog Fouling Ordinance adopted August 8, 2005 (per vote of the Board of Selectmen, October 25, 2010)