TOWN OF GILFORD, NEW HAMPSHIRE

GLENDALE FACILITY REGULATIONS

(CHAPTER 15)

KNOW ALL PERSONS BY THESE PRESENTS, the Gilford Board of Selectmen hereby ordains to adopt these regulations as the rules by which the Glendale Facility, (being 4.033 +/- acres situated along the shore of Lake Winnipesaukee at 33 Dock Road and more particularly referenced at Tax Map 242, Lots 183 & 197), shall henceforth be governed.

15.1 AUTHORITY

These Regulations are adopted pursuant to the authority granted under RSA 41:11-a as further authorized by vote on Article 24 at the 1970 Annual Town Meeting whereby it was voted to restrict the use of the launching facilities and parking lots at Glendale to residents, landowners and their guests from April 1 to October 12 each year under such rules and regulations as the Selectmen shall adopt; and Article 21 at the 2005 Annual Town Meeting whereby the season was extended until October 31.

15.2 PURPOSE

The purpose of these Regulations is to promote the safe and orderly use of the Glendale Facility for the benefit of Gilford residents, property owners and their guests. In addition, these Regulations are intended to prevent the Glendale Facility from being over-utilized to the greatest extent possible for the preservation of the only Town-owned property that is used for boat access to Lake Winnipesaukee.

15.3 REPEAL OF PREVIOUS REGULATIONS

These Regulations shall supersede and replace all previous Chapter 15 Glendale Facility Ordinances and Regulations which may heretofore have been adopted and amended through April 25, 2007, (not including Chapter 14 – Placement and Control of Refuse Containers at the Glendale Docks).

15.4 RULES FOR THE USE OF THE GLENDALE FACILITIES

15.4.1 The Glendale Facility consists of a boat launch, docks, parking areas and ancillary facilities that are owned, maintained and regulated by the Town of Gilford for use by Gilford residents, residential property owners and their guests along with commercial entities that are located in Gilford and provide marine related services on behalf of Gilford taxpayers.

15.4.2 During the period April 1 through October 31 of each year, the use of the Glendale Facility is strictly limited to vehicles with proper identification as follows:

(a) Vehicles displaying a valid Town Decal

Town Decals are available in the Town Clerk's Office on an annual (calendar year) basis to residents of the Town of Gilford and individual owners of residential property (persons whose names are on a deed) along with members of their immediate household upon proof of identification, residency and vehicle registration. Decals are not transferable and must be permanently affixed to a window on the driver's side of the motor vehicle in plain view at all times and correspond with that vehicle's registration number. There shall be no charge for the initial Town Decal, but replacement Decals shall cost $25.00. Town Decals allow the use of the boat launch, docks and parking areas as otherwise set forth in these Regulations. Town Decals shall not be issued to any Gilford taxpayer whose name is not listed on a deed unless they are a resident of the Town or a member of that person's immediate household, nor to any person who has a defaulted parking ticket or unpaid fine related to the Glendale Facility.

(b) Boats displaying a valid Island Resident Decal

The Island Resident Decal permits owners of island property that is accessible only by boat to dock at those piers reserved specifically for their use and to use the Boat Launch. There is a limit of four (4) Decals (maximum) per island property owner. All requests for Island Resident Boat Decals must be accompanied by a copy or proof of boat registration in the name of the island property owner to the Town Clerk. Decals will be numbered with the bow identification of the boat and are non-transferable. Initial Decals are issued at no charge, but **no** replacement Decals will be issued. Decals must be placed above the waterline on the port side of the transom, to be clearly visible at all times. No Island Resident Decal shall be issued to any taxpayer that has a defaulted parking ticket or unpaid fine related to the Glendale Facility.

(c) Vehicles displaying a valid Guest Card

A maximum of three (3) Guest Cards per residential parcel are available for purchase in the Town Clerk's Office for use of the Glendale Facility. There are two different Guest Cards available: $50 (park & launch permit) or $25 (parking only permit). Park and launch Guest Cards allow the use of the Boat Launch, Docks 1-A & 1-B and parking in Levels 2, 3 & 4 (but not for trailers) as otherwise set forth in these Regulations. Park only Guest Cards allow the use of Levels 2, 3 & 4 (but not for trailers) as otherwise set forth in these Regulations. The Guest Cards are valid for one season only and are the property of the taxpayer. Guests should be encouraged to return all Guest Cards to the taxpayer. Replacement Guest Cards will not be issued. Guest Cards must be placed in the front windshield on the driver's side in plain view at the time the vehicle is parked and remain in the vehicle in plain view during the entire period that the vehicle is parked. No Guest Cards shall be issued to any taxpayer that has a defaulted parking ticket or unpaid fine related to the Glendale Facility.

NOTE: It shall be a violation of these Regulations to duplicate or sell a Guest Card to a non-resident or to otherwise allow the use of a Guest Card by persons who are not the guests of a Gilford taxpayer or a family member.

(d) Vehicles displaying a Commercial Marine Operator Decal

Commercial Marine Operators (CMO's) are eligible to purchase up to five (5) decals (maximum) in the Town Clerk's Office on an annual (calendar year) basis for marine businesses that are located in the Town of Gilford. Decals must be permanently affixed to a window on the driver's side of a vehicle or boat in plain view at all times and correspond with the vehicle or boat registration number. The cost for a CMO Decal shall be one thousand dollars ($1,000.00) for up to three (3) Decals, and five hundred dollars ($500.00) for each additional Decal. CMO Decals allow the use of the Boat Launch and Dock 1-A as otherwise set forth in these Regulations, however the Board of Selectmen may limit the hours of operation for CMO use of the Glendale Facility. No CMO Decal shall be issued to any taxpayer/business that has a defaulted parking ticket or unpaid fine related to the Glendale Facility.

NOTE: Commercial Marine Operators must provide the Town with proof of liability insurance and list the Town of Gilford as an additional insured party in order to be eligible for a CMO Decal.

(e) Contractors that present a valid Commercial Contractor Permit

Commercial Contractor Permits for the use of the Boat Launch only are available from the Building Inspector for the loading and unloading of barges or construction vessels that are working on (or servicing) a Gilford property. Permits may be issued upon application by the taxpayer who owns the property where the work is taking place or to the Contractor who presents a written work order to perform work on (or deliver goods to) a Gilford property. Signed Permits must be presented to the Glendale Attendant in order for a Commercial Contractor to use the Boat Launch as otherwise set forth in these Regulations. The cost for each permit shall be fifty dollars ($50.00) per day. Commercial Contractor use of the Glendale Facility shall be by appointment only, but such use shall not be allowed on Fridays after noon, Saturdays, Sundays or holidays except upon authorization by a Police Officer for emergencies.

NOTE: Commercial Contractors must provide the Town with proof of liability insurance and list the Town of Gilford as an additional insured party in order to be eligible for a Permit to use the Glendale Facility.

(f) Visitors who present a Temporary Pass signed by the Town Administrator

The Town Administrator is authorized to grant special permission for visitors to access and use the Glendale Facility under extenuating circumstances.

15.4.3 Use of Facilities

15.4.3.1 Docking of Boats

(a) During the period April 1 through October 31, no boat shall be docked at the public wharves at Glendale except as follows:

1. Dock #1-A: The first 50% (approximately 98 feet) shall be reserved for the loading/unloading of boats that shall not be left unattended for more than 15 minutes; the remaining 50% shall be limited to three (3) hours of parking/docking.

2. Dock #1-B: The first 1/3 (approximately 65 feet) shall be reserved for the loading/unloading of boats that shall not be left unattended for more than 15 minutes; the remaining 2/3 shall be limited to three (3) hours of parking/docking.

3. Docks #2-A & 2-B shall be reserved for boats with a Town of Gilford Island Resident Decal. Use of these docks shall be limited to eight (8) hours.

4. Docks #3-A & 3-B shall be reserved for boats with a Town of Gilford Island Resident Decal. Use of these docks shall be limited to twelve (12) hours.

(b) No boat shall be docked at the Glendale Facility between the hours of 2 a.m. and 4 a.m. except upon authorization of a Police Officer for emergency purposes. Any boat found docked at the Glendale Docks during these hours may be ticketed and subject to the penalties for a violation as set forth in these Regulations.

(c) No commercial barge or vessel over thirty (30) feet in length shall be allowed to utilize the Glendale Docks.

(d) No commercial passenger boat or vessel shall be allowed to utilize the Glendale Docks, except for emergencies upon authorization of a Police Officer.

(e) Any boat, commercial barge or vessel that is found to be in violation of these Regulations may be towed or removed. The cost of towing, removal and storage shall be the responsibility of the owner.

(f) No unregistered boat, vessel or watercraft shall be allowed to utilize the Glendale Docks, except for emergencies upon authorization of a Police Officer. (These craft may be beached in the designated area near the trash dumpsters.)

15.4.3.2 Parking

(a) During the period April 1 through October 31, no vehicle, trailer, boat, barge or vessel shall be parked or stored at the Glendale Facility except as follows (prohibited parking):

Level 1: Limited to passenger motor vehicles displaying a Town Decal. No boats or trailers are allowed.

Level 2: Limited to passenger motor vehicles displaying a Town Decal or Guest Card. No boats or trailers are allowed

Level 3: Limited to passenger motor vehicles displaying a Town Decal or Guest Card. No boats or trailers are allowed.

Level 4: Limited to vehicles that display a Town Decal or Guest Card. Extra long parking spaces are limited to trailers that are attached to vehicles with a Town Decal (no trailer parking with a Guest Card is allowed) and over-sized motor vehicles (that fit within the lines) or two cars from the same party provided that both vehicles enter and leave the facility at the same time – a single car parked in an extra long space may be ticketed and towed. A limited number of standard car sized

parking spaces are available and two of these may also be used for a vehicle with a trailer and Town Decal if back-to-back spaces are available. No boats are allowed.

(b) No motor vehicles or trailers shall be parked or driven on any of the Glendale Docks. (improper parking)

(c) Any vehicle that is parked at the Glendale Facility without a Town Decal or Guest Card in plain view is subject to all of the penalties set forth in these Regulations as if no such Decal or Guest Card existed. (no official decal)

(d) All parking spaces that are designated as handicap accessible require the display of a Town Decal or Guest Card in addition to the handicap identification placard or license plate that is otherwise required by law. (no official decal)

(e) It shall be a violation of these Regulations to park any vehicle in disregard or contrary to the designated lines or posted signs.

(f) Parking at the Glendale Facility during the off-season (November 1 through March 31) shall not require a Town Decal or Guest Card, but no parking is allowed between the hours of 2 a.m. and 4 a.m. from December 1 through March 31, except upon authorization of a Police Officer.

(g) Any vehicle or trailer that is parked in violation of these Regulations may be towed or removed in addition to the other penalties as set forth herein. The cost of towing, removal and storage shall be the responsibility of the owner.

15.4.3.3 Boat Ramp

(a) During the period April 1 through October 31, use of the Boat Launch is limited to vehicles or boats that have a valid Town Decal, Island Resident Decal, Guest Card with launch privileges, Commercial Marine Operator Decal, Commercial Contractor Permit or Temporary Pass.

(b) The Boat Ramp may not be used for the launching of a barge over thirty (30) feet in length, however, vehicles and other materials may be loaded onto barges over thirty (30) feet as otherwise set forth in these Regulations.

(c) The use of a propeller or engine for the loading and unloading of watercraft at the Boat Launch shall not exceed the power needed to maintain headway speed; however the Town strongly encourages the floating or winching of boats and other vessels onto trailers in order to preserve the underwater ramp structures to the greatest extent possible.

15.4.3.4 General Information

(a) The beaching of any watercraft at the Glendale Facility that requires a New Hampshire registration is prohibited, except for emergencies upon authorization of a Police Officer.

(b) It shall be a violation of these Regulations to park a motor vehicle, trailer or watercraft, whether in the water or on land, in such a way as to unreasonably impede or obstruct access to the Glendale Docks or Boat Launch.

(c) Public swimming anywhere at this facility is prohibited.

(d) Fuel Tanks:

1. No unattended fuel tanks of any size, full or empty, shall be left at the Glendale Facility. Fuel tanks shall include, but are not limited to containers used for gasoline, propane, diesel, heating oil, kerosene, waste oil, etc.

2. The use of the Glendale Facility for the "pass thru" of fuel tanks shall not exceed 40 lbs. or ten (10) gallons, unless such tanks are loaded by duly permitted Commercial Marine Operators or Commercial Contractors, in which case they must be in containers that meet all state and federal regulations.

3. There shall be no fueling or transfer of fuels from one container to another allowed anywhere at the Glendale Facility.

(e) The Town of Gilford shall strive to provide weather shelters, benches, comfort stations, trash receptacles and restroom facilities as a convenience to Glendale visitors to the extent that resources are available. The use of such facilities, however, may be restricted at anytime for any reason. All persons using the Glendale Facility are required to treat Town property with respect and in a manner that is consistent with signage and their intended purpose. It shall be a violation of these Regulations to damage Town property, (including trees and other vegetation) or dispose of trash in an improper manner, (especially in the water).

(f) It shall be a violation of these Regulations to emit loud noises, bright lights or disrupt the peaceful enjoyment of the Glendale Facility by others.

(g) The use of the Glendale Facility for commercial purposes shall be limited to the permits and activities specifically set forth herein in accordance with the provisions of Sections 15.4.2(d), 15.4.2(e), 15.4.3.1(c), 15.4.3.1(d), 15.4.3.1(e) & 15.4.3.4 (d) 2. All other commercial uses and activities are strictly prohibited. Any unauthorized commercial use of the Glendale Facility shall result in severe penalties as otherwise set forth in Section 15.8.B.

(h) All of the Glendale facilities are made available on a first-come, first-served basis. There are no provisions whatsoever for reservations and no person may reserve or claim a dock space or parking space for someone else.

(i) Nothing in these Regulations is intended to prevent the Town of Gilford from seeking restitution for damages caused by any person using the Glendale Facility, regardless of whether or not such damages were caused intentionally; in addition to any other enforcement actions that may be imposed.

15.5 EXEMPTIONS

The following activities are exempt from these Regulations:

1. Maintenance activities authorized by the Town.

2. Public safety (police and fire-rescue) activities.

3. Recreation activities authorized by the Town.

4. Concession activities authorized by the Town.

15.6 VIOLATIONS

A. Failure to comply with any of these Regulations shall be considered a violation subject to the penalties set forth herein.

B. Each continuation of a violation after notice or citation and each different rule infraction shall constitute a separate offense.

15.7 ENFORCEMENT

A. These Regulations shall be administered and monitored by any and all employees of the Gilford Police Department who have been duly appointed by the Board of Selectmen with responsibilities for oversight and/or maintenance of the Glendale Facility, including, but not limited to Attendants, Special Police Officers and regular Police Officers. The authority to administer and monitor shall consist of the following:

1. Educating users of the Glendale Facility about these Regulations and distributing copies of these Regulations as may be necessary;

2. Issuing an order to achieve voluntary compliance under threat of expulsion from the facility;

3. Issuing an order to vacate the premises;

4. Issuing citations for violations;

5. Having a vehicle, boat, trailer or other vessel towed from the facility;

6. Prohibiting entry or use of the Glendale Facility in the event of non-compliance, (to include temporary or permanent revocation of a Town Decal, Guest Card or other permits for repeated or severe violations, subject to a right of written appeal to the Board of Selectmen);

7. Issuing a summons;

8. Any combination of these actions at the discretion of the enforcement official based upon the severity and egregiousness of the violation(s).

B. Any person who has been ordered to vacate the premises by a duly authorized Town of Gilford enforcement official who refuses to comply with such order may be subject to arrest and prosecution for criminal trespass in addition to any other penalties that may result from the violation(s).

15.8 FINES AND PENALTIES

A. Any person who has committed a violation of these Regulations shall be subject to a fine as follows, except in the case of violations of Section 15.4.3.4 (g) for commercial activities, in which case the fines shall be as noted in paragraph B below:

First Offense: The amount due shall be fifty dollars ($50.00)

Second Offense [per season]: The amount due shall be one hundred dollars ($100.00)

Third (or subsequent) Offense [per season]: The amount due shall be two hundred fifty dollars ($250.00)

B. Any person who has committed a violation of Section 15.4.3.4(g) for unauthorized commercial use of the Glendale Facility shall be subject to a fine as follows:

First Offense: The amount due shall be two hundred fifty dollars ($250.00)

Second Offense [per season]: The amount due shall be five hundred dollars ($500.00)

Third (or subsequent) Offense [per season]: The amount due shall be one thousand dollars ($1,000.00)

C. Failure to make payment for a fine as indicated on a citation within seven (7) days of issuance shall result in prosecution in Laconia District Court. Any person found guilty in a court of law for violating these Regulations who fails to pay the fine shall thereafter not be eligible for a Town Decal or entry to the Glendale Facility for the remainder of that season.

15.9 SEVERANCE

In the event that any word, sentence or section of these Regulations is found to be invalid as a result of judicial or legislative action, the remainder of these Regulations shall remain in full force and effect.

15.10 EFFECTIVE DATE

These Regulations shall take effect as of April 1, 2011.

IN WITNESS WHEREOF, these Glendale Facility Regulations are adopted and approved on the 23rd day of February, 2011 by the Gilford Board of Selectmen, upon recommendation of the Glendale Committee at a duly posted public meeting held on the 23rd day of February, 2011. ATTEST:

J. Kevin Hayes, Chair

John T. O'Brien, Vice-Chair

Gus Benavides, Clerk

UNDER SEAL OF THE TOWN, RECEIVED AND RECORDED ON THIS 9th DAY OF March, 2011, BY:

Denise M. Gonyer, Town Clerk

Adopted March 11, 1970
Amended March 8, 2005
Amended April 25, 2007
Amended April 8, 2009
Amended February 23, 2011