

# **TOWN OF ALTON**

## **ORDINANCE RELATIVE TO THE REGULATION OF TOWN PROPERTY** **and** **PROHIBITING DISORDERLY CONDUCT IN CERTAIN PUBLIC PLACES**

### **Section 1. Purpose**

1.1 The Alton Board of Selectmen, acting under the authority granted by RSA 31:39, 41.11, 7.17, and by a vote on Article 25 of a Town Meeting held on March 14, 1990, hereby declares this Ordinance to be in effect for the following purposes:

- A. To provide the public with safe and enjoyable conveniences
- B. To promote public peace
- C. To protect public property

### **Section 2. Repeal of Previous Ordinances**

2.1 The following Ordinances are hereby superceded and; therefore, declared to be null and void:

- A. An Ordinance Relative to the Public Use of Town Owned Docks, Parks and Parking Lots [adopted July 26, 1993]
- B. An Ordinance Prohibiting Camping on Public Property [adopted June 8, 1971]
- C. A Public Peace Ordinance [approved July 17, 1996]

### **Section 3. Definitions**

3.1 All word meanings, as contained in this Ordinance, shall be in accordance with the Laws of the State of New Hampshire and as per their meaning in the most recent edition of Webster's Dictionary; and, as provided below:

- A. *Bathing* shall mean the use of any soap or detergent to clean any person or animal and shall also include the washing of inanimate objects.
- B. *Boat* shall mean any craft or vehicle which is used for travel on water.
- C. *Camping* shall mean the use of any tent, sleeping bag, travel trailer, grounds, or motor vehicle for sleeping or temporary accommodation purposes.
- D. *Commercial* shall mean any enterprise conducted for financial gain or benefit by reason of the sale of goods or services.
- E. *Dock* shall mean any Town owned structure or other facility used in connection with water access, including, but not limited to, wharf, landing, launch, ramp and swimming platform.

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- F. *Household Rubbish* shall mean any solid waste, which is generated from any source other than accumulation from travel by boat or other motor vehicle.
- G. *Lawful Order* shall mean a command issued by a Peace Officer for the purpose of enforcing the provisions of this Ordinance, in ordinance with the meaning and intent of RSA 644:2,IV,(a).
- H. *Operator* shall mean any person who shall have physical control of a motor vehicle, including a boat.
- I. *Park* shall mean any Town owned facility used for passive or active recreation purposes.
- J. *Parking Lot* shall mean any facility used for the convenience of motor vehicles (including boats) in such a way as to provide for non-permanent storage, temporary abandonment, stationary visitation or operator access to nearby attractions.
- K. *Public Place* shall mean any government property within the Town of Alton where a person or group has substantial access and is opened and maintained for public use; to include right-of-way, streets, sidewalks, commons, public schools, parks, parking lots, docks, water bodies over 10 acres in size – including frozen surfaces thereof, navigable waterways, etc.; or any place which is owned or leased by a government agency, including those to which the Town or State has an easement or prescriptive right for use.
- L. *Recreational Vehicle* shall mean any bus, off-highway vehicle as defined by RSA 259:69 and any other vehicle used to provide temporary living accommodations, to include campers, pop-up tents or custom made apparatus used for a similar purpose, whether on a trailer or not.
- La. *Self-propelled Vehicle* shall mean any bicycle, tricycle, moped, skateboard, roller blades, roller skates, roller skis, play vehicle or other wheeled device or similar instrument, whether or not motorized, which is operated for travel and/or recreational purposes.
- M. *Sexual Acts* shall mean any conduct as defined in RSA 632:A;1.
- N. *Swimming* shall mean the physical act of swimming, wading, bathing, or other similar activities which take place in the water or along the shoreline.
- O. *Town Property* shall mean buildings, lawns, trees, shrubs, flowers, walls, walkways, fences, stairways, porches, decks, equipment, vehicles, materials, supplies etc., which are under the custody of the Town or a Town Official.

P. *Tractor Trailer* shall mean any semi-trailer as defined by RSA 259:98 or truck trailer as defined by RSA 259:116, or any vehicle designed to transport commercial loads using a removable container or other apparatus.

Q. *Trailer* shall mean any wheeled apparatus which is pulled behind a motor vehicle as a means of carrying boats, snowmobiles, recreational vehicles, or any other equipment or loads.

#### **Section 4. General Regulations**

4.1 No person shall enter upon or cause entrance upon a public place for the purpose of conducting any of the following activities, without the express written permission of the Board of Selectmen or other government agency, as may be applicable:

- A. Camping
- B. Conducting a commercial enterprise or advertising for a commercial purpose
- C. Erecting or displaying banners
- D. Providing portable toilets
- E. Storing equipment, supplies or other materials
- F. Harvesting timber
- G. Allowing animals to graze
- H. Parking for any trailer, except
  - (1) where boat trailers only (no boats) are allowed, as designated on Letter S Rd, not to exceed seventy-two (72) hours; or
  - (2) to load and unload the contents thereof for a period of less than ten (10) minutes.
- I. Parking of any tractor-trailer, except to load and unload the contents thereof for a period of less than ten (10) minutes

4.2 No person shall engage in any of the following activities in a public place, without the express written permission of the Board of Selectmen or other government agency, as may be applicable:

- A. Use or possession of alcoholic beverages
- B. Use or possession of fireworks
- C. Removal, relocation or alteration of property not owned by the person conducting such acts
- D. Promotion, organization or participation in gatherings whereby more than twenty (20) people congregate as a single group
- E. Using Town property in a manner that is not consistent with posted signs, notices, warning devices, barricades, verbal directions of a Town Official or other intended uses.
- F. Broadcasting or emitting amplified sound or obnoxious noises to a degree that any person not wishing to hear such a sound finds the noise objectionable upon a request or lawful order to diminish or terminate such noise.
- G. Blocking access to a public place or obstructing access in any way, except during temporary periods of a duration less than ten (10) minutes, for the

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purpose of authorized loading or unloading, or while waiting in situations when a facility is being utilized to its fullest extent.

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- H. Disposal of household trash at a public trash receptacle or disposal of any waste products in a manner that is not consistent with designations or written Town Policy.

4.3 All persons entering a public place or using Town property shall do so at their own risk.

### **Section 5. Dock Regulations**

5.1 All docks shall be closed to the public between the hours of twelve o'clock midnight (12:00am) and five o'clock in the morning (5:00am).

5.2 Boat launching and swimming shall be permitted in designated areas only.

5.3 No boat shall be permitted to remain secured to a Town dock for a period in excess of four (4) hours in any one (1) day; except for official emergency response vehicles, or upon approval by the Office of the Board of Selectmen under extenuating circumstances.

5.4 Bathing is prohibited at all times whenever a Town dock is used to access the water.

5.5 Town docks shall be made available for public use on a first come, first serve basis. No reservations are permitted.

5.6 Commercial use of the Town docks shall be allowed exclusively for the convenience of Town residents, taxpayers and tenants only, upon issuance of a Permit from the Alton Police Department or Office of the Board of Selectmen. Failure to comply with Permit conditions, as set forth by the Town in the applicable form (see Appendix I), shall constitute a violation by the agent of the commercial enterprise.

5.7 The use or possession of a self-employed vehicle on Town docks shall be prohibited at all times.

### **Section 6. Park Regulations**

6.1 All parks shall be closed to public use between the hours of twelve o'clock midnight (12:00am) and five o'clock in the morning (5:00am), except Railroad Square and the Alton Bay Waterfront Park, which shall be closed to the public between the hours of two o'clock in the morning (2:00am) and five o'clock in the morning (5:00am). During said periods when parks are closed, no person or motor vehicle shall be permitted to remain in the affected area without permission from an authorized agent.

6.2 All parks shall be available for public use in a manner that is consistent with the facilities contained thereon. Notwithstanding any other enforcement provisions contained herein, any person using a park in a manner that is not consistent with its intended purpose shall also be deemed to be destroying Town owned property.

6.3 During such time as when a parks or other Town owned recreation facilities have been reserved, in advance, through the Parks and Recreation Department or other authorized agency, these facilities shall be deemed to be unavailable for other public uses. All other uses shall be on a first come, first serve basis.

6.4 All parks shall be off limits and closed for use by recreational vehicles, at all times, except for emergency rescue operations or special events, as authorized by the appropriate government agency.

6.5 No person shall be allowed to use a self-propelled vehicle within the confines of the Alton Bay Waterfront Park, to include the concrete paved walkway, the boardwalk, lawns and gardens, the deck around the Alton Bay Community Center, the floor of the bandstands, and the deck located in Railroad Square. This prohibition shall not be deemed to prohibit possession of such devices in the areas mentioned in this Section by anyone wearing or otherwise in a ready position to use a self-propelled vehicle, as may be in violation of this Section.

6.6 No dogs are permitted on Town beach and swim areas; namely, the sandy beach area and swimming zone located along 28A, the grassy area from the boat ramp to the Community Center, and the swim dock and actual swimming area. Also, no fishing is permitted in the buoy areas.

6.7 No smoking is permitted on the following Town properties: parks, ball fields, playgrounds, children play areas, beaches etc. This does not include parking areas.

#### **Section 7. Parking Lot Regulations**

7.1 All Town owned parking lots shall be closed to public use between the hours of twelve o'clock midnight (12:00am) and five o'clock in the morning (5:00am); except the Alton Bay Parking Lot, located on the east side of Route 11 between the Alton Bay Community Center and the Pavilion, shall be closed to the public between the hours of two o'clock in the morning (2:00am) and five o'clock in the morning (5:00am). During said periods, when parking lots are closed, no person or motor vehicle shall be permitted to remain in the affected area, except when authorized by a Town Official or other government agency.

7.2 Any owner of a business which abuts a Town owned parking lot or their employees, and any duly authorized government agent, or any operator of a disabled motor vehicle may, upon show of good cause, be permitted to remain in a parking lot during times that are closed to the public.

7.3 The maximum speed of travel for any motor vehicle in a parking lot shall be ten (10) miles per hour.

7.4 All motor vehicles which are operated in a parking lot, must be registered in a manner recognized as valid by the State of New Hampshire. No unregistered motor vehicles are allowed in parking lots.

7.5 No vehicle with a gross weight in excess of six (6) tons shall be allowed use or access to Town owned parking lots without a Right-of-way Permit, unless authorized by a Town Official.

7.6 No person shall be allowed to use a self-propelled vehicle within a Town owned parking lot, except to pass through at the slowest crawl speed necessary to sustain balance or otherwise in such manner as to not exceed a 'normal walking velocity', as may be determined by a Police Officer or other reasonable person.

7.7 No person shall be allowed to park a motor vehicle or cause an unattended vehicle to be parked inappropriately designated parking spaces along the waterfront in Alton Bay for more than three (3) hours per day.

7.8 Any motor vehicle that is observed by a Peace Officer to be parked in a manner that does not comply with the provisions of this Section as set forth herein, shall result in a parking violation being assessed against the operator of said motor vehicle (or the vehicle owner if the operator is unknown). The first offense for a parking violation shall be a fine of not more than five (\$5.00) dollars. Subsequent violations shall be subject to a fine of not more than twenty-five (\$25.00) dollars. Any motor vehicle found to be in violation of the provisions of this Section may be towed away at the owner's expense.

#### **Section 8. Disturbing the Peace**

8.1 No person shall knowingly create a condition which is hazardous to another in a public place by any action which serves no legitimate purpose.

8.2 No person shall engage in any of the following activities in a public place:

- A. Fighting or violent, tumultuous or threatening behavior.
- B. The use of obscene, derisive or offensive words or gestures, which are likely to provoke a violent reaction on the part of any reasonable person.
- C. Interference with a criminal investigation, fire fighting operation, provision of emergency medical treatment, or the provision of other services when traffic or pedestrian management is required.
- D. Refusal to comply with a lawful order of a Police Officer to move.
- E. Urination or defecation except in appropriate receptacles where sanitary facilities are provided.
- F. Performance or attempts to perform sexual acts or the wanton display of one's genitalia.
- G. Disrupting the orderly conduct of business or government functions without the lawful authority to do so.
- H. Disrupting a lawful assembly or meeting of persons without the lawful authority to do so.
- I. Deliberately impinging upon another person's liberty by preventing access to a public place, either through blocking passage or intimidation, upon a failure to comply with a request or lawful order to disperse.
- J. Use a self-propelled vehicle in such a manner as to endanger or interfere with pedestrian or motor vehicle traffic. Operators of self-propelled vehicles shall yield to pedestrians and motor vehicles at all times while on public property.



8.3 No person shall operate a motor vehicle in a public place in such a manner as to:

- A. Pose a safety risk to other motorists or pedestrians.
- B. Misuse of power through rapid acceleration or spinning of tires, or rapid shifting of gears.
- C. Rapid de-acceleration by means of hard braking and/or power where no emergency exists.
- D. Race an engine for no lawful purpose.
- E. Raise the front wheel of a motorcycle or other vehicle off the ground in a manner known as a 'wheelie'.

### **Section 9. Enforcement and Penalties**

9.1 Notwithstanding the Town's right to eliminate a trespass by having objects towed or to prosecute for other offenses, including damages, a person shall be guilty of trespassing if a Police Officer or other witness observes them to be in violation of the provisions of Section 4.1, Section 5, Section 6 or Section 7; provided, however, that each such violation of any portion thereof, or repeated violations, shall be considered to be a separate offense.

9.2 A person shall be guilty of disturbing the peace if a Police Officer or other witness observes them to be in violation of the provisions of Section 4.2 or Section 8; provided, however, that each such violation of any portion thereof, or repeated violations, shall be considered to be a separate offense.

9.3 Any person found guilty of any provision of this Ordinance shall be guilty of a violation punishable by a fine of not less than fifty (\$50.00) dollars, or more than one thousand (\$1,000.00) dollars, in accordance with State Law.

### **Section 10. Administration**

10.1 In the event that any provision of this Ordinance is declared invalid, unenforceable, superceded or preempted under any Law or Regulation, such invalidity shall not effect any other remaining provision or language which can be given effect without the invalidated portion.

IN WITNESS WHEREOF, the Alton Board of Selectmen has adopted and approved this Ordinance Relative to the Regulation of Town Property and Prohibiting Disorderly Conduct in Certain Public Places on this 4<sup>th</sup> day of September, 1996.

Revised and amended on the 8<sup>th</sup> day of July, 1997.

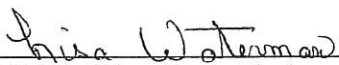
Revised and amended on the 29<sup>th</sup> day of September, 1997.

Revised and amended on the 19<sup>th</sup> day of July, 1999.

Revised and amended on the 19<sup>th</sup> day of July 2004 [Section 4.1H].

Revised and amended on the 20<sup>th</sup> day of June 2005 [Section 6.6 & 6.7 added]

Under the Seal of the Town of Alton, a true copy ATTEST:

  
Office of the Town Clerk