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(Adopted by the Board of Selectmen 10/27/03)**

**ARTICLE III**  
**Skateboard Park Recreation Area**

- §235-25. Rules and Regulations**

**HISTORY:**

*Adopted by Board of Selectmen 6/27/76*

*Adopted by Board of Selectmen 6/1/81*

*Amended by Board of Selectmen 4/27/92*

*Amended by Board of Selectmen 8/18/97*

*Approved by Recreation Advisory Committee - May 18, 2005*

*Amended and Approved by Board of Selectmen – August 15, 2005*

**§235-1. Title**

This ordinance shall be known as the "Recreation Ordinance" for the Town of Salem, New Hampshire.

**§235-2. Purpose**

The purpose of this ordinance shall be to preserve the public peace and good order on lands operated as public parks by the Town of Salem and to contribute to the safety and enjoyment of the users of such park land by regulating the hours of use, the use of motorized vehicles and by prohibiting certain activities inimical to customary park recreation use.

**§235-3. Jurisdiction and Administration**

The Department of Recreation and/or the Department of Public Works Division of Parks & Property of the Town of Salem are charged with the administration of this ordinance and the posting of signs designating park lands within the Town of Salem. The rules and regulations set forth herein shall apply to and be in effect in all parks, athletic fields and other recreation areas under the control, supervision and jurisdiction of the Department of Recreation of the Town of Salem.

**§235-4. Definitions**

For the purpose of this ordinance, terms used herein are defined as follows:

"Director" shall mean the Director of the Department of Recreation of the Town of Salem or his/her duly authorized agents.

"Parks" shall mean the grounds, buildings thereon, waters therein and any other property necessary for the operation thereof and constituting a park thereof, which are now or hereafter maintained, operated and controlled by the Town of Salem for public recreation purposes. Such areas shall include but not be limited to athletic fields, playgrounds, neighborhood parks, community parks, beaches, Skateboard Park and other areas used for recreation purposes.

"Person" shall mean any individual, firm partnership, corporation or association of persons and the singular number shall include the plural.

"Swimming Area" shall mean any water area, beach or pool, whether in a park or not, designated by the Director, as an area where public swimming is allowed.

"Skating Area" shall mean any pond, flooded area, designated portion of a lake or other area, whether in a park or not, designated by the Director as an area where skating is allowed.

"Recreational Water Way" shall mean any area where water exists, whether in a park or not, designated by the Director, for recreation use.

"Vehicles" shall mean every device in, upon or by which a person or property is or may be transported. Vehicle shall include, but not be limited to automobiles, motorcycles, mini bikes, bicycles, snowmobiles, mopeds, trucks, jeeps trail bikes, scooters, segways, ATV's and skate boards. This definition does not include devices needed to assist disabled persons.

"Liquor" as used in this Ordinance shall have the meaning as defined in RSA 175:1.

"Alcoholic Beverage" as used in this Ordinance shall have the same meaning as "beverage" as defined in RSA 175:1.

"Controlled Drugs" as used in this Ordinance shall have the same meaning as defined in RSA 318-B.

**§235-5. Hours of Operation and Closing**

No person shall be permitted to remain, stop, park, or be within the confines of any park between the hours of dusk and dawn, except in emergency cases, as otherwise posted or with a special permit from the Director. In case of any emergency or when, in the judgment of the Director, the public interest demands it, any portion of a park may be closed to the public until permission is given to reopen.

**§235-6. Permits Required; Conditions of Permits**

- A. A permit must be obtained from the Recreation Director for the following uses and activities:
1. The use of any park buildings, pavilions, playing fields or picnicking on park grounds or the use of other facilities by any association, organization or group.
  2. Camping within a park.
  3. Vending of food or drink.
  4. Those acts prohibited without a written permit as set forth in the Ordinance.
- B. Permits shall be issued by the Director. The Director may deny an application for a permit on any of the following grounds:
1. If the proposed use or activity will interfere with the general use of the park by individual members of the public:
  2. The application for permit (including any required attachments and submissions) is not fully completed and executed:
  3. The applicant has not tendered the required application fee with the application or has not tendered the required user fee, indemnification agreement, insurance certificate or security deposit within the times prescribed by the Director:
  4. The application for permit contains a material falsehood or misrepresentation:
  5. The applicant is legally incompetent to contract or to sue and be sued:
  6. The applicant or the person on whose behalf the application for permit was made has on prior occasions damaged park property and has not paid in full for such damage or has other outstanding and unpaid debts to the park:

7. A fully executed prior application for a permit for the same time and place has been received and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular park or part hereof:
  8. The use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the park and previously scheduled for the same time and place:
  9. The proposed use or activity is prohibited by or inconsistent with the classifications and uses of the park or designated area:
  10. The use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant or other users of the park, town employees or the public:
  11. The applicant has not complied or cannot comply with applicable licensure requirements, ordinances or regulations concerning the sale or offering for sale of any goods or services: or
  12. The use or activity intended by the applicant is prohibited by law, regulation or by this Ordinance.
- C. All requests to use the park must be submitted to the Director two weeks prior to the date of requested use. All permit applicants must be eighteen (18) years of age or older. All permits must be signed by the applicant prior to its issuance. The applicant shall be responsible for all damages to park facilities or contents thereof and shall agree to indemnify the Town of Salem, New Hampshire for such damages to park facilities or contents thereof. At the discretion of the Director, a cash security deposit may be required and/or an insurance policy required for the duration of the permit.
- D. All permits shall be issued in writing by the Director and shall be subject to park rules and regulations and the provisions of this Ordinance. A permit to do any act shall authorize the same only insofar as it may be performed in strict accordance with the written terms and conditions of the permit and not in violation of any law, ordinance, rule or regulation. Any violation of any term or condition of the permit or any law or ordinance or rule or regulation, shall constitute grounds for revocation of the permit by the Director, Town Manager or Chief of Police, whose action therein shall be final.
- E. Upon obtaining a permit, the applicant shall pay a permit fee, if any, to the Town of Salem in an amount according to a fee schedule established by the Board of Selectmen of the Town of Salem, the Town Manager and the Director. Such fee schedule shall be established according to, but not limited to, the activity permitted, the facility used, maintaining orderly clean up, utilities used and police required.
- F. Revocation of a permit for violation of this Ordinance shall result in forfeiture of any permit fee paid.

**§235- 7. Recreational Water Way Usage**

- A. Swimming: swimming or wading is prohibited except in areas designated as swimming areas.
- B. Boating: no boats of any kind shall be operated or docked by any person in any water in any park, except where designated as a boating area and then only for those types of boats specified. Where boating is allowed, signs will be posted.

**§235-8. Vehicles**

- A. No person shall operate any vehicle in any part of a park except on roadways established for the operation of vehicles nor shall any person park any vehicle in any area except those specifically designated for parking purposes.
- B. No person shall in any park clean, polish, grease, lubricate or make repairs to any vehicle except those of a minor nature and then only in cases of emergency.

**235-9. Fires, Firearms and Other Explosives**

- A. No person shall build a fire for any purpose except in the barbecue pits provided or as authorized by a permit issued by the Fire Department and Director. Except as otherwise provided in the Ordinance, no barbecue grills are allowed in any parks.
- B. No person shall discharge any firearm in any park.
- C. Hunting is prohibited in all parks.
- D. No person shall fire, discharge or set off any explosives device as defined in RSA 158:29 and 158:30, any fireworks, including permissible fireworks as defined in RSA 160-C:1, including but not limited to rockets, squibs, firecrackers, grenades, or any preparation of gunpowder.
- E. No rockets or fuel powered model planes are allowed in any park except by written permission of the Town of Salem's Board of Selectmen.

**§235-10. Disorderly Conduct**

- A. Disorderly conduct, obscene or indecent language or behavior is prohibited.
- B. No person shall interfere with, encumber, obstruct or render dangerous any park or part thereof.
- C. No person shall emit, eject, or cause to be deposited in any park any excrete of the human body, except in proper receptacles designated for such purposes.
- D. No person shall in any park disobey a proper order of any park employee designated by the Director to give orders, nor shall any person in any park disobey, disregard or fail to comply with any rule or regulation, warning, prohibition, instruction or direction, posted or displayed by signs, notices, bulletin card, posters or when notified or informed as to its existence by a park employee or other authorized person.

**§235-11. Treatment of Park Property and Animals**

- A. No person shall remove, disturb, cut, break, deface, defile, or damage any buildings, structure, headstone, fence, tree, brush, plant, turf or other property.
- B. No person shall throw, cast, lay, drop or discharge into or leave in any body of water in any park or in any storm sewer or drain flowing into said water or in any gutter, sewer or drain flowing into said water, or in any gutter, sewer or basin, any substance, matter or thing whatsoever.
- C. No person shall dump, deposit, drop, throw or leave any papers, bottles, debris waste matter, refuse, rubbish, garbage, trash, dead animals or other discarded materials of every kind and description in any park or part thereof except in such receptacles as may be provided for that purpose.
- D. No person shall bring a cat or dog or other animals into a park unless on a leash no more than six (6) feet in length; and are only allowed into parks or areas of parks that are not otherwise posted with the exception of service animals as defined by the Americans With Disabilities Act. Removal of animal feces is the responsibility of the animal handler; failure to comply will result in a minimum fine of \$25 with a maximum fine of \$1000.
- E. No person shall within any park molest, frighten, injure, kill, remove or have in his possession any feral animal, bird, bird's nest or squirrel's nest or remove the young of any such animal or the eggs of any such animal or bird.
- F. No person shall feed any wild animals, wild birds, or wildlife as defined in RSA 207:1 in the body of water or on land in any park.

**§235-12. Public Meetings, Commercial Advertising, etc.**

- A. No person shall carry on any business or commercial calling; or trade, sell or otherwise deal in commodities or merchandise of any description; or solicit patronage of any sort; or advertise any business or calling for the sale of such commodities or merchandise; or hold any public meeting, unless said person has received a written permit to do so by the Director.
- B. No person shall conduct, operate, present or manage in any park a drill, parade, maneuver public meeting, ceremony, speech, address, harangue, public contest, exhibit, dramatic performance, spectacle, play, motion picture, fair, circus, or show of any kind of nature, band, choir, glee club, orchestra without a permit from the Director.
- C. No person shall in any park exhibit, sell, or offer for sale, hire, lease, or let out any objects service or merchandise or anything whatsoever, except under a permit by the Director.
- D. No person shall advertise in any park in any manner whatsoever, for any reason whatsoever, except by a permit from the Director.

**§235-13. Liquor, Beverages and Controlled Drugs**

- A. No liquor or alcoholic beverages as defined in RSA 175:1 are allowed within any park.
- B. No person shall possess, consume, transport, sell or distribute any controlled drug within any park except as prescribed by licensed medical personnel.
- C. No person shall be under the influence of liquor, alcoholic beverages or controlled drugs, in any park.

**§235-13A. Smoking**

For safety, fire protection and sanitation, smoking is permitted only in designated smoking areas at the parks. The designated smoking areas are identified by posted signs.

**§235-14. Camping**

Over night camping is prohibited except by a permit issued by the Director.

**§235-15. Metal Detectors**

Metal detectors and similar devices may not be used in any park or on Town property unless authorized by the Town Manager.

**§235-16. Children**

Children under the age of twelve (12) years must be accompanied by an adult (18 years of age or older) except when the child is participating in a supervised Recreation Department program.

**§235-17. Glass**

No glass containers shall be taken into or used in any part of any park, including sports facilities and beaches. Only metal, paper or plastic containers are allowed.

**§235-18. Games In Designated Areas**

No person shall throw, cast, catch, kick, play with or strike any game ball whatsoever or engage in any sport, game or competition except in places and during the times designated therefore. No person shall engage in or play any game or sport which is different from the one for which the designated area was created, except in such areas as are officially set aside for diversified games.

**§235-19. Observation of Rules and Directions**

Persons using the park do so at their own risk and must observe any rules, regulations or requests of the attendant on duty for a particular area.

**§235-20. Recreation Director**

In order to provide the equitable use of park facilities, preserve park areas and facilities and protect the safety of users of the parks and their facilities, the Director of Recreation shall have the following authority, the enumeration of which shall not restrict the general authority and control of the Recreation Director over parks.

- A. To Fix Times: To fix times when the parks or parts thereof shall be open to public use.
- B. Restrict Use: To designate parks, sports facilities and parts thereof as restricted to the use of certain portions of the public at certain times as the Director or Designee sees fit.
- C. To Issue Permits: Under uniform conditions to be prescribed by the Director, to issue permits for regulated use as herein before enumerated.
- D. To Fix, Charge and Collect Fees: To fix, charge and collect such fees and deposits for the use of park areas or facilities or privileges as the Director deems advisable to help defray the expense of the parks and their facilities. Said fees and charges to be reviewed and approved by the Town Manager and the Board of Selectmen prior to implementation.
- E. To Enforce Park Ordinance: To issue notice of violation and/or complaint (Summons to Court) for infraction of the Recreation Ordinance.

**§235-21. Enforcement and Penalties**

A. Enforcement.

- 1. This ordinance shall be enforced by the Director and Salem Police Department.
- 2. Any person alleged to have violated the Rules and Regulations as set forth in this Ordinance or as posted within such park or sports facility may be ordered to appear in the Salem District Courts to answer said charges.

B. Penalties.

- 1. In addition to any other remedies authorized by law, any person who violates this Ordinance shall be guilty of a violation and shall be subject to a fine of up to \$1,000 for each violation.
- 2. Any person altering or damaging any Town property shall be liable for any damages incurred.

**Article II**  
**Michele Memorial Park**

**§235-22. Rules and Regulations for Lights:**

- A. Spring Season (March thru second week in June): Lights to be used on Friday and Saturday nights only; lights at the park must be shut off no later than 10:15pm. No new innings to begin after 9:45pm.
- B. Summer Season (June thru August): Lights used daily but must be off no later than 10:15pm. No new innings to begin after 9:45pm. Practice session lights are to be shut off by 10:00pm.
- C. Fall Season (September 5 thru Columbus Day): Lights to be shut off no later than 8:30pm except on Friday nights when lights are shut off no later than 10:00pm.
- D. No new innings to begin after 8:00pm. Sunday games to begin no earlier than 11:00am.
- E. No teams are to arrive at the sports facility before 8:00am.
- F. No Sunday morning games or practices until 11:00am except Tournament play.

**Tournament Play:**

- A. No teams to arrive before 8:00am on weekends.
- B. Games start no earlier than 9:00am on Saturdays and Sundays.
- C. No new innings to begin after 9:45pm.
- D. Lights shut off no later than 10:15pm.

**§235-23. Rules and Regulations for Sound System:**

- A. The sound system can not be used after 9:00pm with the exception of State Tournaments. Sound system can be used for 5 games for State Tournaments but must be shut off by 10:00pm. The volume of the sound system to be set at the level in which the testing took place (70 DBA Level for testing).
- B. Used for no more than 25 games per season and must be off by 10:00pm the list of the 25 games must be submitted to the Recreation Director.
- C. Conflict with Church events is prohibited.
- D. Sound system can be used for announcing names, number of the player batting, National Anthem, starting line up, safety announcements and substitutions per approval by the Board of Selectmen on September 18, 2000.

**§235-24. Rules and Regulations for Batting Cages:**

- A. Batting cages are to be used during practices mostly.
- B. Batting cages must meet all safety regulations.
- C. Batting cages to remain locked while not in use.
- D. Batting cages will have a set time schedule and schedule must be submitted to the Recreation Director. Per approval by the Board of Selectmen on October 27, 2003.

**Article III  
Skateboard Park Recreation Area**

**§235-25. Rules and Regulations**