

#1
BEACH ORDINANCE

Adopted 3/9/54 - Article 7

Amended: 3/8/66 - Article 17 (no dogs)

3/16/68-Article 25 (Section 8a)

(see new Section 8a 3/9/04)

3/17/73 - Article 18 (changed effective dates)

3/11/78 - Article 23 (boats)

3/17/79 - Article 19 (Fires in rock areas)

3/14/81 - Article 21 (horses on beaches)

3/18/89 - Article 33 (dogs on beaches)

3/09/99 - Article 32 (sale of food on beaches)

3/12/02 – Article 28 (dogs on beaches)

3/09/04 – Article 15 (surfing)

3/10/09 – Article 15 (dogs on beaches Section 11)

3/11/14 – Article 23 (beach use permits Section 13)

3/14/17 – Article 27 (dogs on beaches Section 11)

3/12/19 – Article 26 (dogs on beaches Section 11)

An Ordinance Regulating Uses of Public Sea Beaches and Recreational Areas

1. Subject to such regulations as have been lawfully imposed thereon by the State of New Hampshire, regulating the use of Sea Beaches and Recreational Areas in the Town of Rye, the use thereof by the public shall be subject to this ordinance.
2. Said beaches and areas shall be open to public use each day from sunrise to midnight, and shall not be open at any other time, excepting in cases of emergency, and to the lobstermen to fish or lobster.
3. No person shall throw or deposit upon the beaches or areas any materials of wood, glass, paper, metal, or other refuse.
4. No persons shall disrobe for the purpose of bathing, or otherwise, at any beach in a place or manner exposing them to public view.
5. No person shall build a fire on any sand area of any beach. After obtaining permission from the Fire Chief or his authorized representative, fire may be built in the rock areas of the beaches but must be completely extinguished by the person(s) obtaining the permit before leaving the beach.
6. No persons shall ride or drive a horse or operate a motor vehicle, motorcycle, or bicycle upon any public beach in said Town except to remove rubbish or fishermen's gear or seaweed from the beach. However, between October 1st and June 1st, horses may be ridden on the beach.
7. No persons shall play any game or sport upon any public beach or area which will interfere with the enjoyment thereof by the public.
8. The Selectmen of the Town shall have authority to close to the public any public beach or area if

and when there is occasion for their doing so in furtherance of public health, safety, or the protection of the beach or area so closed by them.

8a. The use of surfboards and surfing on Town Beaches shall be regulated as follows:

- (1) Any person surfing shall obey all lawful orders from Beach Lifeguards, Beach Commissioners or Police Officers.
- (2) From the calendar period of Memorial Day to Labor Day and from the hours of 9:00 a.m. to 5:00 p.m., the following town beaches may be closed to surfing only when Lifeguards, Beach Commissioners, Selectmen or Police believe a public safety issue exists.
 - a. Wallis Road Extension – the area between Wallis Sands State Park and Concord Point.
 - b. Cable Road Extension – the area between the inside sand beach corner of Lockes Neck to Jenness Beach State Beach.
 - c. Sawyers Beach – the area starting 50 yards south of the Eel Pond outlet pipes and extending south to the Beach Club.

Surfers must stay at least 50 feet away from Lifeguard protected swimmers and swimming areas.

- (3) The Selectmen's Office and/or the Chief of Police shall have the authority to close to the public, any town beach and area to surfing when deemed necessary in the interest of public health, safety or the protection of the beach area.
- (4) Any person violating these surfing regulations shall be punished by a civil penalty of one hundred dollars (\$100) for a first offense and (\$200) for each subsequent offense within a twenty-four month period.
- (5) Subject to such further regulations as the Board of Selectmen shall from time to time prescribe.

8b. No person shall sell food, beverages or merchandise from a stand, cart, motor vehicle or his/her person on any town beach.

(This paragraph added by passage of Art. 32 of the 3/9/99 Town Meeting.)

9. Any person violating this ordinance shall be fined not more than ten dollars for each violation thereof. **See paragraph 12 (e). Fine increased to \$50.00**

10. This ordinance shall take effect upon its adoption by the legal voters of the Town.

11. Dogs are not permitted on Town Beaches before 7:00 p.m. or after 9:00 a.m. from the Saturday before Memorial Day to the first Saturday after Labor Day.
The only exception will be the area between Wallis Sands State Park and Odiorne State Park, where dogs and people are allowed between the hours of 6:00 a.m. and 12 midnight.

During this part of the year:

1. Any dog shall be otherwise under the control of its owner or other custodian. Dogs not properly under control of its owner or custodian shall be considered to be a

nuisance as defined by the Town of Rye #7 – Dog Ordinance which follows the State RSA 466:31, II, and said dog shall be immediately secured by a leash or removed from the beach.

2. The owner or custodian of any dog that defecates on Town of Rye beaches shall immediately remove such defecation from public property and dispose of it on their own property or otherwise properly dispose of same and shall not temporarily place on public or private property without the owner/town's permission.

3. These provisions shall not apply to any dog owned or employed by or acting on the behalf of law enforcement. The animal control officer or any police officer shall have the authority to enforce the observance of this chapter relating to animal control. The Board of Selectmen may empower the duties of the animal control officer to serve notice of forfeiture (citation) relating to animal control, and it may also empower the animal control officer to investigate all reports of violations involving animals in this town ordinance and RSA 466:1.

4. Dogs are not permitted on Town beaches on Saturdays from 7:00 p.m. until 9:00 p.m. from the Saturday before Memorial Day to the Saturday after Labor Day. The only exception will be the area between Wallis Sands State Park and Odiorne State Park. This Subsection 4 shall expire on the first Sunday after Labor Day 2019.

Definition of terms:

Dog: Shall be intended to mean male and female, neutered or spayed and including puppies, so called.

Owner/Custodian: Shall be intended to mean any person, group, association or organization maintaining, keeping, caring for, harboring or owning a dog.

At large: Shall be intended to mean off the premises or property of the owner while not on a leash, not under the physical control of a responsible person, and not confined within a vehicle.

Leash: A strap or cord for restraining and guiding a dog or other animal. Shall mean/be considered to be 6 feet in length.

12. No person, club, association or corporation shall be permitted:

1. To use the public beaches within the Town for landing or taking out of boats.
2. To place or keep upon the public beaches of the Town any boats.
3. To use any public parking areas in the Town for storage or parking of boats or boat trailers unless such areas are specifically designated for this use.

(b) Public beaches are defined as Wallis Road Extension, Cable Road Extension, the area at the end of Perkins Road, and Sawyer's Beach.

(c) This section shall be effective from June 1st through October 1st in each year

hereafter, unless otherwise permitted to do so by the Board of Selectmen by written authorization.

- (d) Specifically exempted from the above prohibitions are acts necessitated by emergency conditions or acts specifically sanctioned by the State of New Hampshire in said area.
- (e) There shall be in addition to any other penalties imposed by law, a fine of fifty dollars (\$50.00) for each violation of this ordinance.

13. Beach Use Permits

- a) The purpose of the Beach Use Permit program outlined herein shall be to allow management of the time, location, impact and intensity of commercial beach activities to facilitate the safe, enjoyable, and accessible use of public beach resources by all beach users.
- b) Any person or entity proposing to conduct a group (more than two people, including the instructor) lesson, event or other activity at the beaches designated in section 13 d, if for a fee or other compensation, or any entity proposing to rent beach equipment as designated in section 13 e for use at beaches in the Town of Rye, shall first obtain approval of the Board of Selectmen.
- c) For the purposes of this section, the word “entity” refers to businesses, whether corporations, partnerships or proprietorships; and organizations such as non-profit corporations, religious institutions and educational institutions.
- d) This section shall apply to beach activities, whether in the ocean or on land, in the following beach areas:
 - 1. Wallis Road Extension – the area between Wallis Sands State Park and Concord Point;
 - 2. Foss Beach – the area starting to the east of Washington Road and extending to the Rye Harbor State Park;
 - 3. Cable Road Extension – the area between the inside sand beach corner of Lockes Neck to Jenness Beach State Park;
 - 4. Brown Cottages Beach – the area between Jenness Beach State Park on the north, southerly to the Eel Pond outlet pipes;
 - 5. Sawyers Beach – the area starting at the Eel Pond outlet pipes and extending south to the end of the sand beach just south of the Beach Club parking lot;
 - 6. Philbrick’s Beach – the area from the east of South Road, southerly to the Rye Ledges;
 - 7. Farragut Beach – the sand beach east of the intersection of Central Road and Ocean Boulevard;
 - 8. Bass Beach – the area from the Bass Beach cottages southerly to the North Hampton Town line; and
 - 9. Seavey Bridge – the beach/boat landing area on the northwest corner of the Seavey Bridge on Pioneer Road, west of Odiorne Point State Park.
- e) “Designated Beach Equipment” shall mean: surfboards, paddle boards, kayaks, or other equipment as designated by the Board of Selectmen.
- f) Instructors and leaders of lessons, events or activities subject to the provisions herein shall be

certified to perform cardiopulmonary resuscitation (“CPR”), unless waived by the Board of Selectmen. Such instructors or leaders shall be deemed “CPR qualified” for the purposes of this ordinance.

- g) Applications for Beach Use Permits shall be filed with the Board of Selectmen on forms provided by the Town at least thirty days prior to the event or proposed initiation of activities.
- h) For Beach Use Permits for activities utilizing Designated Beach Equipment, initial permits for applicants that used Rye beaches in 2013 shall be issued for an initial two year period by the Board of Selectmen for 2014 and 2015 if the frequency, magnitude and impact of activity proposed are at most equivalent to that which occurred in 2013. Such applications and/or permits issued annually in subsequent years, or for those without a history of activity in 2013, shall reflect a frequency, magnitude, location and impact that assures that the purpose outlined in section 13 a) is met.
- i) Activities permitted in the immediately prior year that were compliant with permit requirements and that continue to meet the purpose outlined in Section 13 a) shall have priority with respect to the size, location and time of approved activities over applications for new activities if an application for such prior activities is submitted prior to April 1 of the following year.
- j) All applications for Beach Use Permits shall be accompanied by a signed “Release and Indemnification” form provided by the Town and a certificate of insurance from an insurance company authorized to do business in the State of New Hampshire designating the Town of Rye as an additional named insured in the amount of at least \$1,000,000.
- k) All applications for Beach Use Permits involving the use of Designated Beach Equipment shall include a “Certification of Participant Release” on a form provided by the town and signed by the Applicant committing the Applicant to obtaining from each individual participant a signed “Release of Town of Rye by Participants” form to be provided by the Town, to be retained by the applicant for a period of at least one year after the date of the lesson, rental or event, and to be provided to the Town of Rye upon demand within that time.
- l) Permits issued for the rental of Designated Beach Equipment, and for lessons involving groups of three or four, including the instructor, shall require proof of insurance and signed Certification of Participant Release and Release of Town of Rye by Participants forms, but shall not stipulate the frequency, magnitude and location of these activities.
- m) Fines – Failure to obtain a Beach Use Permit for a lesson, event or activity subject to the provisions of this ordinance or to otherwise comply with this ordinance shall be a violation subject to a fine of \$50. Each noncompliant lesson, event or other activity shall be considered a separate violation. Failure to obtain a Beach Use Permit for the rental of Designated Beach Equipment shall subject the violator to a fine of \$50 per violation. Each individual rental transaction shall be considered a separate transaction. A second violation in any calendar year shall result in a fine to the business or event coordinator of \$50 for each participant in the lessons or event.
- n) Should any section, requirement or provision of this ordinance be held to be invalid or unconstitutional by any court or authority of competent jurisdiction, such holding shall not affect, impair or invalidate any other section requirement or provision of this ordinance, and to such end all sections and provisions of this ordinance are declared to be severable.