

## Chapter 229 WHARVES

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**[HISTORY: Adopted by the City Council of the City of Laconia 12-29-1975 as Ch. 39 of the Public Ordinances of 1975. Amendments noted where applicable.]**

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### § 229-1. Construal of provisions.

This chapter shall be deemed and construed to be an exercise of the police power of the City of Laconia in the State of New Hampshire for the preservation and protection of public safety, and all of its provisions shall be liberally construed with a view to effectuate such purposes.

### § 229-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**BOAT** — Any watercraft in, upon or by which any person or property is or may be transported over water.

**COMMERCIAL** — Any enterprise for gain and/or benefit by reason of regularly or irregularly scheduled operation.

**MOORED or DOCKED** — The stationing of a boat, whether or not occupied and whether or not tied or anchored along or upon a wharf.

**OPERATOR** — Includes every individual who shall operate a boat as the owner thereof or as the agent, employee or permittee of the owner or is in actual physical control of a boat.

**PERSON** — Any individual, firm, partnership, association or corporation.

**WHARF or WHARVES** — Any public dock, wharf, landing, land or other public place located in the City of Laconia and land used in connection therewith, at which boats may be docked or moored.

### § 229-3. Commercial use restricted.

- A. Operators of boats engaged in commercial enterprise shall not moor such boats at any public wharf except as provided in Subsections B and C.
- B. The United States Mail boat may be moored on the southerly side of the wharf, known as "Dock No. 6," at Weirs Beach during such hours and according to such regulations as the

City Council may direct by vote; such regulations as to hours and other matters shall be effective when posted at said Dock No. 6. No other boat shall be moored on the southerly side of Dock No. 6 during the hours posted for mooring of said United States Mail boat; provided, however, that said mail boat will be responsible to the City of Laconia for any and all damage occurring to said Dock No. 6 as a result of the mooring of said United States Mail boat.

- C. There shall be no dock space designated by lease for the exclusive use of a lessee, with the sole exception of the one dock space leased to the owner of the vessel Queen of Winnepesaukee from time-to-time on a seasonal basis, provided that ownership of said vessel does not change, and provided further that said single dock space is leased by the vessel's owner each succeeding year, until such time as said seasonal leases are terminated in accordance with their terms, are not renewed for any particular season, the vessel is not docked in said dock space during its customary season pursuant to a lease; in the event of any of which, this exception shall expire. [Amended 4-14-1997 by Ord. No. 02.97.02]

**§ 229-4. Use time limited.**

- A. Gale Avenue and Lakeport Wharves. No boat shall be moored at said wharves for a period in excess of 10 hours at a time.
- B. Weirs Beach Wharves. No boat shall be moored at said wharves between the hours of 2:00 a.m. and 6:00 a.m. Between the hours of 6:00 a.m. and 9:00 p.m., no boat shall be moored at said wharves for a period in excess of three hours.
- C. Time limits shall not apply to leased spaces. [Added 3-25-1985 by Ord. No. 102-85.5]

**§ 229-5. Alcoholic beverages prohibited. [Added 2-23-1998 by Ord. No. 01.98.01-A<sup>1</sup>]**

No person shall drink any alcoholic and/or malt beverage or alcoholic liquor, as defined in Chapter 175 of the New Hampshire Revised Statutes Annotated, while on any public wharf or in any boat while moored or docked at any public wharf.

**§ 229-6. Administration and enforcement.**

- A. The Police Department shall enforce the provisions of this chapter.
- B. Punishment for violation. Any person who violates any of the provisions of this chapter shall be guilty of a violation, not to exceed a penalty of \$100. Such person shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this chapter is committed, continued or permitted by such person and shall be punishable therefor as provided therein.
- C. Removal of boat. In the event that any boat is tied up at any wharf in violation of §§ 229-3 and 229-4 and the owner thereof is not present at said wharf or his name is not prominently

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<sup>1</sup> Editor's Note: This ordinance also provided for the renumbering of former § 229-5, Administration and enforcement, as § 229-6.

displayed in said boat so that the owner thereof can be readily ascertained, any police officer in uniform shall have the authority to board said boat and cause the same to be removed from said wharf to a place of storage, and it shall be the duty of the Chief of Police either to locate the owner of said boat and return the same to the owner upon payment of all charges for moving and storing the same or to cause said boat to be sold if the fine or fines imposed and charges referred to in this chapter are not paid within 30 days in accordance with the laws of the State of New Hampshire relating to the sale of stored items for storage charges.

- D. Proof of ownership. Proof of ownership of any boat in violation of this chapter shall be prima facie evidence that such owner used the same in violation of this chapter or permitted the same to be used in violation of this chapter, and in all cases where the owner shall permit another to use said boat, the owner may be charged for any violation of this chapter by such person.