

# *Town of New Boston*

## *New Hampshire*

*In the year Two Thousand and Six*

### AN ORDINANCE

"An Ordinance repealing All Ordinances Regulating Trespass Upon the Public Grounds and Public Buildings including School Buildings and their grounds in the Town of New Boston, and Amending the Code of Ordinances of the Town of New Boston by deleting All Ordinances Regulating Trespass Upon the Public Grounds and Public Buildings including School Buildings and their Grounds in the Town of New Boston in their entirety and replacing same with a new Chapter 1, "Ordinance Regulating Conduct on Public Grounds."

#### **CHAPTER 1: ORDINANCE REGULATING CONDUCT ON PUBLIC GROUNDS**

##### 1.1 Title.

Section 1.1 through 1.9 of this chapter shall be known and may be cited as an Ordinance Regulating Conduct on Public Grounds.

##### 1.2 Definition.

Public Grounds shall be defined as the following unless the context clearly indicates or requires a different meaning; a public school, public buildings, recreation center, park, recreation area, skateboard park, playground, common, school yard, ball fields, tennis court, or any other area owned by the town including properties overseen by the Library Trustees, Conservation Commission or Forestry Committee.

##### 1.3 Operating Policy on Public Grounds / Trespass.

- (A) Public Grounds comprised of school buildings, appurtenant structures, school grounds including parking lots plus recreational or athletic areas as noted above in section 1.2, shall be closed to the public every day of the year from a half hour after sunset until 7:00 a.m., except for such functions as fireworks displays and such other community programs or meetings as may be authorized by the selectmen, the school principal, or the entity to which the Board of Selectmen have delegated management authority for the grounds in question.
- (B) Rules and regulations for use of Conservation or Forestry properties will be posted at those locations.
- (C) The Skate Board Park will be closed to the public every day of the year from a half hour after sunset until 9:00 a.m., or as otherwise posted by the Recreation Director.
- (D) Such public closure shall be conspicuously posted at the affected grounds.
- (E) Any person entering public grounds without permission or lawful authority during a time when said public grounds are closed shall be in violation of this section of the ordinance and shall be fined:
  - a) Community service for a first offense,
  - b) \$ 250 for a second offense within the next 365 days,
  - c) up to a maximum of \$1,000 for subsequent offenses in a one year period.

#### 1.4 Special Requirements for use of the Skate Board Park.

- I. The New Boston Skate Board Park shall be for the exclusive use of New Boston Residents ONLY. Non-resident visitors are permitted to use the area only when actually accompanied by a New Boston resident at all times.
- II. Skateboards are to be used in designated areas only. Skateboards are not to be used on any fixtures, railings or fences, outdoor furniture or other structures, including curbing outside the designated skateboarding area.
- III. No pets are allowed within the skateboard area at any time.
- IV. Children under the age of eight (8) years shall be supervised by an adult, or guardian age twelve (12) or older, at all times when using the skateboard area.
- V. Use of safety equipment such as helmets, gloves, knee and elbow pads, wrist supports and proper shoes is strongly recommended.

#### 1.5 Dangerous Weapons and Drug Free Zone

- I. No person except sworn police personnel with lawful jurisdiction shall carry or possess a dangerous weapon in any public school building, including appurtenant buildings, on any public school grounds, including parking lots and recreational or athletic areas, or any other public grounds.
- II. Dangerous weapons defined for the purpose of this section as follows unless the context clearly indicates or requires a different meaning; Any firearm, knife, black jack, slingshot, metallic knuckles or other thing which is designed or intended to be used to produce bodily injury.
- III. Pursuant to RSA 193-B:1, there is hereby established a drug free zone consisting of any property used for school purposes by any school, whether or not owned by such school, within 1000 feet of any such property and within or immediately adjacent to school buses.

#### 1.6 Behavior.

- I. No person on public grounds shall consume an intoxicating beverage, except as authorized by the Selectmen.
- II. No person on public grounds shall build a fire, except as authorized by the Selectmen or the entity to which the Board of Selectmen have delegated management authority for the grounds in question.
- III. No person on public grounds shall engage in any disorderly conduct or behavior tending to a breach of the public peace.
- IV. No person shall camp, set up tents, shacks, or other temporary shelter for any purpose, except as authorized by the Selectman or the entity to which the Board of Selectmen have delegated management authority for the grounds in question.
- V. No person shall operate, park or drive any vehicle, including but not limited to motor vehicles, motorcycles, mini bikes, go carts or bicycles, skate boards or other human or animal propelled vehicles on any public grounds, where operation of a vehicle is unauthorized, except as authorized by the Selectmen or the entity to which the Board of Selectmen have delegated management authority for the grounds in question.

#### 1.7 Sanitation.

- I. No person shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, or other body of water or adjacent to any public grounds or any tributary, stream, storm sewer or drain flowing into such waters any substance, matter or thing, liquid or solid, which will or may result in the pollution of waters.

- II. No person shall deposit refuse or trash, bring in or dump or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish waste, garbage, tires or any other trash. No such refuse or trash shall be placed in any water or contiguous to any public grounds or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the public property by the person responsible for its presence and properly disposed of elsewhere.

### 1.8 Smoking at School.

In order to protect the health, welfare and safety of the children and citizens of the town and all other persons attending activities at school, no person shall at any time, smoke tobacco or tobacco related products while within the perimeter of school property, as dictated by State R.S.A. 126-K: 7. Any person who violates this section shall be guilty of a violation and not withstanding R.S.A. 651:2, shall be punished by a fine not to exceed \$100.00 for each offense.

### 1.9 Penalty / Enforcement / Exceptions

- I. Any person who violates any of the provisions of this chapter for which no penalty is otherwise provided shall be subject to a fine not exceeding the maximum allowed by R.S.A. 47:17 or other law.
- II. The school principal and school employees, in the case of “on school property”, and the police shall, in connection with their duties imposed by law, diligently enforce the provisions of 1.1 through 1.9 of this chapter and shall have the authority to eject from public property any person acting in violation of this chapter or, in the case of the police, to effect lawful arrests.
- III. The Recreation Director and Recreation Employees, in the case of violations on Town owned Skate Board Park, Tennis Court, Ballfields and Playground areas, and the police shall, in connection with their duties imposed by law, diligently enforce the provisions of 1.1 through 1.9 of this chapter and shall have the authority to eject from these public properties any person acting in violation of this chapter or, in the case of the police, to effect lawful arrests.
- IV. Requests for exceptions by the Board of Selectmen or the entity to which the Board of Selectmen have delegated management authority for the grounds in question are to be made in writing.
- V. A response will be issued within 14 days of receipt of the request. Responses will be in writing. Approvals are to be posted.

**Ordinance Effective: March 20, 2006**

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<b>Gordon Carlstrom</b>	<b>Christine Quirk</b>	<b>David Woodbury</b>
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**NEW BOSTON BOARD OF SELECTMEN**