

CHAPTER 142



TOWN OF MERRIMACK

PARKS AND RECREATION DEPARTMENT

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MEMO

TO: Eileen Cabanel

FROM: Matt Casparius

DATE: September 26, 2017

SUBJECT: Recommended changes to Chapter 142, Parks & Recreation Areas

Hi Eileen,

Working with the Parks & Recreation Committee over the last few months, we have come up with some changes that we would like to propose to the Town Council. Listed below you will find a brief explanation for each of our recommendations.

Chapter 142-6 Picnicking in designated areas:

Section currently reads “No person shall picnic in any restricted recreational area, except in designated areas”.

- The way we interpret this ordinance is that the only place someone can have a picnic in a park is only in locations where there is an existing picnic table. Our question is why does it matter if someone is sitting at a picnic table vs. sitting down on the grass? Most of our picnic tables are not locked into place and do get moved by park users. We question whether this ordinance has any purpose and whether it needs to exist?

Chapter 142-9 Animals

Section currently reads “No person shall bring or allow any animal to be in any restricted recreational area, except on a leash or in a cage. The only exception is the Merrimack Dog Park.

- Our suggestion is to add in a reference to the State of NH Statue on on-lease dogs with the wording “in accordance with RSA 466:30-a.”

Chapter 142-14 Access Limited

We are recommending that a new section be added to Chapter 142-14. The Parks & Recreation Committee reviewed a request from the Lake Naticook Conservation Association at our meeting on April 19th. Their request was that the Town adds a rule that prohibits swimming activities at the Veterans Park Boat Ramp. With the recent improvements to the ramp, they are concerned that it will make the ramp area an attractive place for people to swim, while also expecting increased usage of boating traffic using the ramp. The increased boat ramp usage creates a potential safety hazard. The Parks & Recreation Committee agreed with their assessment and would like to recommend prohibiting swimming activities from the boat ramp.

Chapter 142-15 Wasserman Park Beach

Subsection B currently reads: “Parking for the Wasserman Park Beach shall only be allowed in the parking lot adjacent to the Parks and Recreation office or the parking lot across from the theater. Signs will identify the parking lot.”

- In 2016, the Town Council had made a revision to this chapter so that we could simply identify the new parking lot that was created down near the theater building. One of the comments that came up at that time from the Town Council was whether we needed to restrict parking in the upper lots. The lot behind the Parks & Recreation Office is currently residents only and the one by the Dog Park is open to both residents and non-residents.
- Since the waterfront area of the Park is the only location that is restricted to residents only; we would like to remove the restriction on the parking lot behind the Parks & Recreation Office. With this change both parking lots at the top of the hill are open to both residents and non-residents. We do get park visitors here watching sporting events (I.E – High School Tennis matches) and they will often park in the lot behind the Parks & Recreation Office. We don’t want the Police Department inadvertently ticketing park visitors who are here for a legitimate reason.
- To accomplish these changes we would delete the wording under Section B and replace it as follows:

“The waterfront parking lot, which is located across from the theater, shall be restricted to Merrimack Residents only. Signs will identify the parking lot.”

Chapter 142-15 Wasserman Park Beach

Also under Chapter 142-15, we would also like to add a new subsection C. Naticook Day Camp which is held at Wasserman Park, is licensed to operate under rules set by the New Hampshire Department of Environmental Services. Under rule ENV-Wq 905.08 (b) (2) which covers Natural Waters and Beaches; the rule states that domestic animals shall be prohibited from the beach and swimming area.

- Since the Camp program has to follow these administrative rules in order to maintain our camp license; we are looking to adopt this State rule into our Town Ordinance so that they are in agreement. As far as our Camp license to operate is concerned, the rule only really needs to be in place for when Camp is in session but since the dates of camp change every year, we are suggesting the season of June 15th – August 31st. While we don’t ever envision a time when Camp would open before June 15th, there is a possibility in the future of running thru the end of August, so these dates covers us for potential future changes in the camp season.

Chapter 142, PARKS AND RECREATION AREAS

(Amended by the Town Council 8-9-2007; 4-17-2008; 12-3-2009; 2-25-2010; 12-1-2016)

§ 142-1. Legislative intent. [Amended 4-8-1997 by ATM, Art. 32; 3-10-1998 by ATM, Art. 18, 4-17-2008 by the Town Council]

In accordance with the provisions of RSA 31:39 I(a), the Town of Merrimack hereby adopts this chapter to regulate, protect and preserve the use of Abbie Griffin Park, Veterans Memorial Park, the park portion of Wasserman Park, the park areas at Twin Bridges, Martel Field, Weston Park, Harold and Barbara Watson Park, Cpl. Tim Gibson Memorial Athletic Complex, Joseph and Josephine Twardosky Ball Field, Merrimack Skate Park, Reeds Ferry Athletic Fields, Bise Field, Depot Street Boat Ramp, Frazier Square, the ATV facility off West Road and the tennis courts, ice rinks, Merrimack Dog Park, Bishop Field and any other town-owned property designated as being a park or for recreational area (hereinafter referred to collectively as “restricted recreational area(s)”). The declared purpose for this ordinance is to enhance certain opportunities for the public for recreation, education, cultural development and other activities consistent with the existing uses and preservation of these restricted recreational areas. Any park rules in addition to those set forth herein shall be posted on the property. This Ordinance shall be enforced by the Merrimack Police Department.

§ 142-2. Park hours.

No person may occupy, remain, stay or loiter upon any restricted recreational areas prior to 1/2 hour before sunrise or 1/2 hour after sunset, except under the direction of or with the written permission from the Town Council, the Town Manager or his designated agents. (This provision shall in no way be intended to preclude authorized and regularly scheduled activities or events from occurring outside of the prescribed times.)

§ 142-3. Fires.

No person shall make or kindle any fire in any restricted recreational area, except in picnic stoves or other designated areas provided for that purpose.

§ 142-4. Glass containers.

No person shall possess any glass containers in any restricted recreational area.

§ 142-5. Waste disposal.

No person shall throw, leave or discard any trash, rubbish or garbage, in any restricted recreational area except in containers provided therefore.

~~§ 142-6. Picnicking in designated areas.~~

~~No person shall picnic in any restricted recreational area, except in designated areas.~~

§ 142-7. Alcoholic beverages and unlawful drugs. [Amended 4-8-1997 by ATM, Art. 33, 4-17-2008 by the Town Council]

- A. No person shall use, consume, carry or bring any alcoholic beverages or any unlawful drugs as defined by RSA 318-B:1 upon or within any restricted recreational area for any reason. With prior written permission of the Town Council or its designee, alcoholic beverages may be consumed in pre-designated areas.

§ 142-8. Use of vehicles.

- A. No parking is allowed in any restricted recreational area, except in designated areas.
- B. No person shall drive, operate or maintain any off-highway recreational vehicle as defined in RSA 215-A:1(VI) in any restricted recreational area-except as otherwise permitted herein. "Off-highway recreational vehicle" means any mechanically propelled vehicle used for pleasure or recreational purposes, running on rubber tires, belts, cleats, tracks, skis or cushion of air and dependent on the ground or surface for travel or other unimproved terrain, whether covered by ice or snow or not, where the operator sits in or on the vehicle.
- C. No person shall drive, operate or maintain any motorized vehicle off the roads and designated parking areas within any restricted recreational area.
- D. Any off-highway recreational vehicle within any restricted recreational areas in violation of Subsection B may be impounded by the Merrimack Police Department. All expenses, i.e., towing or transportation and storage, shall be paid by the owner of said vehicle prior to redemption, such reasonable charges to be determined by the Chief of Police or his designated agent.
- E. EXCEPTION: Off-highway recreational vehicle as defined in RSA 215-A:1 (VI) shall be permitted to be driven, operated or maintained only in the ATV facility, located off West Road.

§ 142-9. Animals.

No person shall bring or allow any animal to be in any restricted recreational area, except on a leash or in a cage [in accordance with RSA 466:30-a.] The only exception is the Merrimack Dog Park.

§ 142-10. Weapons; hunting, trapping and fishing.

- A. No person shall discharge firearms within any restricted recreational area.
- B. No hunting or trapping will be done or permitted within any restricted recreational area unless necessitated by reasons of wildlife management, preservation or conservation practices.
- C. Fishing shall be permitted at designated times and locations within restricted recreational areas.

§ 142-11. Defacing equipment and plants.

No person shall remove or deface any building, equipment, tree, shrub or flower located in any restricted recreational area.

§ 142-12. Smoking.

No smoking shall be permitted in any restricted recreational area except in designated areas.

§ 142-13. Temporary closure

Town Parks/facilities under the jurisdiction of the Director of Public Works or the Director of Parks and Recreation may periodically be closed, in whole or in part, and access denied to the public. No person shall enter upon or use these facilities while under closure without the expressed written permission of the Town. The Town Council and Town Manager shall be notified of all closures before they are effected and notice shall be posted at each point of public access, on the town website and other electronic media, and in at least two public places in the town notifying the public of the closure.

§ 142-14. Access limited

Use of the ATV facility off West Road shall be limited to Town of Merrimack residents only.

[Swimming activities shall be prohibited from the Boat Ramp at Veterans Park.]

[§ 142-15. Wasserman Park Beach

A. The Wasserman Park Town Beach shall be for the exclusive use of Merrimack residents and their authorized guests. Nonresident visitors are permitted to use the area only when accompanied by a Merrimack resident or have the appropriate parking pass affixed to their vehicle. Passes shall consist of either a valid Merrimack facility pass or rear view mirror placard.

~~B. Parking for the Wasserman Park Beach shall only be allowed in the parking lot adjacent to the Parks and Recreation office or the parking lot across from the theater. Signs will identify the parking lot.~~

B. [The waterfront parking lot, which is located across from the theater, shall be restricted to Merrimack Residents only. Signs will identify the parking lot.]

C. [In accordance with New Hampshire Code of Administrative Rules ENV-Wq 905.08 (b) (2), domestic animals shall be prohibited from the beach and swimming area between June 15 - August 31.]

§ 142-16. Violations and penalties. [Amended 5-13-1993 by ATM, Art. 10, 4-17-2008 by the Town Council]

Any person violating the provisions of this chapter shall be guilty of a violation and shall be subject to a penalty not to exceed \$1,000, such penalty may be used to improve or repair the Town's park facilities.