



TOWN OF GILFORD

BOARD OF SELECTMEN
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GILFORD BOARD OF SELECTMEN

PUBLIC HEARING NOTICE

ORDINANCE TO PROHIBITING OVERNIGHT PARKING OF RV'S

Wednesday, February 27, 2019
7:00pm
Gilford Town Hall – 1st Floor Conference Room

The Gilford Board of Selectmen will hold a public hearing to consider input on amending the existing Ordinance to prevent RV camping in private parking lots. The amended version is intended to correct wording deficiencies, insert proper statutory references and restore consistency with a 1999 Town Meeting vote.

Copies of the existing and proposed Ordinances are available at the Selectmen's Office and on the Town's website (www.gilfordnh.org).

Any interested person may attend this public hearing and/or submit testimony related thereto.

**ORDINANCE TO PROHIBIT CERTAIN
OVERNIGHT PARKING OF RECREATIONAL VEHICLES**

Pursuant to RSA 31:19 and every other applicable law, by the adoption of Article 16 of the warrant for the 1999 Annual Town Meeting, the Town of Gilford hereby ordains as follows:

I. ACTS PROHIBITED

From and after the effective date of this Ordinance it shall be unlawful for any person to park, for the purposes of occupancy, any recreational vehicle overnight within any private parking lot in the Town of Gilford which serves a commercial establishment and which is generally maintained for the benefit of the public.

II. DEFINITION OF RECREATIONAL VEHICLE

For the purposes of this Ordinance, "recreational vehicle" is defined to include motor home, van, pickup camper, recreational trailer or tent trailer.

III. PENALTY

Any person who violates this Ordinance shall be subject to a civil penalty of one hundred dollars (\$100) for the first and each subsequent offense.

IV. ENFORCEMENT AUTHORITY

All duly appointed police officers of the Town of Gilford Police Department are hereby authorized as the enforcement authority for this Ordinance.

V. JURISDICTION; AVOIDANCE OF SUMMONS

Under RSA 502-A:11-a the District Court shall have jurisdiction of the prosecution of any violation of this Ordinance. All fines collected shall be for the use of the Town. The enforcement authority may issue a summons and complaint along with a notice of fine pursuant to the procedures for pleas by mail set out in RSA 502-A:19-b. Any alleged violator may avoid the filing of a summons and complaint by the voluntary payment of the civil penalty. Such voluntary payments shall be deposited in the Town's general fund.

VI. ORDINANCE NOT EXCLUSIVE

This Ordinance shall not be construed as exclusive, and any other applicable federal, state or local law, regulation or ordinance which also applies to the prohibited acts may be given full force and effect at the discretion of the enforcement authority.

VII. EFFECTIVE DATE

The Annual Town Meeting of the Town of Gilford voted to adopt this Ordinance on the 10th day of March, 1999 which shall be the effective date hereof.

CERTIFICATION

I hereby certify that the foregoing is a true copy of the Ordinance adopted by the passage of Article 16 of the warrant for the 1999 Annual Town Meeting of the Town of Gilford, New Hampshire.

Date: 3/16/99

Debra E. Eastman, Town Clerk



TOWN OF GILFORD, NEW HAMPSHIRE

**AN ORDINANCE RELATING TO PROHIBIT CERTAIN
OVERNIGHT PARKING OF RECREATIONAL VEHICLES**

(CHAPTER 18)

KNOW ALL PERSONS BY THESE PRESENTS, the Gilford Board of Selectmen hereby ordains to enact this amended version of an Ordinance to Prohibit Certain Overnight Parking of Recreational Vehicles as previously adopted following a Town Meeting vote on Article 16 on March 10, 1999, which is hereby repealed and replaced as follows:

18.1 AUTHORITY

A. This Ordinance is adopted pursuant to the authority granted under RSA 41:11; and by extension as referenced in RSA 47:17 and RSA 259:125. For the purposes of this Ordinance, the term "ordinance" shall be deemed to have the same meaning as the term "regulation".

B. This Ordinance is also adopted pursuant to a vote on Article 16 of the 1999 Annual Town Meeting.

18.2 PURPOSE

The purpose of this Ordinance is to prevent the unauthorized use of parking lots in the Town of Gilford by campers using recreational vehicles. In addition, this Ordinance is intended to prevent trespassing, litter, campfires, property damages and other undesirable activities that may be associated with camping by transients.

18.3 ACTS PROHIBITED

No person shall occupy a recreational vehicle, motorhome, van pick-up camper, recreational trailer or tent trailer during the overnight evening hours within any private parking lot serving a commercial establishment that is generally maintained for the benefit of the public.

18.4 EXCEPTIONS

This Ordinance shall not apply to any property that has obtained site plan approval by the Gilford Planning Board whereby camping and/or the use of recreational vehicles by overnight campers has been specifically permitted.

18.5 PENALTIES

Any person who violates this Ordinance shall be subject to a penalty of one hundred dollars, (\$100.00).

18.6 EFFECTIVE DATE

This Ordinance shall be in effect as of March 1, 2019.

18.7 SEVERANCE

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

IN WITNESS WHEREOF, this amended Ordinance to Prohibit Certain Overnight Parking of Recreational Vehicles is hereby adopted and approved, following a duly noticed public hearing, held on the _____ day of February, 2019, by the Gilford Board of Selectmen.

ATTEST:

Gus Benavides, Chair

Richard Grenier, Vice-Chair

Dale Channing Eddy, Clerk

UNDER SEAL OF THE TOWN, RECEIVED AND RECORDED ON THIS _____ DAY OF _____, 20____, BY:

as follows:

ARTICLE 14. To see if the Town will vote to discontinue as a town roadway that portion of Sawmill Road known as Old Route 11A, and to authorize the selectmen to convey the fee to said portion of Sawmill Road to Lemay Realty Trust or its designee, on terms and conditions acceptable to the Board of Selectmen. The discontinuance of this roadway shall not be effective until there is constructed and opened to the public a new alternative roadway.

Selectman, Robert Jordan moved article 14 as read. Selectman Arel seconded the article. Wayne Snow gave a specific description of the location of Sawmill Road and specifically the area to be abandoned. Town Administrator, Dave Caron gave further explanation for abandoning the property. There were no questions. The Assistant Moderator called for the vote. It was in the affirmative and he declared the article carried.

The Moderator read article 15 as follows:

ARTICLE 15. To see if the Town will vote to clarify the actions of the 1959 and 1960 Town Meetings by a) discontinuing as a town road the old Blaisdell Avenue between Union Avenue and the existing Brook Street, a distance of approximately 280.35 feet, and b) authorizing the Selectmen to convey the town's interest in that roadway, if any, to the Thomas J. McIntyre Trust, or its designee.

Selectman Lehr moved article 15 as read by the Moderator. Selectman Robert Jordan seconded the motion. Town Administrator, Dave Caron explained the area concerned and that there appears to be a cloud on the title. The Town Attorney has suggested that addressing this as town meeting would be the best way to clear it up.

Dick Campbell questioned the location and Dave Caron explained. There being no further discussion, the Moderator called for the vote. It was in the affirmative and the Moderator declared the article carried.

The Moderator read article 16 as follows:

ARTICLE 16. To see if the Town will vote to adopt an ordinance prohibiting the overnight parking of any recreational vehicle, defined to include motorhome, van pickup camper, recreational trailer, or tent trailer, within any private parking lot serving a commercial establishment and which is generally maintained for the benefit of the public. Each violation of the ordinance shall be subject to a civil penalty of \$100 (one hundred dollars).

Selectman Phil Arel moved article 16 as read by the Moderator. Selectman Lehr seconded the motion. Police Chief Juris explained that he requested that the Board of Selectmen place this article on the warrant. He explained that this has become an increasing problem especially for motorcycle week.

Steve Nix stated he feared that the language could preclude parking of construction trailers at a construction site and suggested a wording change. He made a motion to amend the article to delete the word "parking" and add the word "occupancy". The motion was seconded.

Jack Stephenson questioned if "without permission of the lot owner should be added". The Moderator requested that we deal with one amendment at a time and he would return to Mr. Stephenson later if he still wanted to amend, unless Mr. Nix would like to add this to his amendment.

Chief Juris stated that it was not his intention to make this complex. He stated it would be difficult to contact a land owner to check permission at 2 am. He would rather see the article defeated than to put in a lot of restrictions.

Mr. Nix said he did not accept the addition to his amendment.

Dick Pierce asked if we can prohibit action on private property. Director of Planning and Land Use, John Bobula said that commercial property is subject to zoning and the proposed ordinance is consistent with zoning.

Doug Lambert spoke in favor of the amendment.

The Moderator read the article as follows: "To see if the Town will vote to adopt an ordinance prohibiting the overnight occupancy of any recreational vehicle, defined to include..."

Doug Lambert questioned the wording of shopping center.

There being no further discussion on the amendment, the Moderator called for the vote. It was in the affirmative and the Moderator declared the amendment carried.

Sue Leach would like to include tractor-trailers and made a motion to amend. It was seconded.

Director of Public Works, Sheldon Morgan spoke in opposition to the amendment.

Dennis Doten spoke in opposition to the amendment.

There being no further discussion on the amendment, the Moderator called for the vote on the amendment. It was negative and the Moderator declared the amendment defeated.

The Moderator read the amended article again. There was no further discussion. The Moderator called for the vote. It was in the affirmative and the Moderator declared the article carried as amended.

There being no further business to come before the meeting, the Moderator declared the town meeting adjourned.

Respectfully submitted,

Debra E. Eastman, CMC/AAE
Town Clerk-Tax Collector