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 21, 2016
Submitted by: Parks and Recreation Director Matthew Casparius
Department: Parks and Recreation
Speakers: Matthew Casparius

Date of Meeting: October 27, 2016
Time Required: 15 minutes
Background Info. Supplied: Yes: _☒_ No: _☐_

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

Appointment:	☐	Recognition/Resignation/ Retirement:	☐
Public Hearing:	☐	Old Business:	☐
New Business:	☒	Consent Agenda:	☐
Nonpublic:	☐	Other:	☐

TITLE OF ITEM

Proposed Changes to Chapter 142, Parks and Recreation Areas [First Reading]

DESCRIPTION OF ITEM

The Town Council to consider the proposed changes to Chapter 142 - Parks and Recreation Areas, of the 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:	☐	Grant Requirements:	☐
Easel:	☐	Joint Meeting:	☐
Special Seating:	☐	Other:	☐
Laptop:	☐	None:	☐

CONTACT INFORMATION

Name:	**Matthew Casparius**	Address	**116 Naticook Road**
Phone Number	**882-1046**	Email Address	mcasparius@merrimacknh.gov

APPROVAL

Town Manager: Yes _☒_ No: _☐_
Chair/Vice Chair: Yes _☒_ No: _☐_

07/06

Memo

TO: Town Council
ATTN: Town Manager Eileen Cabanel
FROM: Finance Director Paul T. Micali
DATE: October 21, 2016

RE: Chapter 142, PARKS AND RECREATION AREAS - Update

As many of you know the Merrimack Dog Park is under construction with a completion date of late November early December. As such we thought it was a good time to make changes to Chapter 142 "Parks and Recreation Areas" to include the Dog Park as a park and some other minor changes. Below you will find a quick summary of the changes:

§ 142-1. Legislative intent - added Merrimack Dog Park and Bishop Field

§ 142-9. Animals - added the only exception is the Merrimack Dog Park

§ 142-15. Wasserman Park Beach - added or the parking lot across from the theatre. This is to update the parking areas for residents who are using the Naticook Lake.

Chapter 142, PARKS AND RECREATION AREAS

§ 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. **{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.

[§ 142-15. Wasserman Park Beach

The Wasserman Park Town Beach shall be for the exclusive use of Merrimack residents and their authorized guests. Non-resident 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.

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 theatre}**. Signs will identify the parking lot.

§ 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.

(Amended by the Town Council 8-9-2007, effective 8-16-2007; Amended by the Town Council 4-17-2008, effective 4-17-2008; Amended by the Town Council 12-3-2009; effective 12-3-2009; Amended by the Town Council 2-25-2010, effective

2-25-2010)

Authenticated:

_____ _____

Nancy Harrington, Town Council Chairman Date

_____ _____

Diane Trippett, Town Clerk / Tax Collector Date