



TOWN COUNCIL – AGENDA REQUEST FORM

THIS FORM WILL BECOME PART OF THE BACKGROUND INFORMATION USED BY THE COUNCIL AND PUBLIC

Please submit Agenda Request Form, **including back up information, 8 days prior** to the requested meeting date. **Public Hearing requests must be submitted 20 days prior to requested meeting date to meet publication deadlines** (exceptions may be authorized by the Town Manager, Chairman/Vice Chair).

MEETING INFORMATION

Date Submitted: October 19, 2023

Date of Meeting: October 26, 2023

Submitted by: Parks & Recreation Director Matthew Casparius

Department: Parks & Recreation

Time Required: 20 minutes

Speakers: Matthew Casparius

Background Info. Supplied: Yes: No:

CATEGORY OF BUSINESS (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Appointment:	<input type="checkbox"/>	Recognition/Resignation/Retirement:	<input type="checkbox"/>
Public Hearing:	<input type="checkbox"/>	Old Business:	<input type="checkbox"/>
New Business:	<input checked="" type="checkbox"/>	Consent Agenda:	<input type="checkbox"/>
Nonpublic:	<input type="checkbox"/>	Other:	<input type="checkbox"/>

TITLE OF ITEM

Consideration of Changes to Chapter 142, Parks and Recreation Areas, of the Merrimack Town Code

DESCRIPTION OF ITEM

The Town Council to consider the acceptance of the recommended changes to Chapter 142, Parks and Recreation Areas, of the Merrimack Town Code, pursuant to Charter Article V.

REFERENCE (IF KNOWN)

RSA:		Warrant Article:	
Charter Article:	V	Town Meeting:	
Other:		N/A	

EQUIPMENT REQUIRED (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Projector:	<input type="checkbox"/>	Grant Requirements:	<input type="checkbox"/>
Easel:	<input type="checkbox"/>	Joint Meeting:	<input type="checkbox"/>
Special Seating:	<input type="checkbox"/>	Other:	<input type="checkbox"/>
Laptop:	<input type="checkbox"/>	None:	<input type="checkbox"/>

CONTACT INFORMATION

Name:	<u>Matthew Casparius</u>	Address	<u>116 Naticook Road</u>
Phone Number	<u>603-882-1046</u>	Email Address	<u>mcasparius@merrimacknh.gov</u>

APPROVAL

Town Manager:	Yes <input checked="" type="checkbox"/>	No: <input type="checkbox"/>	Chair/Vice Chair:	Yes <input type="checkbox"/>	No: <input type="checkbox"/>
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Merrimack Parks & Recreation

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<http://www.merrimackparksandrec.org>

To: Paul Micali, Town Manager

From: Matt Casparius, Director of Parks & Recreation

Re: Proposed changes to Chapter 142 – Parks & Recreation Ordinances

Date: September 18, 2023

Hi Paul,

Last spring, you asked all Department Heads to review the ordinances related to our Departments and to come up with any recommended changes. I have been working with the Parks & Recreation Committee all summer on Chapter 142 and attached you will find a marked up copy showing our recommended changes which were voted and approved by the Parks & Recreation Committee at our meeting on August 16th, 2023. Listed below you will find a brief write up of the change and the reasoning behind our recommendations?

142 – 1 – Legislative Intent:

Previously there was no rhyme or reason to how things were listed and previous changes such as new facilities simply got added to the end of the list and so the recommended change here is simply to alphabetized them so it made more sense.

142 – 3 – Fires

We are looking to define fires as “charcoal grills only” since we don’t allow the general public to have Campfires in Parks. The only exceptions have been for Parks & Recreation programming or when we’ve given special permission to the Boy Scouts or Girl Scouts during their camporees.

142 – 4 – Waste Disposal

Added new sentence to prohibit household or construction related trash from being disposed of in dumpsters; which we know does occur sometimes. If we found it, the fines at the end of the ordinance would then be applied and we could charge people if need be.

142 – 8 – Animals

Remove the words “In a Cage”. And then rephrased the sentence to be clearer about the intent about when dogs could be off leash in the park.

142 – 11 Smoking

We are suggesting to add “vaping or cannabis” to the definition. Currently there are no designated smoking areas in any park nor do we provide smoking disposal containers in any of our parks.

142 -13 Access Limited

Under Item A – it listed the ATV park off of West Road, but the official entrance to the ATV Park is off of Lawrence Road and we've received numerous phone calls over the years from West Road Residents to this effect. Lawrence Road is what we promote on the website.

142-15 – Metal Detecting

This is a brand new section that we are suggesting be added as it's become more and more commonplace and we've been getting a lot of questions over the last year about what is and isn't allowed.

142 – 16 Violations & Penalties

This section was originally 142-15 and as a result of the addition on metal detecting would get renumbered. We are also suggesting that we add a cost for the repair for services in addition to the \$1000 penalty. We have had issues over the years where we have vandalism occur and the cost to repair alone is \$950. Our feeling is if this person is caught they should pay a fine and the cost to repair the damage.

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; 11-16-2017]

§ 142-1. Legislative intent.

In accordance with the provisions of RSA 31:39I(a), the Town of Merrimack hereby adopts this chapter to regulate, protect and preserve the use of [Abbie Griffin Park, Bishop Field, Cpl. Tim Gibson Memorial Athletic Complex including Martel & Gibson Fields, Merrimack Skate Park, Reeds Ferry Athletic Fields, Joseph and Josephine Twardosky Ball Field, Twin Bridge Park & Bise Field, Veterans Memorial Park, the park portion of Wasserman Park,] ~~the park areas at Twin Bridges, Martel Field, [Harold and Barbara Watson Park, 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 [Lawrence 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 chapter 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 chapter 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~~ [charcoal grills specifically] ~~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 therefor. [Household or construction related trash cannot be disposed of in park trash containers or dumpsters.]

§ 142-6. Alcoholic beverages and unlawful drugs.

- 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 predesignated areas.

§ 142-7. 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.

§ 142-8. 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 **[time dogs are allowed off leash in recreational areas is when they are inside the enclosure fence at the]** ~~exception is the~~ Merrimack Dog Park.

§ 142-9. 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.

§ 142-10. Defacing equipment and plants.

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

§ 142-11. Smoking.

No smoking [, **vaping or cannabis**] shall be permitted in any restricted recreational area except in designated areas.

§ 142-12. 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.

§ 142-13. Access limited.

- A. Use of the ATV facility off ~~West~~ **[Lawrence]** Road shall be limited to Town of Merrimack residents only.
- B. Swimming activities shall be prohibited from the boat ramp at Veterans Park.

§ 142-14. 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. 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 905.07(b)(2), domestic animals shall be prohibited from the beach and swimming area between June 15 and August 31.

[§ 142-15. Metal Detecting

Metal detectors shall be permitted in facilities under the jurisdiction of the Parks & Recreation Department under the following circumstances:

- A. **Metal detectors shall be permitted along the shoreline of the Town beach and a minimum distance of 25 feet away from the active play areas on athletic fields, playgrounds, picnic tables and pavilions, unless otherwise posted.**
- B. **No metal detecting shall be done inside the dog park while dogs are inside and playing. Note: this is due to the dog's sensitivity to strangers and/or strange equipment. Not all dogs will tolerate strangers, strange equipment and the strange sounds that these devices tend to make.**
- C. **Money or items found whose value is in excess of \$5.00 shall be reported to the Parks & Recreation Department**

Digging.

(a) In the above areas, digging shall be permitted as long as all resulting holes are completely filled in. Digging holes to a depth greater than 12 inches shall not be permitted.

(b) No digging is permitted in any areas of Watson Park due to the sensitive nature of the park.

(c) Digging and other ground disturbances shall not be permitted on any active play surface on athletic fields or playgrounds.

(d) Any damage caused by the individual must be immediately reported to the Parks & Recreation Department and individual may be responsible for paying for any repairs.

Mineral Collecting:

Mineral exploration and collecting using mechanized equipment shall not be permitted on restricted recreational area, unless permission has been granted by special use permit from the Town Council, Town Manager, or its designated agent.

- **Notwithstanding the above Mineral exploration and collecting shall not be permitted at geologic sites, natural preserves or historic sites.]**

142-16. Violations and penalties.

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 **[and the cost to repair the damages]**; such penalty may be used to improve or repair the Town's park facilities.