

TOWN OF LEMPSTER
Long Pond Public Beach Ordinance
Adopted March 9, 2004 Town Meeting

Section 1 Access Prohibited

- I. It shall be unlawful for any person to trespass on property owned by the Town of Lempster known as Long Pond Beach, except as provided in this chapter. Any person who is found to have violated this section shall be guilty of a violation and sentenced in accordance with section 11 of this chapter.

Section 2 Long Pond Beach Access Exceptions

- I. No person shall be found to have violated section 1 of this chapter if one of the following applies:
 - (a) The person is a resident of the Town of Lempster and has been issued a permit by the Town to access the Long Pond Beach. Only one (1) permit is required per household and shall cover all members of the household; or
 - (b) The person is a taxpayer, spouse or companion of a taxpayer, or minor child of a taxpayer and has been issued a permit by the Town to access the Long Pond Beach; or
 - (c) The person is the guest of a resident, taxpayer, spouse or companion of a taxpayer, or minor child of a taxpayer and the resident, taxpayer, spouse or companion of the taxpayer or minor child is present with the person on the beach; or
 - (d) The person has a permit issued by the Town granting access to Long Pond Beach.
- II. The exceptions outlined in sub-section (I) above shall not apply to any person whose permit to access Long Pond Beach has been revoked or suspended by action of the Board of Selectmen in accordance with Section 7 of this Chapter..

Section 3 Possession of Permit Required

- I. Every person required to have a permit granting access to the Long Pond Beach shall have said permit upon his/her person, in or on his/her vehicle or in some easily accessible place and shall display the same on demand of any law enforcement officer or beach monitor. No person charged with a violation of this section shall be convicted if, within a period of 48 hours, he/she produces at the office of the arresting officer evidence that he/she held a valid permit at the time

of his/her arrest.

Section 4 **Duration of Permit's**

- I. Long Pond Beach access permits shall be issued by the Town Clerk and be valid for twelve (12) months from the last day of the month in which the permit was issued.

Section 5 **Fee's**

- I. A fee for the permit may be charged at the discretion of the Board of Selectmen.

Section 6 **Number of Permit's Required**

- I. Only one (1) permit shall be required per household.

Section 7 **Suspension or Revocation of Permit's**

- I. The Chief of Police may suspend or revoke any person's beach access permit for any action which occurred at the Long Pond Beach which would be a criminal violation, misdeed or felony offense under New Hampshire Law, a violation of New Hampshire Revised Statutes Annotated 179:10 (Unlawful Possession of Alcohol by a Minor), or any action which violates any section of this Chapter.
- II. Any person who's beach access permit has been suspended or revoked by action of the Chief of Police may appeal said action to the Board of Selectmen. Said appeal must be filed with the Town Clerk in writing within ten (10) business days of the action taken by the Chief of Police. The appeal must outline the action taken by the Chief of Police and the reason the affected person disputes the action.
 - (a) The Board of Selectmen shall hold a hearing in public on the appeal within twenty (20) days, from the date the appeal was filed;
 - (b) The Board of Selectmen is granted the authority to adopt administrative rules for the conduction of any suspension or revocation hearing. The adopted rules will be made known to the parties prior to any hearing;
 - (c) After hearing the evidence the Board of Selectmen shall either uphold the decision of the Chief of Police, overturn the decision, or modify the decision. The decision of the Board of Selectmen shall be provided to the parties in writing no later than ten (10) days following the hearing.

Section 8 Glass Prohibited

- I. No person shall have any glass bottles or containers in their possession while at Long Pond Beach.

Section 9 Long Pond Beach Operating Hours

- I. Long Pond Beach shall only be open for public use from 6:00 A.M. to 10:00 P.M. and any person, regardless of weather they have an access permit, found trespassing on the beach at any other time shall be guilty of a violation and sentenced in accordance with section 10 of this chapter.


Section 10 Dogs Prohibited

- I. It shall be unlawful for any owner, handler, or keeper of a dog to allow said dog to be on the Town owned property known as "Long Pond Beach". This includes, but is not limited to the beach, boat access, picnic, and parking areas.

Section 11 Penalties

- I. Any person found to have violated any provisions of this chapter shall be fined not more than fifty dollars (\$50) for a first offense, and one hundred dollars (\$100) for any subsequent offense.

I certify that this ordinance was passed on March 9, 2004 by a vote of the citizens of Town Meeting.



Town Clerk