

ORDINANCE #2020-12 OF DURHAM, NEW HAMPSHIRE

ORDINANCE #2020-12 CREATING A NEW CHAPTER, CHAPTER 71, TITLED "HORSES ON TOWN TRAILS" WITHIN THE DURHAM TOWN CODE PROHIBITING HORSES FROM TRAVERSING TRAILS DESIGNED FOR PEDESTRIAN ACTIVITY WITHIN THE TOWN OF DURHAM

WHEREAS, the Durham Conservation Commission, Land Stewardship Subcommittee, volunteers, town staff, and partners have invested significant time and public and private funds to improve trails and bridges on Durham conservation areas to improve the experience for visitors--hikers, runners, dog walkers, cyclists, cross-country skiers, snowshoeing and to protect the ecological health of the soils, fields, woods, and wetlands; and

WHEREAS, trail bridges have been built or re-built across wet or muddy trail sections to protect the sensitivity of these locations and to provide safe, sustainable passage for pedestrians and cyclists; and

WHEREAS, the trail bridges are not built to sustain the weight of a horse; and

WHEREAS, horses can damage trails and trail bridges designed for hiking, jogging and pedestrian activity, while also leaving significant waste behind; and

WHEREAS, many trails on town-owned conservation areas are narrow, and thus unable to accommodate horses along with pedestrians and cyclists; and

WHEREAS, trailhead parking areas owned by the Town of Durham were not designed to accommodate larger vehicles with horse trailers, and

WHEREAS, the higher potential risk of damage to the land and infrastructure outweighs the smaller benefit of a few visitors that may want to ride horses, especially since there are other, better places for riders to enjoy a day on the trail, such as the Rockingham Recreational Trail or nearby state parks,

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing and legislative body of the Town of Durham, New Hampshire does hereby adopt Ordinance #2020-12 and does hereby amend the Durham Town Code to add a new chapter, Chapter 71, titled "Horses on Town Trails" prohibiting horses from traversing

trails designed for pedestrian activity within the Town of Durham. Wording to be deleted is annotated with ~~strikeout~~ type. New wording is annotated with underscoring.

CHAPTER 71

HORSES ON TOWN TRAILS

[HISTORY: Adopted by the Town Council of the Town of Durham through Ordinance #2020-12 dated August 3, 2020]

No person shall ride a horse on any property owned by the Town of Durham

71.1 Authority

This ordinance has been enacted pursuant to the authority granted the Durham Town Council by NH RSA 41:11-a (Town Property), which allows the Durham Town Council to adopt ordinances to regulate the use of Town owned lands.

71.2 Purpose and Intent

- A. To prevent potential conflict of the pedestrian users of Town property that may result from horseback riding at these locations.
- B. To prevent damage to Town property including, trails, parking areas, wetlands, activity areas and other improvements such as bridges designed for pedestrians, thereby reducing the cost to the taxpayers of Durham for operating and managing these facilities.
- C. To prevent soil erosion, damage to vegetation and turf, and other injury to the environment.
- D. To limit the Town's exposure to liability for any injuries that might result from the act of horseback riding on Town property.

E. Such prohibitions shall *not* include:

The use of horses in the harvesting of trees on Town owned property if approved by the Town of Durham

71.3 Definitions

“Town-owned Land” shall mean any and all land acquired by the Town of Durham whether by purchase, gift, tax deeding, or any other means in accordance with the laws of the State of NH, which may include but not be limited to recreational facilities and sports fields.

71.4 Penalties

The penalty for the violation of this ordinance shall be a fine not to exceed one hundred dollars (\$100.00) for each instance.

PASSED AND ADOPTED this ____ day of ____, **2020** by a roll call vote of ____ to ____ of the Durham Town Council as follows:

Sally Tobias _____
Dinny Waters _____
Al Howland _____
Katherine Marple _____
Kenny Rotner _____

Wayne Burton _____
James Lawson _____
Sally Needell _____
Andrew Corrow _____

Katherine Marple, Chair
Durham Town Council

ATTEST:

Lorrie Pitt, Town Clerk-Tax Collector