

**Town of Belmont, New Hampshire
ORDINANCE REGULATING
TOWN PROPERTIES**

In accordance with and under the authority of New Hampshire Revised Statutes Annotated 41:11 and 47:17, VII, the Town of Belmont 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 interests of and the facilities owned and/or operated by the Town of Belmont.

**Section II
DEFINITIONS**

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

ALCOHOLIC BEVERAGE – Means any beer, wine, similar fermented malt or vinous liquors and fruit juices and any other liquid intended for human consumption as a beverage having an alcoholic content of not less than ½ of one percent by volume and not more than 6 percent alcohol by volume at 60 degrees Fahrenheit and specialty beer as defined in RSA 175:1, LXIV-a. This definition includes but is not limited to liquids containing the substance known as ethyl alcohol or hydrated oxide of ethyl alcohol which is commonly produced by the fermentation or distillation of grain, starch, molasses, sugar, potatoes or other substances, including all dilutions and mixtures of these substances.

DIRECTOR - The Director of Parks and Recreation Director, who is responsible for the operations of all parks and recreational facility and programs. All park attendants, life guards, volunteers and committee members of such areas are responsible to the Director.

LESLIE E. ROBERTS BELMONT TOWN BEACH – The area encompassing the park and waterfront beach area located off of the Daniel Webster Highway

PARK - A park, playground, beach, recreation center, or any other area in the town, owned or used by the town, and devoted to active or passive recreation.

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

SARGENT PARK - The area encompassing the park, skateboard park and basketball court located on Sargent Street between Main Street, Fuller Street and School Street.

SCHOOL - Any public or private elementary, secondary, or secondary vocational-technical school or Head Start facility in New Hampshire.

SCHOOL PROPERTY - All real property, physical plant and equipment used for school purposes, including but not limited to school playgrounds and buses, whether public or private.

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 a 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 Belmont.

VILLAGE COMMON AREA – The area encompassing the park and bandstand area located on Main Street and Mill Street.

Section III

RECREATIONAL PROPERTIES AND PARK OPERATING POLICY

- A. Parks shall be closed to the public every day of the year from 9:00 p.m. until 9:00 a.m., except for such functions as fireworks displays and other community programs as may be authorized by the Parks and Recreation Director.
- B. The Director may, after being advised by the Police Department of repeated disturbance to the public peace in a specific park and with the approval of the Board of Selectmen or their designee, immediately order a change in curfew hours for said park for such period as the Director deems necessary, provided that immediate public notice is given through the news media and that such change in curfew is conspicuously posted at the affected park.
- C. This section is not intended to discourage the legitimate use of those areas of the parks and playgrounds that have been specifically designed for nighttime use and for which use the proper permission has been granted to conduct legitimate sporting or recreational activities.
- D. No person shall operate any type of motorized vehicle in unauthorized areas. This includes, but is not limited to, the use of motor vehicles, motorcycles, mini-bikes, motorized go-carts, or any other unapproved mode of transportation, on any area except the paved park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the Director.

E. USE OF THE SKATE BOARD PARK

- 1) Skateboards are to be used in designated areas only. Skateboards are not to be used on any fixtures, railings or fences, outdoor furniture or other structures, including curbing outside the designated skateboarding area.
- 2) No pets are allowed within the skateboard area at any time.
- 3) Children under the age of ten (10) years shall be supervised at all times by an individual age twelve (12) or older.
- 4) Use of safety equipment such as helmets, gloves, knee and elbow pads, wrist supports and proper shoes is strongly recommended.

F. USE OF THE LESLIE E. ROBERTS BELMONT TOWN BEACH

- 1) The Leslie E. Roberts Belmont Town Beach shall be for the exclusive use of Belmont residents ONLY. Non-resident visitors are permitted to use the area only when actually accompanied by a Belmont resident at all times.
- 2) Children age ten (10) years or younger, shall be supervised by an adult, or guardian age twelve (14) or older, at all times when using the beach area.

G. USE OF THE VILLAGE COMMON AREA

- 1) The Village Common Area is open to the general public, with no residency requirement.
- 2) The use of skateboards and bicycles is prohibited.
- 3) The bandstand is closed between the hours of 9:00 p.m. and 9:00 a.m. except for such functions as fireworks displays and such other community programs as may be authorized by the Director.

Section IV

ACTIVITIES AND BEHAVIOR PROHIBITED ON TOWN PROPERTY

The following activities and behaviors are prohibited on town property:

- A. Pollute waters: 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 waters on town property.

- B. Refuse and trash: Dumping, depositing, discarding or leaving any bottles, 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 so 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 elsewhere.
- C. Loiter or behave in a boisterous manner; sleep or protracted lounging on seats, benches, or other areas; engage in loud, boisterous, threatening, abusive, insulting, or indecent language; engage 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 V

ANIMALS

Service animals shall be exempt from the provisions of this section.

- A. Each animal shall be on a leash and under the control of their handlers, shall not be allowed to become a nuisance to other patrons, and shall not be left unattended in any vehicle, camper, carrier or enclosure at any time while in a town park.
- B. Animal owners shall clean up waste eliminated by their animal or animals.
- C. Pets are not allowed at the Leslie E. Roberts Belmont Town Beach.
- D. A person in custody of an animal who is in violation of this section will be required to remove the animal from town property.

Section VI

FIRES

Fires are permitted only in places provided or designated for that purpose and are subject to the following provisions:

- A. Portable grills are permitted, provided that they are fueled only by propane.
- B. Trash burning, campfires and other open fires shall not be permitted unless approved by the Director and Fire Chief.

Section VII SMOKING

In order to protect the health, welfare and safety of the citizens of the town and all other persons also attending activities at any Town of Belmont facility or recreational park, no person shall, at any time, smoke any tobacco, tobacco related product, filter or other plant or weed except in such areas as are specifically designated for smoking by the Director and/or the Board of Selectmen or their designee.

No person under 18 years of age shall purchase, attempt to purchase, possess, or use any tobacco product on town property.¹

Section VIII ALCOHOL

- A. It shall be unlawful for any person to consume any alcoholic beverage upon any town property including, but not limited to, any street, park, beach, sidewalk or other property owned, rented, leased or controlled by the Town.
- B. It shall be unlawful for any person to possess any open containers of an alcoholic beverage upon any town property including, but not limited to, any street, park, beach, sidewalk or other property owned, rented, leased or controlled by the Town.
- C. Exceptions. The sale, possession and consumption of alcoholic beverages may be permitted on town property in such areas as are designated by the Parks and Recreation Director and/or the Board of Selectmen, subject to the provisions of state law and the regulations of the State Liquor Commission and subject to such terms and conditions as the Director of Parks and Recreation may prescribe.
- D. No person under 21 years of age shall purchase, attempt to purchase, possess, or use any alcohol product².

Section IX ENFORCEMENT

- A. **Violation.** Any person or unnatural person within the meaning of the Criminal Code 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.
- B. **Enforcement Officials.** The Director, park attendants, and police department shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.

¹ NH RSA 126-K:6 Possession and Use of Tobacco Products by Minors

² NH RSA 179:10 Unlawful Possession and Intoxication

- C. **Summons.** The police department shall have the authority to issue a summons requiring an offender to pay a fine in the amount of \$25.00 for the first offense, \$100.00 for the second offense and \$250.00 for each subsequent offense. Failure to pay the fine to the Belmont Town Clerk within 72 hours of issuance of the summons will cause the police department to summons the offender to the court for prosecution. Nothing in this ordinance shall prevent the police department from issuing a summons to an offender under any other provision of law.
- D. **Removal.** The Director, park attendants, and police shall have the authority to eject from the park any person acting in violation of this chapter.
- E. **Banishment.** The Director and the Board of Selectmen are authorized to banish an offender from use of a park for violations of park rules or this ordinance or other Town of Belmont ordinance or State law that applies to the use of the park, in accordance with the following provisions:
1. Notice of banishment shall be given in writing.
 2. The imposition and length of banishment shall be reasonable under the circumstances of each individual case, taking into account the severity of the violation and number of times the offender has violated park rules or this ordinance.
 3. The offender's failure to abide by a notice of banishment may result in prosecution for trespass.
- F. **Minors.** Any person in violation of this ordinance who is under the age of eighteen (18) at the time of violation shall be taken into custody and their parents or guardian notified. In addition to the other penalties provided in this ordinance or by state law, the minor person may be subject to the following provisions:
1. First offense: Banishment from the park for a period of 7 days;
 2. Second offense: Banishment from the park for a period of 30 days;
 3. Subsequent offenses: Banishment from the park for an additional 30 days, for each subsequent offense.

Adopted and effective this 4th day of December in the year 2007.

Belmont Board of Selectmen
11/19

Ronald Cormier
Chairman

Reginald Caldwell
Vice Chairman

Jon Pike