

**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 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.

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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
  - David C. Noyes Stage                      \$150.00

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- 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 people or less.
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.
  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.
  12. Fees shall be refunded if the Town receives a request for cancelation 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 cancelation 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 cancelation 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.
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

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

Town of Stratham, By Its Board of Selectmen

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

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## **CHAPTER 1-12—ANIMAL CONTROL AT STRATHAM HILL PARK**

**1-12-01 PURPOSE:** The Purpose of this ordinance is to regulate the conduct of dogs and other domesticated animals in and upon Stratham Hill Park.

**1-12-02 DEFINITION OF TERMS:** As used in this ordinance the following terms shall be defined as set forth herein, unless the context shall indicate otherwise:

- a) **Stratham Hill Park:** Those lands shown and described on Town of Stratham, Tax Map 14, Lot 33, known and referred to as Stratham Hill Park and Noyes property, and Tax Map 5, Lot 19, known and referred to as the Gifford property.
- b) **Dog:** Any member of the canine family.
- c) **Owner:** Any person, individual, couple, group, association or organization maintaining, keeping, caring for, owning, licensing or registering a dog.
- c) **Leash:** Any strap, rope, cable or device designed and intended to be attached to a dog and which when attached shall act as a restraint on the movements of the dog when held or controlled by any person or individual.
- d) **Vicious or Dangerous Dog:** Any dog which growls, bites, snaps at, chases or endangers any person or persons, individual or group, while such person, persons or individual is on foot or is on any propelled vehicle. This definition shall also include any dog, which is attacking or has attacked any other animal, whether domestic or wild.

**1-12-03 RUNNING AT LARGE PROHIBITED:** It shall be unlawful for the owner of a dog to permit the dog to run at large without being controlled by a leash within and upon the parking lot, playing fields or lawns of the Stratham Hill Park.

**1-12-04 RUNNING AT LARGE PERMITTED:** It shall not be unlawful for the owner of a dog to permit the dog to run at large within the wooded areas of the park or on the trails and trail system located within the wooded areas of the Park, provided that the dog shall be accompanied by the owner and be under the command and/or control of the owner.

**1-12-05 IMPOUNDING OF DOGS:** Any dog found at large within the parking lot, on the playing fields or on the lawns of Stratham Hill Park may be restrained and impounded by the Town of Stratham Police Department and/or Animal Control Officer or deputy of such officer. A dog so impounded may be confined in a suitable animal shelter for not less than seven (7) days following which the dog may be humanely disposed of by the Stratham Police Department or such shelter.

**1-12-06 CLAIMING IMPOUNDED DOGS:** An owner, person or other individual claiming a dog impounded by the Stratham Police Department and/or Stratham Animal Control Officer or deputy of such officer shall pay to the animal shelter used to hold or restrain

the dog during the period of impoundment, the customary and usual shelter fees charged by the shelter for keeping the dog for the number of days of impoundment.

**1-12-07 VICIOUS DOGS AS A MENACE OR NUISANCE:** Any dog may be found to be a vicious dog or may be considered to be a menace or nuisance to persons and to property under some or all, but not limited to, the following conditions:

- a) If the dog growls, snaps at, runs after or chases any person or persons.
- b) If the dog runs after or chases bicycles, motor vehicles, motorcycles or other vehicles being driven or operated within the parking lot or upon the roadways within Stratham Hill Park.
- c) If the dog bites, attacks or preys upon a person or persons or upon other domestic or wild animals.

**1-12-08 REMOVAL OF ANIMAL EXCREMENT REQUIRED:** Any person who owns, controls or is responsible for a dog shall properly clean up and dispose of any excrement left by the dog in the parking lot or in the playing fields of Stratham Hill Park. The excrement shall be disposed of in a lawful and sanitary manner.

**1-12-09 ENFORCEMENT PROCEDURES:** The enforcement of this ordinance shall be the responsibility of the Stratham Police Department and/or the Town's Animal Control Officer and/or his/her deputy. The Stratham Police Department/Animal Control Officer or deputy of such officer may issue complaints for any violations of this ordinance.

**1-12-10 VIOLATIONS AND FINES:** Any person who violates any provision of this ordinance shall be guilty of a violation and shall be liable to paying the civil forfeiture specified below. Any person choosing to pay the civil forfeiture set forth below shall be deemed to have waived the right to have his or her case heard before the Exeter District Court and shall not be otherwise prosecuted for a violation of this ordinance. Any person who does not pay the civil forfeiture set forth below shall have his or her case disposed of in the Exeter District Court. The civil forfeiture imposed by this ordinance shall be in the amount specified for the following violations:

- a) Twenty five dollars (\$25.00) for the first offense under Sections 1-12-03 and 1-12-08; fifty dollars (\$50.00) for a second offense of the same sections committed within twelve (12) months of the first offense.
- b) Fifty dollars (\$50.00) for the first menace or nuisance offense under Sections 1-12-07(a) and 1-12-07(b); one hundred dollars (\$100.00) for a second or subsequent menace or nuisance offense committed within twelve (12) months of the first such offense.
- c) One hundred dollars (\$100.00) for the first vicious offense under Section 1-12-07(c); two hundred dollars (\$200.00) for a second or subsequent vicious offense committed within twelve (12) months of the first vicious offense.

Any person liable for a civil forfeiture shall pay such forfeiture to the Town Clerk of the Town of Stratham within ninety-six (96) hours of the date and time notice is given by any law enforcement officer to the owner of the dog in violation of this ordinance. If the civil forfeiture is not paid within ninety-six (96) hours of the date and time of such notice, then the owner or person violating this ordinance shall be subject to a summons to be issued and heard in the Exeter District Court.

Should a summons be issued as a result of nonpayment of the civil forfeiture within the period of time provided for such payment and should any owner be found guilty of violating the provisions of this ordinance, then such person shall be guilty of a violation and shall be fined not less than one hundred dollars (\$100) for a violation of Sections 1-12-10(a) and 1-12-10(b), and two hundred dollars (\$200) for a violation of Section 1-12-10(c).

Adopted 2004

By: Selectmen David Short, Martin Wool, & Kirk Scamman

## **CHAPTER 5-01—CARE, PROTECTION, PRESERVATION & USE OF PUBLIC INSTITUTIONS**

- 5-01-01 PURPOSE:** It shall be the purpose of this ordinance to establish regulations for the use of Town parks, lands and premises to the end that they might be used in an orderly, safe and prudent manner to maximize beneficial use for the community.
- 5-01-02 LITTERING:** No person shall discharge, deposit, dump or leave upon any Town lands, buildings, structures or other property any trash, garbage, waste or refuse of any kind, or in any amount, except in receptacles or areas provided by the Town for such purposes, nor shall any person deposit household or commercial trash, garbage, waste or refuse in receptacles provided at the parks.
- 5-01-03 PROTECTION OF PLANT LIFE:** No person shall remove, cut, take, damage or destroy any plant, tree, vine, or flower of any kind located on Town lands or premises. This section shall not prohibit the development pruning of trees with permission of the Selectmen.
- 5-01-04 FIRES:** No person shall start or maintain any open fire on any Town land and premises except with the permission of the Selectmen or duly authorized forest fire warden, and except in fireplaces provided by the Town. This section shall not prohibit charcoal fires in receptacles designed for such use.
- 5-01-05 CAMPING, TENTING, ETC.:** No person shall maintain, use or occupy overnight any tent, trailer, motor vehicle, or other mobile or temporary shelter on any Town lands or premises, nor shall any person camp, tent, dwell or sleep overnight on any Town lands or premises without specific permission from the Board of Selectmen. (adopted as part of the 1973 Warrant at the March 9, 1973 Town Meeting).
- 5-01-06 SNOW MACHINES AND MOTOR VEHICLES:** No person shall operate any motor vehicle or snow machine upon Town lands or premises except upon designated ways and parking lots, nor at speeds in excess of five (5) miles per hour. This section shall not preclude the operation of snow machines at speeds in excess of five (5) miles per hour upon trails designated for their use.
- 5-01-07 HORSES:** No person shall allow a horse under his care and charge to go upon the baseball diamond, ice skating area or paved portions of Stratham Hill Park, common and Town cemeteries.
- 5-01-08 ORGANIZED GROUPS:** Organized groups may use the food building facility at Stratham Hill Park on a one-day basis upon obtaining a permit from the Selectmen. Non-resident groups shall be required to pay \$50.00 for such permit, \$25.00 of which shall be refunded if the premises are left in as good condition as they are found.
- 5-01-09 ENFORCEMENT:** The Selectmen shall enforce this ordinance and have general supervision of the lands and premises of the Town. The Selectmen are hereby

authorized to make whatever additional regulations as are, in their judgment, desirable to carry out the purposes of this ordinance and to ensure the orderly, safe, beneficial and prudent use of the Town lands and premises.

**5-01-10 PENALTY:** Any person who violates any of the provisions of this ordinance may be removed forthwith from the Town lands or premises where the offense occurred and upon conviction for such violation, shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00).

**5-01-11 SEVERABILITY CLAUSE:** If any part of this ordinance is declared invalid, the remaining portion shall continue in full force and effect and shall be construed as being the entire ordinance.

Adopted 1972

By: Annual Town Meeting

## **CHAPTER 6-01—SALE AND USE OF FIREWORKS**

- 6-01-01** In the interest of the health, safety and welfare of all citizens of Stratham and other individuals who may frequent the Town of Stratham, the Board of Selectmen shall make it unlawful to sell, use, discharge, exhibit, display or burn any fireworks as defined in RSA 160-B. Such fireworks shall include but not be limited to firecrackers, torpedoes, rockets, or any other explosives of flammable materials, substance, compound, mixture or article which is used solely for entertainment value.
- 6-01-02** The Board of Selectmen is empowered after consultation with the Fire Chief to issue a permit exempting a person from the provisions of this ordinance for the sole purpose of having a pyrotechnic display at a special event which is deemed by the Board to be in the best interests of the general public. Such permit must be applied for at least thirty (30) days prior to the event and shall be valid for not more than thirty (30) days after issuance. Such persons applying for a permit must comply with any and all federal and state regulations and/or licensing requirements and provide a certificate of insurance with liability coverage deemed sufficient by the Board before such a permit can be issued. The decision to issue a permit shall be based on the competence and experience of the operator, proof of insurance, proper licensure, circumstances surrounding the event, the protection of the general public, the availability of public safety personnel and equipment, and any other criteria developed by the Board of Selectmen.

Adopted 1988

By: Selectmen Martin Wool, Terry Barnes & Graeme Mann