

**Town of Hampton  
State of New Hampshire  
2009 Town Warrant**

To the Inhabitants of the Town of Hampton, in the County of Rockingham, and the State of New Hampshire, qualified to vote in Town affairs:

You are hereby notified to meet at eight-thirty o'clock in the forenoon in the auditorium of the Winnacunnet High School, Alumni Drive, on Saturday, January 31, 2009, for the first session of the Annual Town Meeting for the transaction of all business other than voting by official ballot.

In accordance with the action on Article 14 of the 1996 Town Warrant (pursuant to RSA 40:13), the second session of the Annual Meeting to elect officers by official ballot and to vote on questions required by law to be inserted on said official ballot, shall be held on Tuesday, March 10, 2009 at seven o'clock in the forenoon at the Winnacunnet Gymnasium, Alumni Drive. The polls will not close before eight o'clock in the evening.

Further, you are notified that the Moderator will process the absentee ballots beginning at 1:00 o'clock in the afternoon on Tuesday, March 10, 2009, pursuant to RSA 659:49.

**Article 1**

To choose by non-partisan Ballot: Two (2) Selectman for a 3-year term; One (1) Tax Collector for a 3-year term; Two (2) Trustee of the Trust Funds for a 3-year term; Two (2) Library Trustees for a 3-year term; Two (2) Planning Board Members for a 3-year term; One (1) Cemetery Trustee for a 3-year term; Four (4) Budget Committee Members for a 3-year term; Two (2) Zoning Board Members for a 3-year term.

**Article 2**

Are you in favor of the adoption of Amendment No. 1 as proposed by the Planning Board for the Hampton Zoning Ordinance as follows:

Amend Article XVII to add a new article entitled Small Wind Energy Systems with associated zoning requirements to comply with new RSA 674:62-66 and to renumber the articles that follow accordingly?

**Recommended by the Planning Board**

**Article 3**

Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board for the Hampton Zoning Ordinance as follows:

Amend Article XVIII to add a new article entitled Solar Panels with associated zoning requirements to allow for their installation with appropriate safeguards and with due consideration to visual appearance and to renumber the articles that follow accordingly?

**Recommended by the Planning Board**

Article 4

Are you in favor of the adoption of Amendment No. 3 as proposed by the Planning Board for the Hampton Zoning Ordinance as follows:

Amend Article II, Section 2.4 (Special Flood Area) and Article XI, Section 11.6 (Floodplain Development Regulations) to comply with requirements of the National Flood Insurance Program?

**Recommended by the Planning Board**

Article 5

Are you in favor of the adoption of Amendment No. 4 as proposed by the Planning Board for the Hampton Zoning Ordinance as follows:

Amend Article VIII, Section 8.2.3 to change the multi-family dwelling setback in all zones from 40 feet to 20 feet?

**Recommended by the Planning Board**

Article 6

Are you in favor of the adoption of Amendment No. 5 as proposed by the Planning Board and recommended by the Hampton Conservation Commission for the Hampton Zoning Ordinance as follows:

Amend Article II, Section 2.3.2 (Wetlands Conservation District, Definitions and Delineations) to add a new subpart F to designate the Hampton Salt Marsh Complex as a "prime wetland" in accordance with RSA 482-A:15 and Department of Environmental Services regulations?

The purpose of this amendment is to afford the Hampton Salt Marsh Complex the additional protections under State law that comes with this designation.

**Recommended by the Planning Board**

Article 7

Are you in favor of the adoption of Amendment No. 6 as proposed by the Planning Board for the Hampton Zoning Ordinance as follows:

Amend Article II, Section 2.3.2, A, 1 (Wetlands Conservation District, Definitions and Delineations) to add the Atlantic Ocean and Hampton Harbor and their associated tidal waters to the definition of "tidal wetlands"?

The purpose of this amendment is to clarify that these wetlands are included in the definition of Tidal Wetlands for purposes of the protections afforded by the Wetlands Conservation District.

**Recommended by the Planning Board**

Article 8

Are you in favor of the adoption of Amendment No. 7 as proposed by the Planning Board for the Hampton Zoning Ordinance as follows:

Amend Article XI, Section 11.2-b (Construction Provisions) to clarify that as mandated by State law (RSA 155-A:2), the provisions of the State Building Code and the State Fire Code shall govern the construction, design, structure, maintenance, and use of all buildings and structures to be erected and the alteration, renovation, rehabilitation, repair, maintenance, removal, or demolition of all buildings and structures previously erected?

**Recommended by the Planning Board**

Article 9

Are you in favor of the adoption of Amendment No. 8 as petitioned for the Hampton Zoning Ordinance as follows:

Amend Article IV (Dimensional Requirements), Section 4.4 in the RA District to change the maximum number of stories/ft (height) to 2 stories or 32 feet from 3 stories or 35 feet, for properties in a particular portion of one of the RA Zones?

**Not recommended by the Planning Board**

Article 10

Shall the Town of Hampton vote to raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth in the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$25,856,785. Should this article be defeated, the operating budget shall be \$25,553,963 which is the same as last year, with certain adjustments required by previous action of the Town Meeting or by law, or the governing body may hold one special town meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only. Provided, however, that if Chapter 300, Sections 33 and 34 of the Laws of 2008 as to the State Retirement System "spiking charge" are repealed or amended, then both of the foregoing figures shall automatically be reduced either by the sum of \$650,203 in the event of a repeal, or by whatever sum results from the enactment of an amendment? (Majority vote required)

**Recommended by the Board of Selectmen**  
**Recommended by the Budget Committee**

NOTE: This warrant article (Operating Budget) does not include appropriations proposed in ANY other warrant article.

Fiscal Impact Note (Finance Dept.): The proposed operating budget figure of \$25,856,785 is \$1,183,907 more than the budget amount adopted in 2008. The estimated 2009 tax rate impact of the proposed operating budget is \$0.391 per \$1,000 valuation (thirty-nine point one cents per thousand dollars of valuation). The default budget figure of \$25,553,963 is \$881,085

more than the budget amount adopted in 2008. The estimated 2009 tax rate impact for the default budget is \$0.291 per \$1,000 valuation (twenty-nine point one cents per thousand dollars of valuation).

#### Article 11

Shall the Town of Hampton vote to modify the elderly exemptions from property tax in the Town of Hampton, based on assessed value, for qualified taxpayers, to be as follows: for a person 65 years of age up to 75 years of age, \$120,000 [from \$82,000]; for a person 75 years of age up to 80 years of age, \$150,000 [from \$115,000]; for a person 80 years of age or older, \$178,000 [from \$147,000]. To qualify, the person must have been a New Hampshire resident for at least 3 years, own the real estate individually or jointly, or if the real estate is owned by such person's spouse, they must have been married for at least 5 years. In addition, the taxpayer must have a net income of not more than \$38,000 [from \$30,000], or, if married, a combined net income of less than \$58,000 [from \$50,000] and own net assets not in excess of \$250,000, excluding the value of the taxpayer's residence, whether single [from \$95,000] or married [from \$145,000]? (Majority vote required)

**Recommended by the Board of Selectmen  
Recommended by the Budget Committee**

Fiscal Impact Note (Finance Dept.): The estimated 2009 tax rate impact is \$0.030 per \$1,000 valuation (three cents per thousand dollars of valuation).

#### Article 12

Shall the Town of Hampton vote to raise and appropriate the sum of \$69,321 to fund the cost items relating to the Teamsters, Local 633, salaries and benefits for 2009? Such sum represents the additional salaries and benefits (over the 2008 budget level) for the first of the two years that are contained in a collective bargaining agreement between the Town of Hampton by its Board of Selectmen and the Teamsters (Clerical, PW Foremen, PD Dispatchers), pursuant to N.H. RSA 273-A? (Majority vote required)

**Recommended by the Board of Selectmen  
Recommended by the Budget Committee**

Note: The above agreement is for the years 2009 and, 2010. The additional amounts necessary to fund the cost items for the following year are:

2010: \$92,489 [representing a differential of \$23,168 over the 2009 budget level].

The total additional cost of the agreement for salaries and benefits over the 2008 budget level for the two years is \$161, 810.

The estimated future cost of the automatic renewal (evergreen clause) mandated by law to be part of this collective bargaining agreement (CBA) is as follows: this CBA contains 6 steps of salary increases with the first increase occurring at the 5th year and the last increase occurring at the 25th year. Assuming that the current pool of unit members remains constant until all

members attain the last step, over 22 years the total increase in salary and payroll benefits would amount to \$1,837,826 or an average of \$83,538 for each of these 22 years. If the pool of unit members changes through retirement, attrition, etc., then the estimated grand total and yearly average will be lower.

Fiscal Impact Note (Finance Dept.): The estimated 2009 tax rate impact is \$0.023 per \$1,000 valuation (two point three cents per thousand dollars of valuation).

### Article 13

Shall the Town of Hampton vote to raise and appropriate the sum of \$23,554 to fund the cost items relating to the Hampton Police Association (Sergeants), salaries and benefits for 2009? Such sum represents the additional salaries and benefits (over the 2008 budget level) for the one year that is contained in a collective bargaining agreement between the Town of Hampton by its Board of Selectmen and the Hampton Police Association (Sergeants), pursuant to N.H. RSA 273-A? (Majority vote required)

**Recommended by the Board of Selectmen  
Recommended by the Budget Committee**

The estimated future cost of the automatic renewal (evergreen clause) mandated by law to be part of this collective bargaining agreement (CBA) is as follows: this CBA contains 4 steps of salary increases with the first increase occurring at the 4th year and the last increase occurring at the 12th year. Assuming that the current pool of unit members remains constant until all members attain the last step, over 10 years the total increase in salary and payroll benefits would amount to \$173,865 or an average of \$17,387 for each of these 10 years. If the pool of unit members changes through retirement, attrition, etc., then the estimated grand total and yearly average will be lower.

Fiscal Impact Note (Finance Dept.): The estimated 2009 tax rate impact is \$0.008 per \$1,000 valuation (zero point eight cents per thousand dollars of valuation).

### Article 14

Shall the Town of Hampton vote to raise and appropriate the sum of \$144,187 to fund the cost items relating to the Hampton Police Association, salaries and benefits for 2009? Such sum represents the additional salaries and benefits (over the 2008 budget level) for the one year that is contained in a collective bargaining agreement between the Town of Hampton by its Board of Selectmen and the Hampton Police Association, pursuant to N.H. RSA 273-A? (Majority vote required)

**Board of Selectmen's vote on recommending was 2-2-1  
Recommended by the Budget Committee**

The estimated future cost of the automatic renewal (evergreen clause) mandated by law to be part of this collective bargaining agreement (CBA) is as follows: this CBA contains 7 steps of salary increases with the first increase occurring at the first year and the last increase occurring

at the 15th year. Assuming that the current pool of unit members remains constant until all members attain the last step, over 14 years the total increase in salary and payroll benefits would amount to \$2,188,764 or an average of \$156,340 for each of these 14 years. If the pool of unit members changes through retirement, attrition, etc., then the estimated grand total and yearly average will be lower.

Fiscal Impact Note (Finance Dept.): The estimated 2009 tax rate impact is \$0.048 per \$1,000 valuation (four point eight cents per thousand dollars of valuation).

#### Article 15

Shall the Town of Hampton vote to raise and appropriate the sum of \$177,000, representing the balance remaining to be appropriated from the special revenue fund created by Article 41 of the 1996 Town meeting for the purpose of Town owned infrastructure within the Hampton Village District boundaries but rescinded by Article 45 of the March 13, 2007 Town meeting, for the purpose of installing new decorative lighting at Hampton Beach on the lettered streets beginning at A Street, including all engineering, design, procurement, shipping, delivery, and installation costs, together with all related appurtenances and activities necessary or desirable to complete the purpose of this article? (Majority vote required)

**Recommended by the Board of Selectmen**  
**Recommended by the Budget Committee**

This infrastructure item has been duly determined by the Precinct Commissioners, Public Works Director and the Town Manager on October 16, 2008. This will be Town owned infrastructure.

Adoption of this article will have no effect on the Town's tax rate.

#### Article 16

Shall the Town of Hampton vote to raise and appropriate the sum of \$38,650 generated from the sale of Town owned-cemetery lots, to the Cemetery Burial Trust Fund; the interest from this Fund is withdrawn annually and deposited in the Town's General Fund as an offset to the amount appropriated in the operating budget for the maintenance of cemeteries? (Majority vote required)

**Recommended by the Board of Selectmen**  
**Recommended by the Budget Committee**

Adoption of this article will have no effect on the Town's tax rate.

#### Article 17

Shall the Town of Hampton vote to raise and appropriate the sum of \$100,000 from revenues generated from the Hampton Cable TV Origination Fund, a special revenue created by Article 21 of the 2000 Town Meeting and funded by revenues generated from the Cable

TV local origination franchise agreement fund, to upgrade, expand, and enhance the development of the local origination channel(s)? (Majority vote required)

**Recommended by the Board of Selectmen**  
**Recommended by the Budget Committee**

Adoption of this article will have no effect on the Town's tax rate.

Article 18

Shall the Town of Hampton vote to raise and appropriate the sum of \$72,000 for the purpose of building new basketball courts at Tuck Field, as determined by the Board of Selectmen, Town Manager, and Director of Public Works and to fund said appropriation by transferring \$72,000 from the Recreation Infrastructure Special Revenue Fund established under Article 44 of the 2007 Annual Town Meeting? (Majority vote required)

**Recommended by the Board of Selectmen**  
**Recommended by the Budget Committee**

Adoption of this article will have no effect on the Town's tax rate.

Article 19

Shall the Town of Hampton vote to raise and appropriate the sum of \$90,000 from revenues generated from the Police Forfeiture Fund, a special revenue fund created by Article 55 of the 2003 Town Meeting to carry out all lawful functions allowed under Federal, State and local criminal justice forfeiture programs? (Majority vote required)

**Recommended by the Board of Selectmen**  
**Recommended by the Budget Committee**

Adoption of this article will have no effect on the Town's tax rate.

Article 20

Shall the Town of Hampton vote to raise and appropriate the sum of \$300,000 for the purpose of making road improvements, and authorize the withdrawal of \$300,000 from the Road Improvement Capital Reserve Fund created under Article 16 of the 1998 Annual Town Meeting created for this purpose and no amount to be raised from taxation, on Tobey Street, Gray Avenue, Carlson Road, Sanborn Road, Dearborn Avenue, Acorn Street, Smith Avenue, Dumas Avenue, Cliff Avenue, Sunsurf Avenue, Trafford Road, and Hurd Road, to include street repairs, reconstruction and associated materials and labor necessary to do the work, and also to include associated drainage system maintenance, upgrades and improvements? (Majority vote required)

**Recommended by the Board of Selectmen**  
**Recommended by the Budget Committee**

Adoption of this article will have no impact on the Town's tax rate.

Article 21

Shall the Town of Hampton vote to raise and appropriate the sum of \$223,000 for the purpose of constructing a salt storage shed at the Department of Public Works yard, including all engineering, design, procurement, construction, shipping, delivery, and training costs, together with all appurtenances necessary to complete the project? (Majority vote required)

**Recommended by the Board of Selectmen**  
**Recommended by the Budget Committee**

Fiscal Impact Note (Finance Dept.): The estimated 2009 tax rate impact is \$0.074 per \$1,000 valuation (seven point four cents per thousand dollars of valuation).

Article 22

Shall the Town of Hampton vote to raise and appropriate the sum of \$35,000 to be utilized for the purpose of modifications to the Town Office Building as to water use, appliances, lighting, electrical systems to make the building more energy and water usage efficient. This will be a non-lapsing account per RSA 32:7, VI and shall not lapse until the work is completed or two (2) years after March 10, 2009, whichever occurs first? (Majority vote required)

**Recommended by the Board of Selectmen**  
**Recommended by the Budget Committee**

Fiscal Impact Note (Finance Dept.): The estimated 2009 tax rate impact is \$0.012 per \$1,000 valuation (one point two cents per thousand dollars of valuation).

Article 23

Shall the Town of Hampton vote to authorize the Board of Selectmen to enter into long-term lease /purchase agreement in the total amount of \$576,360 payable over a term of 48 months at a rate of \$12,008 per month to purchase a Rescue/Pumper truck for the Hampton Fire Department and to raise and appropriate the sum of \$144,090 for the first year's payment for this purpose in fiscal 2009. Such authorization shall include all engineering, design, procurement, construction, shipping, delivery, training, together with all related appurtenances and activities necessary or desirable to complete the purpose of this article. This lease agreement contains an escape clause? (Majority vote required)

**Recommended by the Board of Selectmen**  
**Recommended by the Budget Committee**

Fiscal Impact Note (Finance Dept.): Passage of this article will mean that each succeeding year's payment will be included in that year's operating and default budget amounts. The first payment will be due upon delivery of the vehicle to the Town of Hampton. The estimated 2009 tax rate impact of the first payment is \$0.048 per \$1,000 valuation (four point eight cents per thousand dollars of valuation).

Article 24

Shall the Town of Hampton vote to raise and appropriate the sum of \$50,000 for the purpose of engaging the professional services of architects, engineers and building trades professionals to design and prepare complete cost estimates for the construction and furnishing of an addition to the Winnacunnet Road Fire Station? (Majority vote required)

**Recommended by the Board of Selectmen**  
**Recommended by the Budget Committee**

Fiscal Impact Note (Finance Dept.): The estimated 2009 tax rate impact is \$0.016 per \$1,000 valuation (one point six cent per thousand dollars of valuation).

Article 25

Shall the Town of Hampton vote to raise and appropriate the sum of \$340,000 to be placed in the Department of Public Works Equipment Capital Reserve Fund created under Article 23 of the 2008 Annual Town Meeting in accordance with the provisions of RSA 35? (Majority vote required)

**Recommended by the Board of Selectmen**  
**Recommended by the Budget Committee**

Fiscal Impact Note (Finance Dept.): This warrant article is for the same purpose and in the same amount as requested and approved in 2008. Therefore, passage of this article would have no additional impact on the 2009 tax rate. The estimated 2009 tax rate impact is \$0.112 per \$1,000 valuation (eleven point two cents per thousand dollars of valuation).

Article 26

Shall the Town of Hampton vote to raise and appropriate the sum of \$50,000 for the purpose of providing full larviciding of mosquito breeding areas in the Town, including catch basins, and for spraying of adult mosquitoes during the months of June through September 2009? (Majority vote required)

**Recommended by the Board of Selectmen**  
**Recommended by the Budget Committee**

Fiscal Impact Note (Finance Dept.): This warrant article is for the same purpose and in the same amount as requested and approved in 2008. Therefore, passage of this article would have no additional impact on the 2009 tax rate. The estimated 2009 tax rate impact is \$0.016 per \$1,000 valuation (one point six cents per thousand dollars of valuation).

Article 27

Shall the Town of Hampton vote to raise and appropriate the sum of \$166,700 for the cost of Hampton's contribution to nineteen human service agencies in the seacoast area. Furthermore, these (19) Human Service Agencies be required to give a written report at the end of the given fiscal year to the Board of Selectmen highlighting what the funds were used for and what the impact these funds had in assisting in their goals and objectives? (Majority vote required)

**Recommended by the Board of Selectmen**  
**Recommended by the Budget Committee**

A breakdown of each human service agency's request is follows:

<u>Human Service Agency</u>	<u>Agency Request</u>	<u>Recommended Board of Selectmen</u>	<u>Budget Committee</u>
A Safe Place	\$5,500	\$5,500	\$5,500
Area Home Care & Family Services	12,000	12,000	12,000
Big Brothers/Big Sisters	6,500	6,500	6,500
Child & Family Services	5,000	5,000	5,000
Cross Roads	15,000	15,000	15,000
New Generation Shelter	2,000	2,000	2,000
American Red Cross	1,000	1,000	1,000
Retired Senior Volunteer Program	1,800	1,800	1,800
Rockingham Community Action	25,000	25,000	25,000
SeaCare Health Services	10,000	10,000	10,000
Seacoast Hospice	7,500	7,500	7,500
Seacoast Mental Health Center	8,000	8,000	8,000
Seacoast Visiting Nurse	40,000	40,000	40,000
Seacoast Youth Services	2,500	2,500	2,500
Sexual Assault Services	2,000	2,000	2,000
Richie McFarland Children's Center	6,000	6,000	6,000
AIDS Response Seacoast	2,700	2,700	2,700
Lamprey Health Sr. Transp. Program	4,200	4,200	4,200
Families First Health & Support Center	10,000	10,000	10,000
<b>Total</b>	<b>\$166,700</b>	<b>\$166,700</b>	<b>\$166,700</b>

Fiscal Impact Note (Finance Dept.): This warrant article is for the same purposes and in the same amounts as requested and approved for these agencies in 2008. Therefore, passage of this article would have no additional impact on the 2009 tax rate. The estimated 2009 tax rate impact is \$0.055 per \$1,000 valuation (five point five cents per thousand dollars of valuation).approximately the same.

Article 28

By Petition of Juanita Niemczyk, and at least twenty-five (25) others...

Shall the Town of Hampton vote to raise and appropriate the sum of \$6,400 to defray the cost of services provided by TASC, Transportation Assistance for Seacoast Citizens, to eligible Hampton residents in the Town's 2009 Budget? (Majority vote required)

**Recommended by the Board of Selectmen**  
**Recommended by the Budget Committee**

TASC recruits, trains and mobilizes a corps of volunteer drivers who provide rides to seniors and other adult residents whose health prevents them from driving. TASC provides services in eight seacoast communities, including Hampton. The amount requested represents twenty percent (20%) of the total funds requested from municipalities, which is in proportion to the percentage of TASC trips provided to Hampton Residents.

Fiscal Impact Note (Finance Dept.): The estimated 2009 tax rate impact is \$0.002 per \$1,000 valuation (two tenths of one cent per thousand dollars of valuation).

Article 29

We, the undersigned residents of Hampton, Petition the Town of Hampton to place on the Warrant the request to see if the Town will vote to raise and appropriate the amount of \$5,051 to support Rockingham Nutrition & Meals on Wheels Program's services providing meals for older, home bound and disable Hampton residents in the Town's 2009 Budget? (Majority vote required)

**Not recommended by the Board of Selectmen**  
**Recommended by the Budget Committee**

Fiscal Impact Note (Finance Dept.): The estimated 2009 tax rate impact is \$0.002 per \$1,000 valuation (two tenths of one cent per thousand dollars of valuation).

Article 30

Shall the Town of Hampton vote to create a Compensated Leave Trust Fund in accordance with the provisions of RSA 31:19-a for the purpose of placing in trust funds appropriated for the payment of compensated leave to employees in order to fully fund such benefits over time to avoid the expenditure of large unanticipated sums that would otherwise endanger the financial and operational requirements of the Town. Funds shall be transferred at the discretion of the Board of Selectmen from the annual operating budget to fund such trust and the Board of Selectmen shall be agents of the Town to expend such funds when required to pay for compensated leave upon separation from the Town by eligible employees. The fund shall be revocable by vote of the Town? (Majority vote required)

Fiscal Impact Note (Finance Dept.): There would be no impact on the 2009 tax rate for this article where the funds to be transferred are accounted for in the operating budget.

Article 31

To see if the Town of Hampton will vote to amend the Amusement Devices Ordinance adopted under Article 32 of the 2008 Annual Town Meeting by deleting Section 2, Age of Operators, Section 4, Type of Machines and the last sentence of Section 9A on revocation of licenses and by adding to Section 3 the word "Cash" in the title so that the provision provides for no cash prizes? (Majority vote required)

The Ordinance is being fine tuned following its first year of operation. These changes will allow the Ordinance to function in a fair and reasonable manner for the benefit of the community and its business owners and will result in less cost to the Town.

Adoption of this article will have no impact on the Town's tax rate.

Article 32

Shall the Town of Hampton vote to amend its Ordinance enacted on March 9, 1994 on the Regulation of Animals by amending Section 1:104 subsections A, C, F, G by removing the word "cat" or "cats" wherever they appear; and by amending "subsection K" by striking the following words ", and for cats is set by Town policy"; deleting "subsection L" entirely; amending "subsection O" by striking the word "cats" in lines one and five; by removing the words "and cats" in line two or subsection O; by removing the words "and for cats by Town policy" at the end on subsection O? (Majority vote required)

This will bring the ordinance into compliance with the provisions of RSA 466 under which the Town has not voted to legally license cats, and currently does not now perform that obligation, which would incur additional costs in the Town budget if it proceeded to license cats.

Adoption of this article will have no impact on the Town's tax rate.

Article 33

Shall the Town of Hampton adopt the following Ordinance? (Majority vote required)

**TOWN OF HAMPTON  
SOLID WASTE ORDINANCE**

**Authority**

In accordance with the provisions of New Hampshire Revised Statutes Annotated, Chapter 31, Section 39 and Chapter 149-M, Section 17, authorizing the Town of Hampton to enact ordinances, this Solid Waste Ordinance is adopted by the Town of Hampton in Annual Town Meeting.

**Purpose**

It is the declared purpose of the Town of Hampton, through the adoption of this Ordinance, to protect human health, to preserve the natural environment, and to conserve precious and dwindling natural resources through the proper recycling, reuse, disposal and integrated management of the community's solid wastes.

The Town declares its concern that there are environmental and economic issues pertaining to the disposal of solid wastes. It is important to reserve capacity for solid wastes, which cannot be reduced, recycled or composted. The Town declares that its goal is to achieve a 50 percent minimum weight diversion of solid wastes landfilled or incinerated on a per capita basis by the year 2012.

### **Section 1. Definitions**

- A.** Certified Waste-Derived Product means a constituent of solid waste which is no longer regulated as a solid waste when certified by the State to be recyclable for its original use or alternate uses and which poses no greater risk to the environment, public health, and safety than exists by producing, distributing, using or disposing comparable products which are not waste-derived.
- B.** Compost means a stable, humus-like substance, which is derived from a process involving the biological decomposition of any readily biodegradable material, such as animal manure, garbage, yard waste, septage, sludge, or other organic solid wastes, which can be beneficially re-used for land application.
- C.** Construction and Demolition Debris means non-putrescible waste building materials and rubble, which is solid waste resulting from the construction, remodeling, repair or demolition of structures or roads. The term includes, but is not limited to, bricks, concrete and other masonry materials, wood, wall coverings, plaster, dry wall, plumbing, fixtures, non-asbestos insulation or roofing shingles, asphaltic pavement, glass, plastics that are not sealed in a manner that conceals other wastes, and electrical wiring and components, incidental to any of the above and containing no hazardous liquid or metals. The term does not include asbestos waste, garbage, corrugated containerboard, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, furniture, appliances, tires, drums and containers, and fuel tanks.
- D.** Disposal means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or onto any land or water with the result that such solid waste or any constituent of it may enter the environment, be emitted into the air, or be discharged into any waters, including ground water.
- E.** Facility means a location, system, or physical structure for the collection, separation, storage, transfer, processing, treatment, or disposal, of solid waste.
- F.** Manure means animal feces and urine with natural organic bedding materials such as hay, sawdust, straw, or wood chips, but exclusive of human waste.
- G.** Order means an official written notice requiring compliance with a statute, rule, ordinance or permit.
- H.** Permit means an authorization from the Town for use of the facility.
- I.** Person means any individual; business entity, including a trust, firm, joint stock company, corporation (including a government corporation), partnership, or association; government agency; or political subdivision.

- J.** Public Benefit means the protection of the health, economy, and natural environment of the Town of Hampshire consistent with RSA 149-M.
- K.** Public Facility means the solid waste facility of the Town of Hampton licensed by the State of New Hampshire.
- L.** Recyclable Materials means materials that can be used to produce marketable goods, including but not limited to separated clear and colored glass, aluminum, ferrous and nonferrous metals, plastics, corrugated cardboard, motor vehicle batteries, tires from motor vehicles, paper and other designated products.
- M.** Recycling means the collection, storage, processing, and redistribution of recyclable materials.
- N.** Refuse means and includes any waste product, solid or having the character of a solid rather than a liquid in that it will not flow readily, without additional liquid, and which is composed wholly or partly of such materials as garbage, swill, sweepings, cleanings, trash, rubbish, litter, industrial or domestic solid wastes, organic wastes, or residue of animals sold as meat, fruit, vegetable or animal matter from kitchens, dining rooms, markets, food establishments or any place dealing in or handling meat, fowl, fruits, grain or vegetables; offal, animal excreta, or other carcasses of animals; construction and demolition debris; or accumulated waste materials, cans, containers, tires, junk or other such substances which may become nuisances.
- O.** Solid Waste means any matter consisting of putrescible material, refuse, residue from an air pollution control facility, and other discarded or abandoned material. It includes solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities. For purposes of this Ordinance, it does not include hazardous waste as defined in RSA 147-A:2; solid or dissolved materials in irrigation return flows; cut or uprooted tree stumps buried on-site with local approval if required, provided that such burial locations are not located within 75 feet of any drinking water supply; municipal and industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended; source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended; or septage or sludge as defined in RSA 485-A:2, IX-a and XI-a.
- P.** Solid Waste Management means the systematic administration of activities for the collection, separation, processing, treatment, transportation, transfer, storage, recovery, and disposal of solid waste.
- Q.** Source Reduction means changing industrial processes, technologies, and product components with the specific objective of reducing the amount or toxicity of waste at the source.
- R.** Special Waste means any matter consisting of medical or infectious wastes.
- S.** Town means the Town of Hampton, New Hampshire.
- T.** Transfer Station means a solid waste collection, storage, and transfer facility, which collects, stores, and transfers solid waste, including non-recyclable waste.

- U. Video Display Device means a visual display component of a television or a computer, whether separate or integrated with a computer central processing unit/box, and includes a cathode ray tube, liquid crystal display, gas plasma, digital light processing, or other image projection technology, greater than 4 inches when measured diagonally, and its case, interior wires, and circuitry.

**Section 2. Use of Solid Waste Facility Restricted**

The use of the Town of Hampton Solid Waste Transfer Station and facilities is restricted to use by the residents and property owners in the Town of Hampton, New Hampshire and those private contractors and companies hauling only those solid wastes, refuse and rubbish originating within the legal boundaries of the Town of Hampton for residents or property owners.

**Section 3. Operation**

- A. In General. The operation of the Solid Waste Transfer Station and Disposal Facility will be in accordance with the Town of Hampton Solid Waste Ordinance and by such additional rules, regulations, procedures and policies as may be adopted by the Board of Selectmen for the effective management, separation, recycling and disposal of solid wastes within the facility or may be enacted by the State of New Hampshire and/or the United States of America.
- B. Placement of Materials. Only solid wastes originating within the Town of Hampton shall be placed at the Facility and such placement shall be in accordance with these regulations, the directions of personnel employed by the Town and the posted signage providing directions for the disposal of designated materials in designated areas.
- C. Operational Authority. The operation and supervision of the Solid Waste Transfer Facility is under the Town Manager and his designated and authorized representatives, including, but not limited to, the exclusive right to inspect solid wastes, refuse or rubbish brought to the Facility and the individuals and vehicles transporting the same to determine compliance with this Ordinance and the laws of the State of New Hampshire and the United States of America.
- D. Right to Inspect and Exclude Materials. The owner, operator or other person in charge of a vehicle transporting solid wastes, as a condition of use, to be deposited at the Solid Waste Facility shall present evidence and/or the origin of the materials to be deposited as the person in charge of the Facility, or his designated representative(s) may request. Failure to comply with this Ordinance or to present creditable evidence when requested shall be sufficient cause for the Town Manager, or his authorized representative(s), to revoke, suspend or modify a license, permit, or privilege for the use of the Facility as provided in this Ordinance, to exclude from the Facility those materials in question, and/or to enforce or impose any other penalties as provided by law or by this Ordinance.
- E. Hours of Operation. The hours of operation shall be established by the Town Manager for the convenient use of the residents and property owners of the Town of Hampton and those engaged in privately hauling and disposing of their solid wastes, and in consideration of the financial burdens upon the taxpayers of the Town for the hours of operation of the

facility. Use of the Facility, except during the established hours of operation, is strictly prohibited. The Town Manager reserves the right to change the days and hours of operation for the convenience of the residents and landowners and to conserve funds, as specified in this Ordinance. The Town Manager has the right to temporarily close the Facility, with or without notice, in cases of emergency.

- F. **Changes in the Hours of Operation.** The Board of Selectmen may change the hours of operation of the Solid Waste Facility by holding a public hearing with at least 7 days notice of the hearing published in a newspaper of general circulation in the Town. Such 7-day period shall not include the day of publication or the day of the hearing. Changes approved in the hours of operations shall not become effective for at least 30 days following approval by the Board.

#### **Section 4. Utilization of Facility**

##### **A. Refuse**

1. **Acceptable Materials.** Refuse derived from the normal operations of households and businesses within the Town of Hampton and usual and acceptable in nature and that is acceptable at the Solid Waste Landfill or Co-Generation Facility contracted with by the Town for refuse disposal, may be deposited at the Town's Solid Waste Facility or placed at curbside for collection in accordance with this Ordinance.
2. **Unacceptable Materials.** All special wastes, wastes derived from or contaminated with or by radioactive materials; explosives; ammunition for fire arms or weapons of any kind; an item that is regulated by State or Federal law and requires the issuance of special permits for its disposal; any item with a temperature beyond its burning point; paints; regulated chemicals; wastes which when in contact with acceptable materials deposited at the Facility may cause injury to the Facility or the persons using or employed at the facility.
3. **Town Departments.** Town Departments, operating Town owned equipment and contractors engaged in work for the Town of Hampton may deposit refuse generated by the Department or by a contractor engaged in the execution of work for the Town at the Facility without charge, under the same terms and conditions as all others under this Ordinance.
4. **State of New Hampshire.** The State of New Hampshire, operating State owned equipment and contractors engaged in work for the State at the Hampton Beach State Park and Beaches may deposit refuse collected at the State Park and Beaches and from refuse collection receptacles on Ocean Boulevard at the Facility without charge, under the same terms and conditions as all others under this Ordinance. Excluded from this provision are materials removed by raking of the sand. Such materials will be accepted and be deposited at a special location and charged for at the Town's cost of disposal.

##### **B. Recycling**

1. **Designation of Materials.** The Board of Selectmen shall designate materials that can be removed from the solid waste stream for the purposes of recycling and reuse.

2. **Recycling Diversion Goal.** It is the goal of the Town of Hampton to reduce the solid wastes deposited in landfills and co-generation facilities from Hampton by 50% before the conclusion of the calendar year 2012.
3. **Materials to be Recycled.** The Town shall provide for the recycling of glass containers, aluminum containers; aluminum foils; steel containers; plastics; newspapers; magazines; paperboard containers; cardboard; yards waste; clean wood; wood chips; leaves and other materials that may be designated by the Town.
4. **Recycling of Selected Materials Required.** The Board of Selectmen shall designate materials that must be recycled. Once materials are designated for recycling, they will not be received for disposal with non-recycled materials at the Facility but must be separated for separate collection or disposal by recycling.
5. **Preparation of Recycled Materials.** The Department of Public Works will provide guidance in the form of printed materials for distribution to those disposing of solid wastes that accurately describes the necessary preparation of materials for recycling.
6. **Disposal of Recyclable Materials.** Residents and property owners may select to dispose of recyclable materials at curbside, when that service is offered, or may deposit their recyclable materials in the appropriately designated recycling receptacles at the Facility.
7. **No Charge for Recycled Materials.** Recycled materials will be accepted at the Facility without cost to any resident or property owner provided such materials are presented for recycling in accordance with the preparation requirements for recycled materials.
8. **Recyclables Property of the Town.** Recycled materials left at curbside for pickup or deposited at the Solid Waste Facility are the property of the Town of Hampton and removal except by those authorized by the Town constitutes the illegal taking of public property.

**C. Non-Recyclable Materials**

1. **Brought to Solid Waste Facility.** Residents and property owners may deposit non-recyclable solid wastes at the Solid Waste Transfer Haul Facility during the normal hours of operation in accordance with this Ordinance. The first 1,000 pounds of solid waste may be deposited daily free of charge from households. Solid Wastes derived from the operation of non-residential locations shall be charged the Towns cost for handling and disposal. For the purposes of this section, solid wastes derived from single and two-family structures are excluded from the definition of non-residential structures or locations.
2. **Fees for Non-Recyclable Solid Wastes.** A schedule of fees to be known as the "Transfer Station Fees" shall be established and from time to time amended by the Board of Selectmen. Said fees shall contain the costs necessary to reimburse the Town for the acceptance and disposal of special, unusual, metal, bulky and regulated wastes. Such fees shall be revised by the Board of Selectmen when required to maintain a neutral disposal cost for the items contained in the Transfer Station Fees list.

3. Private Packer Trucks. Packer Trucks are not permitted to deposit materials at the Solid Waste Facility. Excluded from this provision are packer trucks operated by or contracted to the Town of Hampton for curbside collection of solid wastes.

**D. Yard Wastes**

1. Compostable Wastes Accepted. Compostable materials derived from the annual or regular maintenance of real property will be accepted at the Solid Waste Facility at no charge provided the materials are separated in accordance with posted instructions and match the size requirements when applicable.
2. Tree Removal Wastes. Trees removed from private property may be deposited at the Solid Waste Facility provided the log sections are no longer than 15 inches in length or over six inches in diameter. Large log sections may be split into sections to comply with the 6-inch diameter regulations. Logs will be deposited in a designated area and the materials so deposited may be taken free of charge by any resident or property owner for their personal use on a first come basis.
3. Tree Chips. Chips derived from the removal or trimming of trees on public property shall be deposited at the Solid Waste Facility in a designated area. Chips not used on public property for landscaping or beautification purposes may be taken free of charge by any resident or property owner for their personal use on their property located in the Town of Hampton. All tree companies engaged in the removal or trimming of trees and utility line clearance on public property shall deposit the chips and logs derived there from at the Solid Waste Facility or be subject to the penalties contained in this Ordinance.
4. Compostable Papers. Paper products that are certified as compostable may be deposited at the composting site free of charge provided they are contained within a biodegradable (paper) bag.

**Section 5. Permits**

- A. Issuance. The Town may issue permits to facilitate the entrance and use of the Solid Waste Facility.
- B. Revocation of Permits. The Board of Selectmen or their authorized representative(s) may revoke permits issued for use and entrance to the Solid Waste Facility for infraction of this Ordinance. Such revocation may be for a temporary period or may be permanent depending upon the infraction and its seriousness.
- C. Appeal of Permit Revocations. Any holder of a permit that is revoked may appeal the revocation to the Board of Selectmen who shall hold a public hearing concerning the revocation. The Board may uphold the revocation or may overturn the revocation and restore the permit to the original permit holder.
- D. Permits Not Transferable. Permits issued by the Town for the use of the Solid Waste Facility are not transferable. Such permits shall not be loaned to others and are for the exclusive use of the resident or property owner to whom the permit is issued. Violation of this section of the Ordinance may cancel the issued permit.

- E. Permit Fees Not Returnable or Refundable. If a fee has been charged for the issuance of a permit under this Ordinance and the permit is subsequently revoked or suspended for violation of this Ordinance the permit holder is not entitled to a refund of any or all of the permit fee.

**Section 6. Penalties**

In accordance with the provisions of RSA 149-M:17, II, (b) any person who violates the provisions of this Ordinance shall be subject to a fine of up to \$500 to be issued in the form of a summons and notice of fine as provided in RSA 502-A: 19-b. Such summons shall be issued by the Town Manager or the Director of Public Works as the enforcing officers for the Board of Selectmen.

**Section 7. Severability**

If any provision, word, clause, section, paragraph, phrase or sentence of this Ordinance is found by a Court of competent jurisdiction to be unconstitutional, unlawful or unenforceable such unconstitutionality, unlawfulness or unenforceability shall not affect the other provisions of this Ordinance, provided that the purposes of this Ordinance can still be achieved in the absence of the invalid provisions.

**Section 8. Effective**

This Ordinance shall become effective when adopted by the Annual Town Meeting and shall repeal all other Ordinances or portions of Ordinances that may be in conflict with the provisions herein enacted.

Article 34

Shall the Town of Hampton vote to require a future Town Meeting vote in order to authorize the sale of all or any portion of the Town owned oceanfront property deeded to the Town by Tax Collector's deed in 1976 on the Seabrook side of the Hampton River Bridge, thereby exempting that property from the Board of Selectmen's authority to sell Town property under N.H. RSA 41:14-a as adopted by Article 38 at the 2002 Town Meeting? (Majority vote required)

Adoption of this article will have no impact on the Town's tax rate.

Article 35

Shall the Town of Hampton vote to confirm its acceptance of Riverview Terrace, Bragg Avenue, Tuttle Avenue, Fellows Avenue, and Dow Avenue as public roads and without any payment of damages by the Town? (Majority vote required)

A deed for these streets was given to the Town by quitclaim deed dated April 11, 1986 from the Hampton Beach Improvement Company, Inc. and was recorded on June 27, 1986 in the Rockingham County Registry of Deeds at Book 2612, Page 1207.

Confirmation of the acceptance of these roads will not affect the tax rate as these roads have been maintained by the Town for many years.

Article 36

Shall the Town of Hampton vote to confirm its acceptance of Rosa Road and Warner Lane as public roads and without any payment of damages by the Town? (Majority vote required)

A deed for these streets was given to the Town by quitclaim deed dated August 9, 1957 by Henry Phinney and Gladys Phinney and was recorded on August 13, 1957 in the Rockingham County Registry of Deeds at Book 1441, Page 217.

Confirmation of the acceptance of these roads will not affect the tax rate as these roads have been maintained by the Town for many years.

Article 37

On the petition of at least 25 additional registered voters...

We, the following, petition the Town of Hampton to accept Manchester Street as a public road and such road to be accepted "as is" and without payment of any damage by the town? (Majority vote required)

This paved street has sewer, water and has always been maintained by the town.

By accepting this road it will not affect the tax rate as this road has always been maintained by the town.

Article 38

To see if the Town of Hampton will vote to instruct the Board of Selectmen to petition the State of New Hampshire to permit the removal of the State owned railroad bridge over Drakeside Road so that the entirety of Drakeside Road will be passable for fire equipment and delivery vehicles servicing residences on Drakeside Road? (Majority vote required)

Adoption of this article will have no impact on the Town's tax rate.

Article 39

Shall the Town of Hampton, in order to accomplish safety improvements to the Winnacunnet Road/Lafayette Road intersection, vote to discontinue any parts of the three land areas that have been laid out as highways, and to quitclaim any interest in fee that the Town may have in said three areas to the owners of the abutting properties, as depicted on the Lot Line Adjustment Plan for Tropic Star Development, LLC. by Jones & Beach Engineers, Inc. as revised on January 12, 2009 and labeled as "Land to be deeded to" either Tax Map 175, Lot 13 (the proposed pharmacy property), Tax Map 175, Lot 10 (the Galley Hatch Restaurant property), or Tax Map 176, Lot 15 (the Citizens Bank property), but only in return for the expenditure in 2009 and 2010 by said owners of the dollar value equivalent to the fair market value of the said three areas (as determined by the Board of Selectmen by outside, independent appraisal) in road safety improvements to be performed as directed by the Board of Selectmen to the intersection of Winnacunnet Road and Lafayette Road,

including but not limited to a) the squaring off of this intersection by eliminating the southernmost curved lanes connecting Lafayette Road and Winnacunnet Road and b) the signalization of this intersection, and with no damages to be paid to abutters; said discontinuance to be in accordance with the provisions of RSA 231:43 and that any and all public utilities including drainage be preserved in their current location in accordance with RSA 231:46, with any excess monies to be deposited to the general fund? (Majority vote required)

Adoption of this article will have no impact on the Town's tax rate.

#### Article 40

To see if the Town of Hampton will vote to instruct the Board of Selectmen to investigate the creation of a municipally owned electric utility department, with said investigation to include the possibility of placing overhead utility lines underground to help prevent extended losses of essential utility service? (Majority vote required)

Adoption of this article will have no impact on the Town's tax rate.

#### Article 41

Shall the Town vote to authorize, but not require, the Board of Selectmen to enter into an inter-municipal agreement between the Towns of Hampton and Hampton Falls for the purposes of constructing and maintaining a pedestrian walkway/bicycle path over the existing Old Stage Road Bridge between the two Towns and to perform such repair and rehabilitation of the existing Bridge itself as may be necessary to properly support such walkway/path, provided that no local property tax revenues are to be utilized for said purposes, utilizing instead such grants and privately donated funds that are received for those purposes? (Majority vote required)

Fiscal Impact Note (Finance Dept.): Adoption of this article will have no impact on the Town's tax rate where the source of funding for the work shall be limited to grants and privately donated funds.

#### Article 42

To see if the Town of Hampton will vote to authorize the Board of Selectmen to lease the District Fire Station on Ashworth Avenue from the Hampton Beach Village District to ensure the continued availability of fire protection services from a location within the District, subject to such terms and conditions which the Selectmen deem to be in the best interest of the Town and consistent with the goals set forth in this article, and to authorize the Board of Selectmen to enter into renewals of said lease, all for a period of no more than five years from the passage of this article by the Town and the Hampton Beach Village District? (Majority vote required)

Adoption of this article will have no impact on the Town's tax rate.

Article 43

Shall the Town of Hampton vote to designate 5 years from November 17, 2009 as the length of the first renewal period of the Intermunicipal Agreement for Treatment and Disposal of Wastewater between the Town of Hampton and Rye? (Majority vote required)

The initial 20-year Agreement, which was entered into in 1989, has enabled the Town of Rye to dispose of its wastewater at Hampton's wastewater treatment plant, in return for Rye's initial investment of approximately \$5 million dollars to establish a Hampton-Rye sewer connection and Rye's continuing payment to Hampton of a proportionate share, based on gallonage, of both a) the use of Hampton's facilities and b) Hampton's capital costs. For the year 2008, these payments from Rye to Hampton totaled \$93,027.

By its terms, this Agreement is automatically renewable for successive periods of not less than 5 years unless 2 years prior to the termination date either party notifies the other that the Agreement shall not be renewed. No Hampton Town Meeting vote directing the Board of Selectmen to notify Rye of non-renewal was taken prior to the November 17, 2007 deadline for providing such notice in order to avoid a first renewal period.

Adoption of this article will have no impact on the Town's tax rate.

Article 44

Shall the Town of Hampton vote to direct the Board of Selectmen to immediately notify the Town of Rye that Hampton shall not renew the "Agreement between the Town of Hampton and the Town of Rye, New Hampshire regarding Treatment and Disposal of Wastewater" upon the expiration of the first renewal period of that Agreement whose length has been designated by vote on the previous Article 43 of this 2009 Hampton Town Meeting? (Majority vote required)

In order to be timely, this notice must be given 2 years prior to the termination date of the Agreement or any renewal period thereunder. This 20-year Agreement, which was entered into in 1989, has enabled the Town of Rye to dispose of its wastewater at Hampton's wastewater treatment plant, in return for Rye's initial investment of approximately five million dollars to establish the Hampton-Rye sewer connection and Rye's continuing payment to Hampton of a proportionate share, based on gallonage of both a) the use of Hampton's facilities and b) Hampton's capital costs. For the year 2008, these payments from Rye to Hampton totaled \$93,027.

Adoption of this article will have no impact on the Town's tax rate.

Article 45

Shall the Town of Hampton vote, in accordance with N.H. RSA 80:52-c, to authorize but not require the Town Clerk to accept payment of fees by credit card, provided that there shall be added to each amount due a service charge to cover the credit card company's charges to the Town and any other actual costs for the use of the credit card service? (Majority vote required)

Adoption of this article will have no impact on the Town's tax rate.

Article 46

On petition of James Workman and 25 additional registered voters.

Shall the Town vote to raise and appropriate a sum not to exceed \$30,000, for the construction of a 15 x 30 foot "pavilion" type structure at the High Street Cemetery? (Majority vote required)

**Recommended by the Board of Selectmen  
Recommended by the Budget Committee**

The purpose of this structure shall be to provide a covered area for the town's veterans during the Memorial Day and other remembrances, when the weather so requires. Such authorization shall include costs of design, procurement, construction, landscaping, together with all appurtenances necessary or desirable to complete such project.

Fiscal Impact Note (Finance Dept.): The estimated 2009 tax rate impact is \$0.010 per \$1,000 valuation (one cent per thousand dollars of valuation).

Article 47

Upon Petition of Frederick Rice, Brian Warburton, Mary Louise Woolsey and more than 25 other registered voters.

Shall the Town of Hampton, in support of its declared commitment to preserve the natural environment and to conserve precious and dwindling natural resources through the proper recycling and reuse of waste materials, be required to purchase recycled or recycled-content products for any and all Town supply requirements whenever such products are reasonably available, provided that the cost is within 20% of the cost for an equivalent product made of non-recycled materials? (Majority vote required)

Article 48

Upon Petition of Frederick Rice, Brian Warburton, Mary Louise Woolsey and more than 25 other registered voters, shall the Town of Hampton adopt the following Ordinance? (Majority vote required)

**PUBLIC EVENT RECYCLING ORDINANCE**

In accordance with the provisions of New Hampshire Revised Statutes Annotated, Chapter 31, Section 39 authorizing the Town of Hampton to enact bylaws, the following Ordinance is adopted by the Annual Town Meeting.

**Section 1. Purpose.**

The Annual Town Meeting of the Town of Hampton ordains that it is in the public interest and hereby establishes that it is public policy to require the recycling of selected materials at all public gatherings.

**Section 2. Recycling of Recyclable Beverage Containers Required.**

Any indoor or outdoor public event or gathering of more than twenty-five persons within the Town of Hampton shall be required to place containers in prominent view for the collection and recycling of glass, aluminum and plastic beverage containers.

**Section 3. Number and Type of Containers.**

The number and type of containers required shall be sufficient to accommodate the total volume of recyclable beverage containers offered for consumption at the event or gathering in question.

**Section 4. Signage Required.**

Recycling containers shall be conspicuously marked so that they can be easily located by all attendees, and to identify them as being for recycling only and not for waste disposal.

**Section 5. Commercial Establishments.**

Commercial establishments such as bars and restaurants that sell beverages on their premises may elect to collect all recyclable cans and bottles in centralized containers out of the public view provided that no recyclables can otherwise enter the solid waste stream from that establishment.

**Section 6. Disposal of Recyclable Materials.**

Sponsors of the public event or gathering, or proprietors of commercial establishments, as appropriate, shall be responsible for proper disposal of recyclable materials collected under this ordinance either at curbside, at the Town recycling facility or by other means as designated and authorized by the Town.

**Section 7. Penalties.**

In accordance with the provisions of RSA 149-M:17,II,(b) any person or group who violates the provisions of this Ordinance shall be subject to a fine of \$100 for the first offense, \$200 for a second offense and \$500 for any subsequent offense, to be issued in the form of a summons and notice of fine as provided in RSA 502-A:19-b. Such summons shall be issued by the Town Manager, the Director of Public Works or the Building Inspector as the enforcing officers for the Board of Selectmen.

Article 49

Upon Petition of Frederick Rice, Brian Warburton, Mary Louise Woolsey and more than 25 other registered voters.

Shall the Town vote to establish a Recycling Education Fund pursuant to RSA 31:95-h, I (a)? (Majority vote required)

The money received from fines and fees for non-compliance with the Town's Public Event Recycling Ordinance and Solid Waste Ordinance shall be allowed to accumulate in this fund from year to year, and shall not be considered part of the Town's general fund unreserved fund balance. The Town Treasurer shall have custody of all monies on the Fund, and shall

pay out the same only upon order of the Town Manager (no further Town meeting approval required). These funds may be expended only to provide, improve or enhance programs and efforts to educate the public on the advantages and reasons to promote and practice recycling.

Adoption of this article will create no increase in the Town's tax rate, and may actually reduce the tax rate if resulting recycling reduces the cost to the Town of Solid Waste disposal.

Article 50

Shall the Town of Hampton vote to authorize the Board of Selectmen, pursuant to RSA 31:19, to accept without further action by the Town, gifts, legacies and devises made to the Town to be held in trust for the establishment, maintenance, and care of libraries, reading-rooms, schools, and other educational facilities, parks, cemeteries, and burial lots, the planting and care of shade and ornamental trees upon their highways and other public places, and for any other public purpose that is not foreign to their institution or incompatible with the objects of their organization, such authority to continue indefinitely until rescinded by a future vote of an annual or special town meeting? (Majority vote required)

Article 51

By petition of twenty-five registered voters.

Shall the Town of Hampton, if any or all of the six collective bargaining agreements are defeated or do not appear on the 2009 Warrant (Article XX, Police Officers; Article XX, Police Sergeants; Article XX Public Works Employees; Article XX, Teamsters; Article XX, Firefighters; and/or Article XX, Fire Officers), authorize the governing body to call one special town meeting, at its option, to address the cost items only of the defeated or absent said article or articles? (Majority vote required)

Fiscal Impact Note (Finance Dept.): The estimated cost of a special meeting is \$8,000 with the 2009 tax rate impact of \$0.0026 per \$1,000 valuation (twenty-six tenths of one cent per thousand dollars of valuation).