

STRATHAM HILL PARK & ADJACENT TOWN OWNED PROPERTY

FACILITY RESERVATION FEE AND USE ORDINANCE

Whereas, the Town of Stratham owns, maintains, and operates Stratham Hill Park in a manner which allows for the free enjoyment of its natural beauty, and;

Whereas, the Town of Stratham has made significant improvements to the grounds and public areas of Stratham Hill Park to enhance the enjoyment of its natural features particularly by groups of significant size. These enhancements have been enjoyed by an ever expanding number of organized groups from a wider geographic area, and;

Whereas, the enhancements to Stratham Hill Park represent a significant investment of financial resources by the Town of Stratham which the Town wishes to continue to be able to maintain at the highest level of quality and safety, and;

Whereas, it is fair and equitable to have these financial burdens shared in part by the users of these enhancements in order to perpetuate their peaceful and orderly use and enjoyment of these improvements to Stratham Hill Park, and;

Whereas, Stratham Hill Park is depicted as Map 22 Lot 83 on the 2011 version of the Town's Tax Maps, and there are adjacent lands to the Park, which enhance and enlarge the recreational opportunities associated with the Park, as depicted as Map 22 Lot 85 on said maps, and which are in need of regulation to ensure the continued peaceful and orderly use and enjoyment of Stratham Hill Park and these adjacent Town owned lands. Nothing in this ordinance is intended to regulate the uses of the private residences on these properties;

Be it resolved, that the Town of Stratham adopts the following reservation fee and use ordinance for reserved use of certain facilities at Stratham Hill Park:

1. Reservations of certain facilities listed below will be taken by agents administratively designated by the Board of Selectmen on a "first come-first reserved" basis within the current calendar year. Reservations are necessary for organized groups of fifteen (15) or more people. Honoring the terms of the original bequest of the Park to the Town of Stratham, which states that the Park shall be open to "...the people of Stratham, Exeter, Portsmouth, and other adjacent towns", reservations pursuant to this ordinance may be made by residents of the following towns: Newfields, Greenland, Portsmouth, North Hampton, Exeter, Newmarket, Hampton, and Stratham.
2. All reservations are considered a permit to gather at Stratham Hill Park and are to be issued in writing by the Board of Selectmen or their designated agent. The Board of Selectmen reserves the right to hold a public hearing on any requested use and to attach

Inserted: The Board of Selectmen may grant a waiver of these provisions to allow residents from other towns to reserve the space at the Park for good cause shown.

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any reasonable conditions upon the use requested based on the size, type, and nature of the proposed use. The user requesting the reservation shall pay any and all expenses relating to the conditions placed by the Board of Selectmen on the use.

3. Only one reservation per facility listed below per day will be made. No rain dates will be permitted in order to allow the greatest number of people the opportunity to enjoy reserved use of these facilities. Attempts to circumvent this restriction by any group shall result in rescission of all permits granted with fees forfeited. Multiple groups and individuals may use the general areas of the Stratham Hill Park at the same time of the reservation.
4. Any reserved use permitted cannot interfere with Town of Stratham sponsored recreational programs, which have priority in using the athletic fields and equipment at Stratham Hill Park.
5. Reservations are limited to between 7:00 am to 9:00 pm each day unless extended by a vote of the Board of Selectmen.
6. All parking shall be restricted to designated areas.
7. All uses of the specified facilities will be coordinated on site by the Park Ranger or other designee of the Board of Selectmen. Presentation of the Reservation Permit to any official of the Town of Stratham is required to verify the reservation and payment of the applicable fee. Prior arrangements with the Park Ranger are necessary for reasonable requests of special support services such as, but not necessarily limited to, access to electrical outlets, lighting, picnic tables, or trash receptacles. The Park Ranger, any Selectman, the Town Administrator, or any law enforcement officer has the authority to order any group to discontinue their reserved use of Stratham Hill Park and to have the group leave if (s)he deems the actual use to be beyond the scope and nature of the permitted reserved use or if the conditions placed upon the use have not been upheld by the reserving group.
8. Cooking is an allowed use by way of charcoal or gas grills. Open fires are not permitted except by prior special authorization from the Board of Selectmen and by obtaining a legal burn permit from a local Fire Warden on the day of the event. The Park Ranger will site all open fires.
9. The administrative fees for reserving the named facilities are as follows:
 - Front Main Pavilion \$150.00
 - Scamman Pavilion \$75.00
 - 4-H Pavilion \$75.00

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- David C. Noyes Stage \$150.00
- Should the Scamman or 4-H Pavilions not be available at the time of reservation, the Board of Selectmen may grant a waiver allowing the reservation of the Front Main Pavilion for a fee of \$75.00 for groups of ~~25~~ ⁵⁰ people or less.

Inserted: 50

10. The person making the request to reserve one of the above named facilities will ~~sign the requested permit as~~ the responsible party for the group. The person doing so is assuming responsibility for the actions of the group and is certifying themselves as duly authorized to assume this responsibility. The responsible party will insure that any and all conditions placed on the use are met and that the group will abide by the regulations contained within this Ordinance.

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11. ~~The responsible party for the group will make full payment of all fees associated with the use prior to the issuance of the permit.~~ Donations over and above the fees will be gratefully accepted. All payments are to be payable to the Town of Stratham. All administrative fees for reserving a named facility will be deposited into the Recreation Revolving Fund created at the March 2002 Stratham Town Meeting for the purpose of maintaining, improving, and/or operating Stratham Hill Park.

Inserted: Payment of any and all fees is to be made at the time of registration/reservation. Registered non-profits are eligible for a waiver of fees as provided under Section 15 below.

12. Fees shall be refunded if the Town receives a request for cancellation thirty (30) days prior to the event. A service charge of twenty dollars (\$20.00) to cover administrative time shall be retained or assessed. If a request for cancellation is made less than thirty (30) days prior to the event, a refund, less the twenty dollars (\$20.00) administrative time charge, shall be issued only if the reserved date is subsequently reserved by another group. The Board of Selectmen may waive these requirements, when deemed appropriate, for good cause. Examples of good cause are unavoidable family emergencies, and declared emergencies such as hurricanes. Inclement weather, non-emergency illness, change of plans, etc. are not sufficient grounds for waiving the cancellation policy. In all instances, The Board of Selectmen shall be the sole arbitrator on what constitutes good cause.

~~13. The applicant must provide a Certificate of Insurance with minimum General Liability/Bodily Injury/Property Damage limits of \$300,000/\$1,000,000. The Town of Stratham shall be listed as an "additional insured." The Town can assist in procuring Special Event insurance for those who do not have coverage. Certificates of Insurance must be submitted within five (5) days of receiving approval of the use by the Board of Selectmen or within two (2) business days prior to the use, whichever occurs first.~~

~~14. Payment of any and all fees is to be made at the time of registration/reservation. Registered non-profits are eligible for a waiver of fees as provided under Section 15 below.~~

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15. The Board of Selectmen may, at their discretion, waive entirely the administrative fee for the following reasons:

- a) The requesting group is a readily identifiable non-profit or charitable organization based in or providing services to the Seacoast community, or;
- b) The requesting group is a component of a federal, state, county or local governmental agency, or;
- c) The requesting group can demonstrate the financial inability to pay the fee or other good cause shown as justice may require.

16. Commercial for-profit use of Stratham Hill Park is not permitted except as part of a Town sponsored event or by special permission of the Board of Selectmen.

17. Additional Regulations and/or Prohibitions:

- (a) Dogs are allowed in the Park and on adjacent Town owned property provided the provisions of the Town of Stratham Code of Ordinances Chapters 1-12—Animal Control at Stratham Hill Park and 5-01—Care, Protection, Preservation & Use of Public Institutions are followed. (attached for reference)
- (b) No chipping or driving of golf balls.
- (c) No climbing of ornamental trees, stripping of bark or breaking of plant branches or flower stems pursuant to the provisions of the Town of Stratham Code of Ordinances Chapter 5-01—Care, Protection, Preservation & Use of Public Institutions. (attached for reference)
- (d) The use of fireworks or firecrackers of any description must be in accordance with the provisions of the Town of Stratham Code of Ordinances Chapter 6-01—Sale and Use of Fireworks, and are otherwise prohibited. (attached for reference)
- (e) No devices such as, but not limited to, firearms, bows, slingshots, air or gas driven pellet guns, paint ball guns, etc. shall be used in the Park or adjacent Town owned property.
- (f) No unauthorized motorized off-road vehicles such as ATV's, snowmobiles, etc. shall be operated within the Park or adjacent Town owned property pursuant to the provisions of the Town of Stratham Code of Ordinances Chapter 5-01—Care, Protection, Preservation & Use of Public Institutions are followed. (attached for reference)
- (g) No disturbing any bird or animal or their nests or dens.

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- (h) No creating unreasonable noise or activities that disturbs others within the Park or adjacent Town owned properties.
- (i) Incidental trash associated with the use of the facility are to be placed in containers provided in accordance with the Town of Stratham Code of Ordinances Chapter 5-01—Care, Protection, Preservation & Use of Public Institutions. (attached for reference)
- (j) All facilities must be left clean.
- (k) Nothing shall be affixed to Town property that may in any way mar the facilities.
- (l) Any use of roadside signs, including but not limited to, banners, posters, balloons, etc. shall require prior authorization by the Board of Selectmen.

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Parking is for Park uses only.

- 18. All users of Stratham Hill Park or adjacent Town owned properties will conduct themselves in a manner appropriate for a public gathering. Actions of users will not be permitted to become a nuisance to other users of the Park or adjacent Town owned property, or to abutting property owners. All legal requirements of personal conduct will be enforced to avoid the disturbance of the peace and enjoyment of these public facilities regardless of any permitted use.
- 19. Failure of any group to follow and abide by the foregoing regulations may result in their permit being revoked and being asked to leave the premises. Furthermore, violation of any portion of this ordinance may be grounds for denial by the Board of Selectmen of any future request by the group to reserve a named facility at Stratham Hill Park.
- 20. Any violation of the provisions herein shall be considered a violation of the Town of Stratham Code of Ordinances Chapters 1-12—Animal Control at Stratham Hill Park and 5-01—Care, Protection, Preservation & Use of Public Institutions and are subject to the penalties thereof as appropriate pertaining to the type of offense. (attached for reference)
- 21. If any part of this Ordinance is declared to be invalid or unconstitutional in whole or in part and is for any reason rendered null and void by a court of competent jurisdiction, the remaining portions shall continue in full force and effect.

This Ordinance and any amendments thereto will become effective upon the majority vote of the Board of Selectmen in the affirmative to adopt these provisions after two (2) public readings with sufficient notice to the public and upon their signatures thereon and filing with the Town Clerk of Stratham. The initial filing with the Town Clerk will occur upon the consent of the Rockingham County Probate Court.

First Reading: January 23, 2012 Second Reading: January 30, 2012

Witness, our hands and signed as effective this _____ day of _____, 201_____.

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Town of Stratham, By Its Board of Selectmen

David Canada

Bruno Federico

Timothy Copeland

Received by me, Joyce Charbonneau, Town Clerk of the Town of Stratham and filed with the records of the Town of Stratham on _____, 201____ .