



STAFF REPORT  
*Public Hearing 9-5-23*

AGENDA ITEM #: 23-91  
COUNCIL MTG OF: August 15, 2023  
FROM: David Caron, Town Administrator  
OFFERED BY: Chief George R. Feole  
PREPARED BY: Sarah Gibbs/Chief Feole  
SUBJECT: Consider adopting an Ordinance to provide for the safe and efficient use of public properties within the Town of Derry.

**PURPOSE**

Schedule a public hearing and subsequently approve an Ordinance that provides for the safe and efficient use of public properties within the Town of Derry.

**TOWN ADMINISTRATOR COMMENTS**

The Town Council is encouraged to adopt the proposed ordinance after the September 5, 2023 public hearing to safeguard the health and welfare of the community.

**BACKGROUND**

We recently became aware that several people are living in a motor vehicle in one of our municipal parking lots. Camping has become an issue several times in the community in the recent past. Public health, safety, and the quiet enjoyment of public properties are important to the quality of life for residents and visitors of the Town of Derry.

Our research indicates that some NH communities have passed local ordinances to control such activities.

**DISCUSSION**

Adoption of the ordinance as proposed would prohibit people from living/camping in or on town owned spaces.

The ordinance as proposed allows for an exemption that would allow overnight stays for specific periods of time.

In accordance with the Town Charter, the Town Council is responsible for adopting or amending town ordinances.

**FISCAL IMPACT:** The development and implementation of an ordinance would have a minimal impact on the community. There would be no expense to such an action, but we could experience some slight revenue should enforcement be required.

**RECOMMENDED ACTION BY COUNCIL**

That the Town Council adopt the ordinance as written.

**RECOMMENDED MOTION**

See attached Resolution #2023-005

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# Chapter 99

## Camping Ordinance

Type in table of contents in bold as per other sections of the Code

### § 99-1 PURPOSE

The purpose of this ordinance is to provide for the safe and efficient use of public properties within the Town of Derry. Public health, safety, and the quiet enjoyment of public properties are important to the quality of life for residents and visitors. Public property use regulation is allowed under New Hampshire RSA 31:39 and its subsections.

### § 99-2 CAMPING ON TOWN PROPERTY

A. It shall be unlawful to camp, without written permission from the Town Council, or their designee, on the following properties owned by the Town of Derry; any parks, municipal parking lots, public streets, or town green spaces.

B. Camping is defined as, *“Any activity that involves an overnight stay, whether sheltered or unsheltered or within an automobile, camper, or other vehicle.”* Whether an overnight stay occurs, *“activities commonly associated with the preparation for an overnight stay,”* are also included in this definition. The period of time defined as an overnight stay shall mean, *“1/2 hour after sunset until 1/2 hour prior to sunrise on any given day.”*

### § 99-3 EXEMPTIONS

This prohibition specifically exempts persons or organizations that have obtained prior written permission by the Town Council, or their designee, to camp in a specific area for a specific time period. All permissible camping will follow “Carry in-Carry out” guidelines when camping on Town of Derry property.

### § 99-4 PENALTIES

The penalty for a violation of this ordinance shall be a fine of \$100.00 for a first offense. For any second or subsequent violation within a 12-month period the fine shall be \$250.00.



ORDINANCE  
Number 2023-005

Adopt Chapter 99 of the General Code to Regulate  
Camping on Public Property

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WHEREAS, Section 5.1 of the Town Charter designates the Town Council as the governing and legislative body of the Town, and pursuant to Section 6.1, the Council shall legislate by ordinance; and

WHEREAS, the Town has seen the need for regulations to protect the health and safety of the community; and

WHEREAS, public property is being utilized for certain purposes which endanger the public's health and safety; and

WHEREAS, the adoption of Chapter 99 will guide the proper use of public property to safeguard the citizens of Derry;

NOW, THEREFORE, THE TOWN OF DERRY ORDAINS Chapter 99 of the General Code, Camping Ordinance for Public Property is hereby adopted as attached.

This Ordinance shall take effect 30 days after its adoption.

Adopted: September 5, 2023

Attest:

X \_\_\_\_\_  
Charles Foote, Council Chair  
Date: \_\_\_\_\_

X \_\_\_\_\_  
Cristina Guilford, Town Clerk  
Date: \_\_\_\_\_