

## CHAPTER 30

### CONDUCT IN PUBLIC PARKS

**Section 1: Title.** This ordinance shall be known and may be cited as the “City of Somersworth Ordinance Regulating Conduct in Public Parks”.

**Section 2: Definitions.** For the purpose of this Ordinance, the following terms, phrases, words, and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

1. “City” is the City of Somersworth.
2. For purposes of this Ordinance, the term “park” shall be limited to the areas within the boundaries, as described in the records of the City of Somersworth Assessors, of the following City-owned recreational properties and facilities in all public parks and playgrounds. These parks are as follows:

- Noble Pines Park
- Millennium Park
- Jules Bisson Park
- Pine Street Park
- Stein Park
- USS Somersworth Pocket Park
- Queensbury Mill Pocket Park
- Malley Farm Recreational Area
- Willand Pond Recreational Area
- The Riverwalk
- Memorial Drive Tennis Courts
- Mast Point Dam Recreation Area

(Deleted St. Laurent Park 06/06/2011.)

3. “Vehicle” is any wheeled conveyance, whether motor powered, animal-drawn or self-propelled. The term shall include, but not be limited to, any trailer in tow, automobile, truck, wagon, bicycles, snowmobile, motorbike, motorcycle, trail bike of any size, kind, or description, skateboards, scooters or rollerblades. Exception is made for baby carriages and vehicles used in the maintenance of City parks.

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### **Section 3. Park Hours.**

- (a.) Unless otherwise noted, the City parks and trails are open from 7 a.m. to 9 p.m. from April 1 to Sept. 30 and from 7 a.m. to 7 p.m. from October 1 to March 31. Park closing hours may be extended until 11 p.m. in the case of private rentals at Millennium Park upon obtaining written consent from the City Manager or his/her designee.
- (b.) Overnight Parking. Overnight parking is banned during park closing hours, unless written consent has been obtained from the City Manager or his/her designee.
- (c.) Closed Areas. Any section or part of any park may be declared closed to the public by the City Manager or his/her designee at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the proper City Official(s) shall find reasonably necessary.

**Section 4. Park Property.** Except as may be necessitated by reason of construction or maintenance activities, the following shall apply.

#### **1. Buildings and Other Property.**

- (a.) Disfiguration and Removal. It shall be unlawful to willfully mark, deface, disfigure, injure, tamper with, or displace or remove any building, bridges, tables, benches, fences, fireplaces, railings, paving or paving materials, grills, nets, water lines, or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, poles, or other boundary markers, or other structures or equipment, playground equipment, facilities or park property or appurtenances whatever, either real or personal.
- (b.) Injury, Removal of Natural Features.
  - (1.) Trees, shrubbery, lawns. It shall be unlawful for any person in a park to damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds of, any tree or plant. Nor shall any person attach any rope, wire, or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.
  - (2.) Removal, excavation of natural resources. It shall be unlawful for any person in a park to dig or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, down timber or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency, except by specified written permit issued hereunder.

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- (c.) Climbing Trees, Monuments, etc. It shall be unlawful for any person in a park to climb any tree or walk, stand or sit upon monuments, vases, fountains, railings, or fences or upon any other property not designated or customarily used for such purposes.
- (d.)Erection of Structures. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across park lands, except for special written permit issued by the appropriate City official(s).
- (e.) No person shall intentionally release within a park any insect, fish, or other wildlife or introduce within a park any plant, chemical, or other agent, potentially harmful to the vegetation or wildlife of the park.

### **Section 5. Sanitation.**

- 1. Discarding Refuse and Trash.** It shall be unlawful for any person in a park to bring or have brought in or to dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash on park property. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.
- 2. Water Pollution, Contamination.** It shall be unlawful for any person in a park to throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay, pool, river, or other body of water in or adjacent to any park 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, discoloration or contamination of said waters.

### **Section 6. Traffic.**

- 1. Vehicle Operation Confined To Roads.** It shall be unlawful for any person in a park to drive any vehicle on any area except on the paved park roads or parking areas or such other areas as may be specifically designated as temporary parking areas by the City Manager or his/her designee.
- 2. Speed of Vehicles Within City Parks.** It shall be unlawful for any person to ride or drive a vehicle at a rate of speed exceeding 10 mph or in a manner which would endanger life and property.

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- 3. Parking.** It shall be unlawful for any person in a park to park a vehicle in other than an established or designated parking area.

### **Section 7. Recreational Activities.**

#### **1. Picnic Areas**

- (a.) Use generally. It shall be unlawful for any person in a park to picnic in a place other than those designated for that purpose. The intent is to restrict the unauthorized relocation of city picnic tables or to have park users set up grills in areas designated for other purposes, such as ballfields, horseshoe pits and volleyball courts.
- (b.) Non exclusivity. All city parks, with the exception of Millennium Park, are open to the general public at all times. Millennium Park may be rented for private use by obtaining a rental permit through the office of Parks and Recreation.
- (c.) Duty of picnicker. It shall be unlawful for any person in a park to leave a picnic area before all trash in the nature of boxes, papers, cans, bottles, garbage or other refuse is placed in the disposal receptacles and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.
- (d.) Gas grills are permitted for the use of preparing food for picnics. Picnickers are responsible for removal of all items related to the use of a grill, including charcoal ashes.

- 2. Camping.** It shall be unlawful for any person in a park to camp in other than designated areas for organized camping, provided by the City Manager or his/her designee and used by groups of persons under adequate supervision. No person shall set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park, after closing hours, any movable structure or special vehicle to be used or that could be used for such purpose, such as a house-trailer, camp-trailer, camp-wagon, RV or the like. A permit will be obtained through the Recreation Department prior to any organized camping.

**3. Rollerblades, Roller Skates, Scooters and Skateboards.** Roller skates, skateboards, scooters, and the use of roller blades are prohibited on park tennis, basketball and volleyball courts, ballfields, and parking lots unless such area has been designated for this specific purpose.

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**4. Hunting; Use Of Weapons Dangerous to Wildlife.** It shall be unlawful for any person in a park to use, carry or possess firearms of any description, or air rifles, spring guns, BB guns, bow and arrows, slings or any other forms of weapons potentially dangerous to wildlife and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. It shall be unlawful for any person to shoot into park areas from beyond the park boundaries.

### **Section 8. Behavior.**

- 1. Loitering, Disorderly Conduct.** It shall be unlawful for any person in a park to sleep or protractedly lounge on the seats, picnic tables, benches, or other areas; or to engage in loud, boisterous, threatening, abusive, insulting or indecent language; or to engage in any disorderly conduct or behavior tending to a breach of the public peace.
- 2. Restricted Areas.** It shall be unlawful for any person in a park to enter an area posted as "Closed to the Public", nor shall any person use, or abet the use of any area in violation of posted notices.
- 3. Fireworks and Explosives.** It shall be unlawful for any person in a park to bring, or have in his possession, or set off, or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, rocket, or other fireworks or explosives of inflammable material, or discharge them or throw them into any park area from land or roadway adjacent thereto. This prohibition includes any substance, compound, mixture or article that, in conjunction with any substance or compound, would be dangerous from any of the foregoing standpoints.
- 4. Fires.** It shall be unlawful for any person in a park to build or attempt to build a fire except in such area and under such regulations as may be designated by the City of Somersworth. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other flammable material, within any park area or on any road or street abutting or contiguous hereto.
- 5. Bonfires.** Bonfires of any nature or size are prohibited within the confines of any city park unless an appropriate city permit has been attained.
- 6. Smoking.**
  - (a.) It shall be unlawful for any person to use any tobacco products in a City park at any time.
  - (b.) No person shall dispose of any cigarette, cigar or tobacco, or any part of a cigarette or cigar, on any portion of park property, except in a designated waste disposal container if provided.
  - (c.) Tobacco products means cigarettes, cigars, pipes, snuff, smokeless tobacco, chewing tobacco, products containing tobacco, and tobacco in any other form.

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(d.) It is the responsibility of the recreation staff, or any other appropriate City Official, to initially enforce this policy by requesting that any person who is violating this ordinance to immediately cease the use of tobacco products. After this request is made, if any person refuses to refrain from using tobacco products, the staff member or any other appropriate City Official may call the local police who shall then be responsible for enforcement.

### **7. Drugs and Intoxicating Beverages.**

(a.) **Liquor Defined.** For purposes of this Ordinance “liquor” shall mean and include any alcoholic spirituous, vinous, fermented or other alcoholic beverages, or combination of liquors and mixed liquors, intended for human consumption, which contains more than a half of 1 percent of alcohol by volume.

(b.) No person in a park shall have brought liquor, nor shall any person drink liquor at any time, in any park area.

(c.) It shall be unlawful for any person to enter or be in a park while under the influence of intoxicating liquor.

(d.) Drugs shall not be used, possessed, or sold in City parks.

**8. Advertising Generally.** It shall be unlawful for any person in a park to announce, advertise or call the public attention in any way to any article or service for sale or hire unless previously approved by the City Manager or his/her designee.

**9. Vending and Peddling.** It shall be unlawful for any person in a park to expose or offer for sale any article or thing, or to station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing. An exception is made as to any city licensed concessionaire. Any exception to this requirement will need to be determined by the City Manager or his/her designee.

**10. Posting Signs.** It shall be unlawful for any person in a park to paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, or to erect or cause to be erected any sign whatever on any public lands or roads adjacent to a park. This includes any signs dealing with a political nature.

### **11. Permits.**

(a.) **Required.** A Permit shall be obtained from the City of Somersworth before participating in any special use or activity in a park. A list of such uses and activities shall be kept on file in the office of the Parks and Recreation Department.

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(b.) **Application.** A person seeking issuance of a permit hereunder shall file an application with the appropriate office within City Hall. The application shall state:

- (1.) The name and address of the applicant.
- (2.) The name and address of the person sponsoring the activity, if any.
- (3.) The day and hours for which the permit is desired.
- (4.) The park or portion thereof for which such permit is desired.
- (5.) An estimate of the anticipated attendance.
- (6.) Any other information which the director shall find reasonably necessary to a fair determination as to whether a permit should be issued hereunder.

(c.) **Standards of issuance.** The City of Somersworth shall issue a permit hereunder when it finds:

- i. That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park.
- ii. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
- iii. That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct.
- iv. That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the City.
- v. That the facilities desired have not been reserved for other use at the day and hour required in the application.

(d.) **Special Events License.** A special events license must be obtained from the City Clerk as well as a written permit from the City Manager or his/her designee to hold any event within any park other than Millennium Park.

(e.) **Revocation.** The City of Somersworth shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown.

**12. City Trails.** "City Trail" means any trail designated by the Parks and Recreation Department for use by pedestrians. Parks that have City trails include Willand Pond, Malley Farm and the Riverwalk.

(a.) No person responsible for a dog shall permit the dog to be on any City trail unless the dog is held on a leash. The dog shall be reined in to within four (4) feet of the responsible person whenever it approaches or is approached by another trail user.

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(b.) No person responsible for a dog shall permit the dog to defecate upon any trail. It is a specific defense to a charge of violating this section that the person charged immediately removed the deposit and properly disposed of it.

### **13. Dog Waste in Parks.**

(a.) No person owning or responsible for a dog shall permit the dog to defecate on any public property or right of way or on any private property other than property owned and leased by the person owning or responsible for the dog.

(b.) It is a specific defense to a charge of violating this section that the person charged immediately removed the excrement and properly disposed of it in a sanitary manner.

### **Section 9. Enforcement.**

- 1. Officials.** Enforcement of this Ordinance will be the responsibility of the Somersworth Police Department.
- 2. Penalties.** Any person, firm or corporation violating any provisions of this Ordinance shall be deemed guilty of a violation and upon conviction thereon shall be fined in an amount not exceeding \$100. The City recommends that in appropriate circumstances sentencing include the alternative of replacing, repairing, cleaning or otherwise returning the park to its previous condition. Each day such a violation is committed or permitted to continue shall constitute a separate offense, and shall be punishable as such hereunder.

**Section 10. Separability.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, district independent provision and such holding shall not affect the validity of the remaining portions thereof.

(Chapter 30 passed as amended 08/17/2009.)

(Chapter 30 amended 06/06/2011-page 1.)