



# TOWN OF NEW LONDON, NEW HAMPSHIRE

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## TOWN OF NEW LONDON BEACH USE ORDINANCE

*Whereas*, the Town of New London believes that the provision of recreational opportunities is an important and valuable role of government; and

*Whereas*, the Town of New London has a long tradition of allowing the use of Town buildings and property for public recreational and leisure-time activities; and

*Whereas*, RSA 41:11-a vests in the Board of Selectmen the “authority to manage all real property owned by the town and to regulate its use ...”; and

*Whereas*, the Board of Selectmen has considered and attempted to balance the limited availability of space, overcrowding of Town beaches, compatibility of uses, hours of operation, and impact on abutters and private enjoyment.

NOW THEREFORE, in accordance with and under the authority of New Hampshire Revised Statutes Annotated 41:11, 41:11-a and 47:17, VII and XV, as amended, the Town of New London Board of Selectmen hereby establishes the following ordinance for the regulation of Bucklin Beach and Elkins Beach.

### 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, the facilities owned and/or operated by the Town of New London, in particular the public beaches known as Elkins Beach and Bucklin Beach and located on Elkins Road and Little Sunapee Road (and all other Town property located within the boundaries of the property that contains the public beaches) (hereinafter referred to as “Beach” or the “Beaches”).

### Section II – TOWN BEACH REGULATIONS

- A) Residency Requirement: The Beaches shall be for the exclusive use of New London residents and taxpayers and their guests.
- 1) Children age 11 years or younger shall be supervised at all times by an adult or by a sibling or guardian age 16 or older.
- B) Parking: Only those vehicles identified with a beach parking sticker or temporary parking pass issued by the Town of New London will be permitted to park in Beach parking areas. All others will be towed at the owner’s expense.
- 1) Overnight parking is banned in Beach parking areas.
  - 2) Roadways may not be blocked at any time.
- C) Beach Hours: The Beaches shall be closed to use every day of the year from 9:00 PM until 7:00 AM and during such other hours as may be posted by a Town of New London official in an emergency.

- 1) The Board of Selectmen may, after being advised by the Police Department of repeated disturbance to the public peace in a specific beach, immediately order a change in curfew hours for said beach for such period as the Board deems necessary, provided that immediate public notice is given and that such change in curfew is conspicuously posted at the affected beach.
- D) Motorized Vehicles: No person other than a Town of New London employee or designee shall operate any type of motorized vehicle in unauthorized areas. This includes, but is not limited to, the use of motor vehicles, motor boats, motorcycles, mini-bikes, motorized go-carts, OHRVs, snowmobiles, or any other unapproved mode of transportation, on any area except the parking areas or such other areas as may on occasion be specifically designated as temporary parking areas by the Board of Selectmen.
- E) Non-Motorized Vehicles: Bicycles, skateboards, scooters, rollerblades, and roller skates are not to be used on any fixtures, railings or fences, outdoor furniture or other structures, including curbing.
- F) Fires & Fireworks: No person shall kindle or cause to be kindled a fire at the Beaches, which includes a ban on smoking at the Beaches. Cooking grills are provided in authorized locations and all other grills are prohibited. 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.
- G) Smoking: Smoking is not permitted at the Beaches. 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.
- H) Camping: No overnight camping allowed, including setting up tents, shacks, or other temporary shelter for the purpose of overnight camping.
- I) Animals: No animals are allowed on the beach at any time, with the exception of service animals or service animals-in-training, defined as follows: 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.
  - 1) No person shall intentionally release any insect, fish, or other wildlife or introduce any plant, chemical, or other agent, potentially harmful to the vegetation or wildlife of the Beaches or the waters of any pond, lake, stream or other body of water.
- J) Alcohol: Pursuant to the Town of New London ordinance regulating the Consumption of Alcoholic Beverages and Possession of Open Containers (the "Alcohol Ordinance"), approved by the Board of Selectmen on May 12, 2003, it shall be unlawful to possess or transport open containers of alcoholic beverages and/or to consume alcoholic beverages, except when specific approval has been granted by the Board of Selectmen pursuant to the Alcohol Ordinance.
- K) Personal Property: There will be no overnight storage of personal property at the Beaches. All persons are responsible for removing their personal property at the end of every day. Personal

property left at the Beaches will be considered lost and found. At no time will personal property be the responsibility of the Town of New London.

- L) Trash & Refuse: All persons are responsible for removing their own trash or for placing refuse or trash in the proper receptacles; 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.
- M) Litter & Pollution: Throwing, discharging, or otherwise placing or causing to be placed in the waters of any pond, lake, stream, or other body of water in or adjacent to any town Beach 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, is prohibited
- N) Glass: No glass containers are allowed at the Beaches at any time.
- O) Vending and Peddling. No person shall 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. Any exception to this requirement will be determined by the Board of Selectmen and shall not be contrary to any other Town policy or ordinance or to deeds relating to the Beaches.
- P) Special Events: Special events may be held subject to the Town Property Use Policy and only upon the successful application to the Board of Selectmen for a written permit. The Board of Selectmen reserves the right to reject any special event application that it deems to be incompatible with the purpose of this Ordinance or with the use of the Beaches by the general public. A special event permit is not required for family gatherings of New London residents or taxpayers (however, all other provisions of this Ordinance remain in effect).
- Q) General Behavior: Persons using the Beaches may not:
  - 1) Interfere with or interrupt, or cause a distraction that would interfere with or interrupt, the lifeguards' primary duties of monitoring water safety;
  - 2) Behave in a boisterous manner or engage in loud, boisterous, threatening, abusive, insulting, or indecent language;
  - 3) Play radios, boom-boxes, CD players, or other personal sound devices, including motor vehicle radios, at a volume that interferes with the peaceful enjoyment of any other person using the Beaches or residing adjacent to the Beaches.
  - 4) Willfully mark, deface, disfigure, injure, tamper with, or displace or remove any buildings, rafts, lifeguard chairs, tables, benches, fences, grills, railings, paving or paving materials, 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, Town property or appurtenances whatever, either real or personal.
  - 5) 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.
  - 6) 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, except by specified permit issued by the Board of Selectmen.

- 7) Engage in any conduct or behavior that constitutes a threat to the safety and welfare of others.
- 8) Engage in any conduct or behavior that breaches the public's peaceful use of town property.

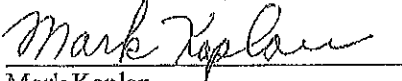
Section III -- ENFORCEMENT

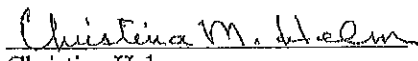
- A. Violation: Any person or unnatural person within the meaning of the Criminal Code who violates this ordinance shall be guilty of a violation and upon conviction thereof, subject to a fine pursuant to RSA 651:2 in an amount not to exceed \$1000.
- B. Enforcement Officials: The Police Department shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter. However, it is recognized that the lifeguards stationed at the Beaches have the authority to enforce this Ordinance so as long as such enforcement does not compromise their primary duties or place them in a hostile or dangerous situation.
- 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. 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 Police Department, Recreation Director, lifeguards, or other Town of New London official shall have the authority to eject from the Beaches any person acting in violation of this Ordinance.
- E. Suspension or Expulsion: The Board of Selectmen and Police Department are authorized to suspend or expel an offender from use of the Beaches for violations of this Ordinance or other Town of New London ordinance or State law that applies to the use of the Beaches:
  1. Notice of suspension or expulsion shall be given in writing.
  2. The imposition and length of suspension or expulsion 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 suspension or expulsion may result in prosecution for trespass.

After public hearing, the above ordinance was adopted by the Board of Selectmen on June 2, 2009.

New London Board of Selectmen

  
Lawrence B. Ballin, Chair

  
Mark Kaplan

  
Christina Helm