

## ORDINANCE #2002-08

A Resolution Relative to the  
*Municipal Code Title I - General Code Chptr. XXIII*  
*Parks and Recreation Areas*

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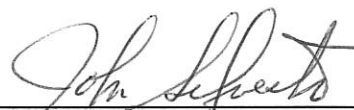
First Reading: 06/03/02  
Second Reading: 06/17/02  
Adopted: 07/15/02

**WHEREAS** the Londonderry Town Meeting of March 17, 1978 adopted Article 35, creating an Ordinance to "Regulate Conduct in Public Places, Ways and Buildings"; and,

**WHEREAS** the Londonderry Town Council wishes to amend said code to be consistent with State law, and Recreation Commission action relating to the management and care of Recreation properties; and,

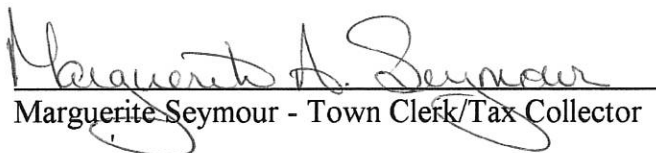
**WHEREAS** the Londonderry Town Council is desirous of maintaining its policies and municipal code in keeping with State Laws;

**NOW THEREFORE BE IT RESOLVED** by the Londonderry Town Council that the Municipal Code, Title I - General Code, Chapter XXIII - Parks/Recreation Areas, a copy of which is attached, is hereby adopted.



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John Silvestro - Chairman  
Town Council



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Marguerite Seymour - Town Clerk/Tax Collector

( TOWN SEAL )

A TRUE COPY ATTEST:  
07/15/02

**CHAPTER XXIII - PARKS/RECREATION AREAS**

**SECTION I - AUTHORITY**

- A. The enabling legislation is RSA 35-B. This section may also be referred to as the "park code".
- B. The Recreation Department has authority over public squares and parks, park drives, parkways, boulevards, play and recreation grounds and facilities. It adopts rules as specified in Section III. Failure to comply with any such rule or regulation shall be deemed to be a violation of this Chapter.

**SECTION II - DEFINITIONS**

The terms herein used, unless clearly contrary to or inconsistent with the context in which used, shall be construed as follows

- A. "Recreation Department" means the Department of the Town as established by the Charter and the Administrative Code of the Town of Londonderry.
- B. "Park" means and includes all Town parks, public squares, park drives, parkways, boulevards, golf courses, skatepark, museums, zoos, pools, bathing beaches and play and recreation grounds under the jurisdiction of the Recreation Department.
- C. "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
- D. Wherever consistent with the context of this Chapter, words in the present, past, or future tenses shall be construed to be interchangeable with each other and words in the singular number shall be construed to be interchangeable with words in the plural.

**SECTION III - GOVERNANCE**

- A. *The Recreation Department and or Recreation Commission shall, pursuant to the provisions of RSA 35-B:1, acquire land within its jurisdiction by gift, purchase or lease, for a public recreation and park area and may prepare, equip, and maintain said land for said purpose.*
- B. *Other than as set forth in this Chapter, the Recreation Department and/or Recreation Commission shall recommend such rules as deemed necessary for the use, care and maintenance of all parks to the Town Council for approval.*

**CHAPTER XXIII - PARKS/RECREATION AREAS (Cont'd)**

**SECTION IV - PROHIBITIONS**

- A. It is unlawful in any manner to tease, annoy, disturb, molest, catch, injure or kill, or to throw any stone or missile of any kind at, or strike with any stick or weapon, any animal, bird, fowl, or fish; or to feed any fowl, except at areas designated by the Recreation Department, in any park.
- B. It is unlawful to practice or play golf, baseball, archery, hockey, tennis, or other games of like character except at places set apart for such purposes by the Recreation Department. It is unlawful to throw or propel any missile or other object where such activity may be hazardous to others.
- C. It is unlawful to throw any refuse, litter, broken glass, crockery, nails, shrubbery, trimmings, junk, or advertising matter in any park or to deposit any such material therein, except in designated receptacles.
- D. It is unlawful to engage in, conduct, or hold any trials or competitions for speed, endurance, or hill climbing involving any vehicle, boat, aircraft, or animal in any park, except by permission of the Recreation Department.
- E. Upon acceptance of this Chapter, all parks and playgrounds in the Town of Londonderry shall be closed to the public from 10:00 PM until 7:00 AM. unless such public is attending a Recreation Program sponsored by or authorized by the Town, ***or by express, written consent of the Recreation Department or Town Manager.***
- F. Use of off road vehicles of any kind, including but not limited to snowmobiles, three and four wheeled OHVs, or other such motorized vehicles is prohibited at all parks unless such activity is authorized by the Recreation Department for a specific event.
- G. ***Use of bicycles or other wheeled vehicles other than skateboards, shall be prohibited from the Skateboard Park and all basketball and tennis courts of the community.***
- H. The use and/or consumption of tobacco products, ~~alcoholic beverages~~ or drugs are absolutely prohibited for all park grounds at all times. ***No person shall consume or possess any alcoholic liquor or beverages, as defined by RSA 175, in any park recreation or rest area within the Town limits, except when express, written consent shall be given by the Town Manager.***
- I. The use of profanity in any form, verbal or sign ***is discouraged.***
- J. It is unlawful for the owners or caretakers of any animal brought to any park to allow the animal to foul the premises. Owners shall promptly remove any such material immediately and place it in the nearest receptacle.

**CHAPTER XXIII - PARKS/RECREATION AREAS (Cont'd)**

**SECTION IV - PROHIBITIONS (Cont'd)**

- K. *No person shall sit or stand upon the back or stand upon the seat of any municipally owned bench. No person shall continue to sit or stand, or lounge in the area immediately adjacent to any municipally owned bench after having been requested to move on by any police officer, and at no time after such a request is made, return and sit or stand or lounge in the area immediately adjacent to any municipally owned bench.*
- L. No bicycle, scooter or skateboard shall be left unattended on any sidewalk in any park of the Town in any way that impedes or endangers pedestrians.

**SECTION V - VIOLATIONS**

- A. Anyone concerned in the violation of this Chapter, whether directly committing the act or omitting to do the thing constituting the offense, or who aids or abets the same, whether present or absent, and anyone who directly or indirectly counsels, encourages, hires, commands, induces or otherwise procures another to commit such offense is and shall be principal under the terms of the Chapter and shall be proceeded against and prosecuted as such.
- B. *In the event that any law enforcement officer of the Town of Londonderry observes any minor child operating a bicycle, scooter, skateboard or roller skates in violation of this Chapter, the law enforcement officer may confiscate the bicycle, scooter, skateboard, or roller skates operated by said minor child and shall return the bicycle, scooter, skateboard or roller skates only to the said minor's parents or guardian.*
- C. *The law enforcement officer shall be authorized to confiscate a bicycle, scooter, skateboard, or roller skates under the provisions of this Chapter where or not he/she issues a citation for violations of this Chapter.*

**SECTION VI - PENALTY**

- A. Except as otherwise specifically provided, violation of or failure to comply with the provisions of this Chapter subjects the offender to a fine *according to the schedule below*:
  - 1. First Offense - \$50
  - 2. Second Offense - \$100
  - 3. Third Offense - \$200
  - 4. Fourth Offense - \$500
- B. *Any person found guilty of damage to any part of a recreational facility, including the defacement of any building or equipment by the placement of graffiti, shall be required to clean off the graffiti by approved means, or make full restitution of the damaged facility or equipment.*

**CHAPTER XXIII - PARKS/RECREATION AREAS (Cont'd)**

**SECTION VII - SEVERABILITY**

If any part, provision or section of this Chapter is held to be void or unconstitutional all other parts not expressly so held shall continue in full force and effect.

~~~ **End of Chapter** ~~~