

### **§ 31.06 PROSECUTION OF OFFENDERS BY CHIEF.**

The Chief of Police shall, on behalf of the city, cause all offenders against the laws and ordinances of the city to be promptly prosecuted before the Manchester District Court. This provision shall not be construed to prohibit the state police from prosecuting complaints alleging violations of the law within the City of Manchester, which were filed by members of the state police in the Manchester District Court.

('71 Code, § 20-7) (Am. Ord. passed 5-5-09)

### **§ 31.08 CHIEF TO PRESERVE PEACE.**

The Chief of Police shall, to the utmost of his power, preserve the public peace, and prevent all riots, disorders, and unlawful practices within the city.

('71 Code, § 20-9)

Note: These ordinances regarding the responsibility of the police chief are included to show that enforcement is not an option, it is a requirement. Enforcement cannot be “suspended” by the chief, the mayor or the Board of Aldermen. We need to question, seriously, why the ordinances haven’t been enforced, realize the harm that decision has caused the city and correct course.

### **§ 91.68 DEPOSIT OF LITTER.**

(A) No one shall deposit in, or sweep into, any gutter, street, alley, sewer or other public place any accumulation of litter from any building, lot, public or private sidewalk, or driveway.

(B) No one shall deposit, throw, or sweep any litter in any place or manner that would allow the elements to carry or move it to any street, sidewalk, alley, sewer or other public place or any occupied premises.

(C) No litter shall be deposited or thrown upon any street, sidewalk, or other public place except in public receptacles, authorized private receptacles, or an official city waste disposal facility.

(D) Litter placed in public receptacles or authorized private receptacles shall be deposited so as to prevent it from being moved by the elements to any street, sidewalk, other public place or private property.

(Ord. passed 4-16-02) [Penalty, see § 91.76](#)

### **§ 91.69 DUTY TO MAINTAIN PREMISES FREE OF LITTER.**

The owner or person in control of any private premises shall at all times, maintain the premises free of litter. This section shall not prohibit the storage, in approved containers, of litter awaiting placement for collection.

(Ord. passed 4-16-02) [Penalty, see § 91.76](#)

### **§ 91.70 LITTER ON VACANT PROPERTY.**

No person shall deposit or throw litter on any vacant or open private property whether or not owned by that person.

(Ord. passed 4-16-02) [Penalty, see § 91.76](#)

### **§ 91.71 LITTER REMOVAL BY CITY.**

(A) *Notice to remove.* The Health Authority may require the owner of any vacant or open private property, or the agent of such owner, to properly dispose of any litter on the property which is dangerous to public health, safety, or welfare. Notice of any such requirement shall be given by registered mail to the last-known address of the owner or agent.

(B) *Action upon noncompliance.* Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of litter, the Health Authority may, in addition to any other remedy provided by law, cause the litter to be removed in accordance with, and pursuant to the authority granted by R.S.A. 147:7-b or its statutory successor.

(Ord. passed 4-16-02) Penalty, see § 91.76

### **§ 91.73 LITTERING IN PARKS.**

No litter shall be deposited on, or thrown to, the ground of any city park. All litter shall be properly disposed of in a receptacle provided for that purpose. Should there be no

receptacle, or should all of the receptacles be full, the person responsible for the litter shall deposit it elsewhere.

(Ord. passed 4-16-02) [Penalty, see § 91.76](#)

#### **§ 91.74 LITTERING BODIES OF WATER PROHIBITED.**

No litter shall be deposited in any fountain, pond, lake, stream, marsh, or other body of water within the city.

(Ord. passed 4-16-02) [Penalty, see § 91.76](#)

#### **§ 91.76 PENALTY.**

Any person, firm, or corporation who violates any provision of this chapter for which another penalty is not specifically provided shall be subject to a fine not exceeding the maximum allowed by R.S.A. 47:17 or other law. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(Ord. passed 4-16-02)

#### **§ 92.06 APPLICATION FOR PERMIT.**

All permits required by the fire code adopted by § 92.05 shall be written permits. All permits must be obtained from the Fire Prevention Bureau. All permits shall specify the nature of the proposed activities and conditions or requirements attached thereto. The review of all life safety code plans shall be performed by the Fire Prevention Bureau. All inspections required by the Department of Health and Welfare shall be requested from the Fire Prevention Bureau, and a life safety compliance report will be completed by the Fire Inspector.

(Ord. passed 2-7-95)

#### **§ 92.99 PENALTY.**

(A) Any person who violates any provision of this chapter for which no penalty is otherwise provided shall be subject to the penalty set forth in § 10.99 of this code of ordinances.

(B) Any person, firm or corporation responsible for a violation of § 92.07 of this chapter shall be subject to a notice of violation and penalty as provided in an Ordinance Regulating Traffic upon the Public Streets of the city and any other penalty provided by law. (Ord. passed 2-7-95)

#### **§ 96.04 PARK OPERATING POLICY.**

(A) Parks shall be closed to the public every day of the year from 11:00 p.m. until 7:00 a.m., except for such functions as fireworks displays and such other community programs as may be authorized by the Public Works Director, or his or her designee.

(B) The Public Works Director or his or her designee may, after being advised by the Police Department of repeated disturbance to the public peace, in a specific park,

immediately order a change in curfew hours for said park for such a period as deemed necessary, provided however that immediate public notice is given through the news media and that such change in curfew is conspicuously posted at the affected park.

(C) This section is not intended to discourage the legitimate use of parks and playgrounds which have been specifically designed for nighttime use and for which use, the proper permission has been granted to conduct legitimate sporting or recreational activities.

('71 Code, § 17½-21) (Ord. passed 2-16-71; Am. Ord. passed 10-9-79; Am. Ord. passed 3-16-10) [Penalty, see § 10.99](#)

### **§ 96.05 SANITATION.**

No person in a park shall do any of the following:

(A) *Pollute waters.* Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters any substance, matter, or thing, liquid or solid, which will or may result in the pollution of the waters.

(B) *Deposit refuse and trash.* Have brought in or dump, deposit, or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse, or other trash. No such refuse or trash shall be placed in any water in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

('71 Code, § 17½-18) (Ord. passed 2-16-71) [Penalty, see § 10.99](#)

### **§ 96.06 BEHAVIOR.**

No person in a park shall do any of the following:

(A) *Possess intoxicating beverages.*

(1) *Prohibition.* Have brought alcoholic beverages, possess an open and uncapped container of alcoholic beverages, nor shall any person drink alcoholic beverages at any time in the park.

(2) The sale, possession and consumption of alcoholic beverages may be permitted in parks and recreational centers in such areas as are designated by the Public Works Director, or his or her designee, subject to the provisions of state law and the regulations of the State Liquor Commission and subject to such terms and conditions as the Public Works Director, or his or her designee, may prescribe.

(B) *Build fires.* Build or attempt to build a fire except in such areas and under such regulations as may be designated by the Public Works Director, or his or her designee.

(C) *Engage in games of chance.* Gamble, or participate in or abet any game of chance except raffles, bingo, lucky 7 and other games of chance authorized by state law. Such games of chance authorized by state law may be permitted in parks and recreational centers, in areas designated by the Parks and Recreation Commission, and subject to such terms and conditions as the Commission may prescribe. Such games of chance shall be conducted in strict compliance with state law and the terms and conditions established by the Commission.

(D) *Loiter or behave in a boisterous manner.* Sleep, or protractedly lounge on the seats or benches, or other areas, or engage in loud, boisterous, threatening, abusive, insulting, or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace.

(E) *Camp.* Set up tents, shacks, or other temporary shelter for the purpose of overnight camping.

(F) *Golf.* Swing at or hit a golf ball in any city park or on any city property that is not specified by the Public Works Director, or his or her designee, for golfing or unless otherwise approved by the Public Works Director, or his or her designee.

(G) *Glass bottles.* In any city park possess a glass bottle or bottles during a concert or other sponsored event or unless otherwise approved by the Public Works Director, or his or her designee.

(H) *Smoke.* Smoke any tobacco, tobacco related product, filter or other plant or weed except in such areas as are specifically designated for smoking by the Public Works Director, or his or her designee, subject to the provisions of state law. For the purposes of this section, **TOBACCO RELATED PRODUCT** means any product containing tobacco or nicotine, including but not limited to cigars, pipe tobacco, snuff, chewing tobacco, clipping tobacco, bidis, snus, dissolvable tobacco products, and electronic cigarettes; provided, however, that such term shall not include any product that has been approved by the U.S. Food and Drug Administration as a tobacco cessation product. This section shall only apply to the Stanton Plaza, Victory, Veterans, Pulaski, Kalivas and Bronstein Parks.

('71 Code, § 17½-19) (Ord. passed 2-16-71; Am. Ord. passed 11-19-85; Am. Ord. passed 10-4-88; Am. Ord. passed 11-28-00; Am. Ord. passed 3-16-10; Am. Ord. passed 3-16-10; Am. Ord. passed 4-7-15; Am. Ord. passed 9-5-17) Penalty, see § [10.99](#)

## **§ 96.08 ENFORCEMENT.**

(A) *Officials.* The Public Works Director, or his or her designee, park attendants, and police shall, in connection with their duties imposed by law, diligently enforce the provisions of §§ [96.04](#) through [96.07](#) of this chapter.

(B) *Ejection.* The Public Works Director, or his or her designee, park attendants, and police shall have the authority to eject from the park any person acting in violation of this chapter.

(C) *Seizure of property.* The Public Works Director, or his or her designee, park attendants, and police shall have the authority to seize and confiscate any property, thing, or device in the park, or used, in violation of this chapter.

('71 Code, § 17½-22) (Ord. passed 2-16-71; Am. Ord. passed 3-16-10) [Penalty, see § 10.99](#)

### **§ 130.01 PUBLIC LOUNGING OR SLEEPING.**

(A) No person shall lounge or sleep in or upon any of the commons or squares of the city. ('71 Code, § 17-4)

(B) No person or persons shall sit, stand, or lounge in or about the doors or passageways to any store, office, shop, dwelling house, or other tenement except the owners or tenants thereof, after having been requested by the owner or occupant, or any police officer or watchman, to depart therefrom.

('71 Code, § 17-6)

***Cross reference:***

[Citation penalties, see § 38.06](#)

### **§ 130.02 OBSTRUCTING PASSAGEWAYS.**

Three or more persons shall not stand in a group, or near each other, on any foot or sidewalk, so as to obstruct a free passage for foot passengers, and any person or persons obstructing the foot or sidewalks shall move on immediately after a request made by any police officer or watchman.

('71 Code, § 17-5)

## **DISTURBING PUBLIC PEACE AND SAFETY**

### **§ 130.20 CONDUCT IN PUBLIC PLACES.**

No person shall in any street, lane, alley, or public place, be guilty of any rude, indecent, or disorderly conduct; or shall insult or wantonly impede any person passing thereon; or shall throw any stones, brick, snowballs, or dirt; or play at ball or at any game in which any ball is used; or fly any kite in any street, lane, or public square in the compact part of the city.

('71 Code, § 17-2)

**Statutory reference:**

*For similar state law provisions, see R.S.A. 570:1*

**Cross reference:**

[Citation penalties, see § 38.06](#)

### **§ 130.24 PUBLIC DRINKING.**

(A) No person shall drink alcoholic beverages at any time on public streets and sidewalks or public school buildings and grounds.

(B) Exemption: This section shall not apply to the area of a sidewalk encumbered in accordance with [§ 97.34](#)(B) of this code.

('71 Code, § 17-22) (Ord. passed 8-5-75; Am. Ord. passed 10-11-77; Am. Ord. passed 9-1-87; Am. Ord. passed 6-5-00)

**Cross reference:**

[Citation penalties, see § 38.06](#)

## **OFFENSES AGAINST PROPERTY**

### **§ 130.35 INJURING PROPERTY.**

No person shall wantonly injure or deface any building, fence, wall, post, signboard, sign, lamppost, or lamp or lantern thereon.

('71 Code, § 17-7)

**Statutory reference:**

*Defacing property, see R.S.A. 634:2*

### **§ 130.36 INJURING PLANTS.**

(A) No person shall wantonly injure any trees, shrubs, or bushes growing in any garden, field, or yard. ('71 Code, § 17-8)

(B) No person shall wantonly or wilfully destroy shrubbery, pull up, bend or mar growing trees or otherwise injure or cause to be injured any shrubs, flowers, or trees on city property or maintained by the city, or shall wantonly or willfully damage or deface any other property of the city or of any department thereof. ('71 Code, § 17-9) [Penalty, see § 130.99](#)

**Statutory reference:**

*Injuring gardens, see R.S.A. 635:2*  
*Injuring city trees, see R.S.A. 634:2*

**Cross reference:**

[Citation penalties, see § 38.06](#)

**§ 130.37 ROBBING GARDENS OR ORCHARDS.**

No person shall rob any garden or field of fruit or vegetables.

('71 Code, § 17-10) [Penalty, see § 130.99](#)

**§ 130.38 CLIMBING FENCES PROHIBITED.**

No person shall, without lawful permission, climb on or over any fence of any garden or yard.

('71 Code, § 17-11)

**Statutory reference:**

*For similar state law provisions, see R.S.A. 634:2*

**Cross reference:**

[Citation penalties, see § 38.06](#)

**§ 130.39 PLAYGROUNDS; HOURS FOR USE; DAMAGING EQUIPMENT.**

No person shall, between the hours of 9:00 p.m. and 7:00 a.m., be permitted to enter on or trespass on that part of any public park, common, school yard, or playground which is equipped with playground equipment and used for playground purposes. No person shall be permitted to use for any purpose whatsoever, playground equipment during the hours hereinbefore stipulated. Any person who shall tamper with or wantonly injure, damage or destroy any playground equipment, shall be liable upon conviction, for the damage caused thereto.

('71 Code, § 17-13) (Am. Ord. passed 10-18-55) [Penalty, see § 130.99](#)

**Cross reference:**

[Citation penalties, see § 38.06](#)

**§ 130.40 TRESPASSING ON PUBLIC SCHOOL BUILDINGS AND GROUNDS.**

(A) It shall be unlawful for any unauthorized person to enter upon or remain in public school buildings, including appurtenant buildings, or public school grounds, including parking lots and recreational or athletic areas between the hours of 7:30 a.m. and 4:00 p.m. on any day when such school is in session.



(B) Authorized persons shall include teachers and other employees of the school, students of said school, their parents or guardians and those who are present with the permission of the principal or person in charge. All others including suspended students shall be deemed unauthorized persons unless they are involved in school-related business. ('71 Code, § 17-23) (Ord. passed 11-13-79; Am. Ord. passed 9-1-87)

(C) The Superintendent of schools is hereby authorized to adopt rules and regulations governing the use of parking areas on public school premises. Signs shall be maintained designating the provisions of such parking rules and regulations in the area affected thereby. Any such sign located in a public school parking area shall be presumed to have been installed by the official act or lawful direction of the Superintendent unless the contrary shall be established by lawful evidence. Cards, tags, or stickers may be issued to facilitate enforcement as provided in such rules and regulations. ('71 Code, § 17-24) (Ord. passed 11-13-79) [Penalty, see § 130.99](#)

**Cross reference:**

[Citation penalties, see § 38.06](#)

**§ 130.41 DANGEROUS WEAPONS IN PUBLIC SCHOOL BUILDINGS AND ON PUBLIC SCHOOL GROUNDS.**

(A) No person shall carry or possess a dangerous weapon in any public school building, including appurtenant buildings, or on any public school grounds, including parking lots and recreational or any athletic areas used for school athletics.

(B) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**DANGEROUS WEAPON.** Any firearm, knife, blackjack, slingshot, metallic knuckles or other thing which is designed or intended to be used to produce bodily injury.

(Ord. passed 1-19-99) [Penalty, see § 130.99](#)

**§ 130.42 ESTABLISHING PUBLIC HOUSING DRUG FREE ZONES.**

Pursuant to R.S.A. 31:41-e, there are hereby established drug free zones within 1000 feet of each Manchester Housing and Redevelopment Authority public housing property.

(Ord. passed 3-21-00)

**§ 130.99 PENALTY.**

Any person who shall violate any of the provisions of this chapter for which no penalty is otherwise provided shall be subject to a fine not exceeding the maximum allowed by R.S.A. 47:17 or other law.

('71 Code, § 17-24) (Ord. passed 11-13-79; Am. Ord. passed 10-1-96)