# TOWN OF GOSHEN

# RECREATION AREA ORDINANCE

## Version 1.3

### SECTION 1. PURPOSE.

The purpose of this ordinance shall be to preserve public peace and good order on lands operated as recreational areas within the Town of Goshen, and to contribute to the safety and enjoyment of the users of such recreational areas by regulating the hours of use and use of motorized vehicles, and by prohibiting certain activities harmful to use or users of such areas. This ordinance is adopted under authority conferred in RSA 35-B:3, V and RSA 41:11-a. This ordinance may be revised at any time by the Goshen Board of Selectmen if it is determined to be in the best interest of the Town of Goshen to do so.

### SECTION 2. DEFINITIONS.

A. "RECREATIONAL AREAS" means real property owned, leased and/or maintained by the Town of Goshen for recreational use, including, but not limited to, the following areas: Gunnison Lake, Rand Pond boat launch and beach, and those associated parking areas. Recreational Areas shall mean the grounds, buildings thereon, and any other property necessary for the operation thereof and constituting a part thereof which is now or hereafter will be maintained, operated, and controlled by the Town of Goshen or other agencies for public recreation use.

B. "EQUIPMENT" means benches, tables, picnic tables, trash barrels, docks, floats, monuments, cultivated trees, shrubs, plants, flowers, and any other property of the Town of Goshen or other agencies and placed or positioned on the grounds of a recreational area incidental to, or to aid in, recreation.

"RESIDENTIAL TRASH" means all trash, refuse, garbage, or litter not incidental to picnicking. All trash, refuse, garbage or litter packaged in any manner with letters, envelopes, or mail, including said letters, envelopes or mail, shall be deemed residential trash.

C. "VEHICLE" means any motorized device in, upon, or by which a person or property is, or may be, transported.

E. "PERSON" means any individual, firm, partnership, corporation, or association.

F. "BOAT LAUNCH" means real property abutting the waters of Lake Gunnison or Rand Pond and owned and/or maintained by the Town of Goshen for the purpose of launching boats, as designated by the Board of Selectmen.

## SECTION 3. HOURS OF CLOSING.

A. No person shall be permitted to remain, stop or park within the confines of any recreational area after sunset or 9 P.M. whichever occurs first, except as otherwise posted or provided in subsection B. and C.

B. Any person may apply for a permit from the Board of Selectmen to have use of any recreational area during these times. Said permit to be issued by Board of Selectmen or its designee when it is in the public interest to do so.

C. Gunnison Lake boat access and Rand Pond beach/boat launch will be open at times that the Board of Selectmen may determine is in the public interest to do so.

## SECTION 4. PERMITS FOR USE AND PARKING.

A. A permit must be obtained from the Board of Selectmen or its designee for the following uses and activities:

   a. Use of a recreational area at night time or between the hours of sunset and sunrise or as otherwise posted.

   b. Parking or driving any vehicles in areas not designated for that purpose.

   c. Use of a recreational area between the hours of 5 A.M. and 10 P.M. for a function such as a wedding or fair.

   d. Camping or other events organized by groups or organizations within Goshen's recreational areas.

   e. Vending of food or drink by non-profit organizations.

   f. Those acts prohibited without a written permit as set forth in Section 5 of this ordinance.

B. For information regarding obtaining permits contact the Board of Selectmen. These procedures shall be determined by the Goshen Board of Selectmen. Permit applicants must be 18 years of age or older and agree to be responsible for all damage to recreational area premises or equipment and shall agree to indemnify the Town of Goshen for any such damage caused incidental to the applicant's use of the recreational area. Permit users agree to hold the town of Goshen harmless and free of responsibility for any injury, property damage or other losses resulting from the use of these permitted areas.

## SECTION 5. ACTS PROHIBITED WITHOUT WRITTEN PERMISSION.

No person shall commit any of the following acts within a recreation area without a written permit from the Board of Selectmen or its designee:

A. Posting any sign, banner, or advertisement of any kind within any recreational area.

B. Moving or carrying any equipment out of the area.

C. Installation of any equipment or facilities such as rope swings, docks, ramps, bridges, fire pits, grills, etc. whether temporary or otherwise.

## SECTION 6. ACTS PROHIBITED.

A. The use of illegal drugs or other controlled substances in Goshen recreational areas is forbidden.

B. Alcoholic beverage consumption is not allowed as specified in Goshen's open container ordinance.

C. Smoking and vaping in recreational areas is not allowed.

D. Allowing dogs to be uncontrolled and off leash is not allowed.

E. All recreational areas are "carry in/carry out" facilities as such all litter, rubbish or other waste must be carried out.

F. Vehicles shall not be permitted in recreational areas except on roads, parking lots, or paths maintained for use by vehicles.

G. No person shall park any vehicle within any area not designated for parking within a recreational area unless approved by the Board of Selectmen.

H. Conducting any business activities, including without limitation hawking, peddling or vending of any kind, is prohibited in recreational areas-except by such non-profit or charitable organizations which apply for and receive a permit from the Board of Selectmen to do so. Permits shall be issued in accordance with Section 4 this ordinance.

    a. Hawking, peddling or vending may be allowed by permit only. The number of permits shall be determined by the Board of Selectmen. Permits shall be issued in accordance with section 4 of this ordinance.

    b. Rental of space for business activities and uses related to such activities may be allowed by the Board of Selectmen. Such use must be, in their judgment, a benefit to the general public and in keeping with the Town development

plans. The Board of Selectmen shall annually negotiate the rental rate of said space at the prevailing fair market value for commercial rentals of such space.

I. Engaging in the business of renting watercraft, or motorized land or water vehicles from recreational areas is prohibited, including, without limitation, delivering or accepting return of such vehicles, accepting or making payment for such-services, advertising such services (other than through signs lawfully affixed to legally parked motor vehicles), or making contracts for such services, other than as may be specially permitted under Section 6, E.

J. Motorized watercraft other than electric powered watercraft are not allowed.

K. Damage, misuse, alteration, or destruction of any equipment as defined in Section 2.B.

L. Installation of any apparatus or equipment not approved by the Board of Selectmen or its designee.

M. Campfires, fireworks and or other open flame devices are prohibited unless prior permission is obtained from the Board of Selectmen.

N. Discharge of firearms is prohibited except as lawfully allowed for hunting purposes.

**SECTION 7. PARENTAL RESPONSIBILITY.**

No parent, guardian, or custodian of any minor shall permit or allow the minor to do any act, which would constitute a violation of this ordinance. Non-observance of this section shall be a violation.

**SECTION 8. NO SWIM ZONES.**

The Goshen Board of Selectmen may establish no swim zones when it is determined to be in the best public interest.

**SECTION 9. PENALTIES.**

A. Except as stated below, anyone convicted of violating any provision of this ordinance shall pay a fine of no more than one hundred dollars ($100.00) unless required under other law. Said fines to be administered by the Goshen Police Department or designated law enforcement agency and paid to the Goshen Town Clerk, except as stated below:

   a. Any person found to have violated sections regarding the disposal of residential or construction trash within a recreational area shall pay a fine of

two hundred fifty dollars ($250.00) to the Goshen Town Clerk or police department of Goshen.

b. Any person found to have violated sections regarding the operation or parking of vehicles shall pay a fine as specified in the Town of Goshen "Parking Ordinance" for violations of that ordinance. Said fines to be administered by the police department and paid to the Goshen Town Clerk.
c. Any person failing to remove trash, rubbish or other waste shall pay a fine of one hundred fifty ($150.00) to the town of Goshen.

B. In addition, persons found to be violating any provision may be denied use of the recreational area by any member of the Board of Selectmen, their designees, or a member of the Goshen Police Department. Any such denial of use may be appealed to the Board of Selectmen.

**SECTION 10. ENFORCEMENT.**

This ordinance shall be enforced by the Board of Selectmen, its designees, and by the Town of Goshen Police Department or any other police agency having jurisdiction within the Town of Goshen in the manner prescribed for enforcement of violations of law by New Hampshire Statute.

After a public hearing, the above ordinance was adopted by the Goshen Board of Selectmen on September 11, 2017.

**Goshen Board of Selectmen**

**Robert Bell, Chairman** Robert Bell

**William Ball**_____

**Doug O' Clair**_____