Town of Hampton

State of New Hampshire

2010 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 30, 2010, 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 09, 2010 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 09, 2010, pursuant to RSA 659:49.

ARTICLE 1

To choose by non-partisan Ballot: One (1) Selectman for a 3-year term; One (1) Town Clerk for a 3-year term; One (1) Moderator for a 2-year term; One (1) Supervisor of the Checklist for a 6-year Term; One (1) Trustee of the Trust Funds for a 3-year term; One (1) Library Trustees for a 3-year term; One (1) Library Trustees for a 2-year term; One (1) Library Trustees for a 1-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; One (1) 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 III to add a new use regulation (Section 3.44), for properties fronting on Ocean Boulevard from the northerly portion of Ocean Boulevard where it intersects with Ashworth Avenue south to the northerly side of N Street, that limits the use of the first twenty-five (25) feet of depth of the ground floor of any building, measured from the front of a structure, to non-residential principal uses permitted in the Business Seasonal (BS) District. Entries, lobbies, stairs, and elevators providing pedestrian access to permitted upper-floor residential uses, not exceeding twenty percent (20%) of the ground floor area, shall also be permitted.

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 II, Section 2.7 Professional Office / Residential District, Subsection C. Use Regulations, (1) Principal Uses, b. Professional services to reword this Subsection to make it consistent with the existing wording in the Article III, Section 3.22 as to Banks, offices and professional establishments, such as insurance agencies, real estate offices, attorney offices, medical professionals and/or other similar businesses, providing direct services to consumers.

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 2.7 Professional Office / Residential District, Subsection D. Height, Setback and Area Regulations to add new and amended provisions for the district's dimensional requirements.

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 II, Section 2.7 Professional Office / Residential District, Subsection F. Signs and Article V – Signs Tables I & II to add specific requirements for signs in this District.

Recommended by the Planning Board

ARTICLE 6

Are you in favor of the adoption of Amendment No. 5 as proposed by the Planning Board for the Hampton Zoning Ordinance as follows?

Amend Article II, Section 2.3. Wetlands Conservation District in Section 2.3.3 Permitted Uses to add wording for a new section 2.3.3.A.6 and a new section 2.3.3.B.9, both entitled "Landscaping," to clarify if a special permit is needed for that activity.

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 XVIII – Solar Panels Ordinance, to delete Section 3. Roof-mounted solar panels, subsection b. to allow roof mounted solar panels to be located on any roof face which provides the effective and efficient performance from the system being installed.

Recommended by the Planning Board

ARTICLE 8

Shall the Town of Hampton 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 $24,364,484. Should this article be defeated, the operating budget shall be $24,374,733 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? (Majority vote required)

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

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

Fiscal Impact Note (Finance Dept.): The proposed operating budget figure of $24,364,484 is $1,189,479 less than the budget amount adopted in 2009 of $25,553,963 which included a $650,203 cost related to NHRS HB 1645 Spike Charge. The net estimated 2010 tax rate impact of the proposed operating budget is a negative $<0.18> per $1,000 valuation (minus eighteen cents per thousand dollars of valuation). The default budget figure of $24,374,733 is $1,179.230 less than the budget amount adopted in 2009 of $25,553,963 which also included a $650,203 cost related to NHRS HB 1645 Spike Charge. The net estimated 2010 tax rate impact for the default budget is a negative $<0.18> per $1,000 valuation (minus eighteen cents per thousand dollars of valuation).

Recommended by the Board of Selectmen
Recommended by the Budget Committee

ARTICLE 9

Shall the Town of Hampton vote to raise and appropriate the sum of $546,000 to fund the purchase without further bidding of a Pierce Rescue/Pumper truck for the Hampton Fire Department? (Majority vote required).

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.

Recommended by the Board of Selectmen
Recommended by the Budget Committee

Fiscal Impact Note (Finance Dept.): The estimated 2010 tax rate impact is $0.181 per $1,000 valuation (eighteen and one tenth cents per thousand dollars of valuation).

ARTICLE 10

Shall the Town of Hampton vote to raise and appropriate the sum of $172,751 for the cost of Hampton's contribution to nineteen human service agencies in the seacoast area; furthermore, these 21 Human Service Agencies shall 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 had in assisting in their goals and objectives? (Majority vote required)

Human Service Agency	Agency Request	Recommended Board of Selectmen	Budget Committee
A Safe Place	$5,500	$5,500	$5,500
Are 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
Transportation Assistance for Seniors	1,000	1,000	1,000
Rockingham Meals on Wheels	5,051	5,051	5,051
Total	$172,751	$172,751	$172,751

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 2009. Therefore passage of this article would have no additional impact on the 2010 tax rate. The estimated 2010 tax rate impact is $0.057 per $1,000 valuation (five and seven tenths cents per thousand dollars of valuation).

ARTICLE 11

Shall the Town of Hampton vote to raise and appropriate the sum of $50,000 for the purpose of providing full larvaciding of mosquito breeding areas in the Town, including catch basins, and for spraying of adult mosquitoes during the months of June through September 2010? (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 2009. Therefore passage of this article would have no additional impact on the 2010 tax rate. The estimated 2010 tax rate impact is $0.017 per $1,000 valuation (one and seven tenths cents per thousand dollars of valuation).

ARTICLE 12

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, this sum of $340,000 to come from the unexpended fund balance (surplus) as of December 31, 2009 and no amount to be raised from taxation? (Majority vote required) (No Tax Rate Impact)

Recommended by the Board of Selectmen
Recommended by the Budget Committee

ARTICLE 13

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 $40,000 from the Road Improvement Capital Reserve Fund created under Article 16 of the 1998 Annual Town Meeting created for this purpose, and to fund the balance of the appropriation by a transfer of $260,000 from the unexpended fund balance (surplus) as of December 31, 2009 and no amount to be raised from taxation for the improvement of Dearborn Avenue, Academy Avenue, Leavitt Road, Fairfield Drive, Ruth Lane, Belmont Circle, Munsey Drive, and Morningside Drive; 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) (No Tax Rate Impact)

Recommended by the Board of Selectmen
Recommended by the Budget Committee

ARTICLE 14

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, and to close such account, 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 street lighting at Hampton Beach on the lettered streets beginning at A Street, including all engineering, design, procurement, shipping, delivery, and installation costs, together will 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 December 18, 2009. This will be Town owned infrastructure. Adoption of this article will have no effect on the Town's Tax Rate. (No Tax Rate Impact)

ARTICLE 15

Shall the Town of Hampton vote to raise and appropriate the sum of $150,000 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, and to fund this appropriation by a transfer of $150,000 from the unexpended fund balance (surplus) as of December 31, 2009 and no amount to be raised from taxation? (Majority vote required) (No Tax Rate Impact)

Recommended by the Board of Selectmen
Recommended by the Budget Committee

ARTICLE 16

Shall the Town of Hampton vote to raise and appropriate the sum of $100,000 from revenues generated from the Hampton TV Origination Fund, a special revenue fund created by Article 21 of the 2000 Annual 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) (No Tax Rate Impact)

Recommended by the Board of Selectmen
Recommended by the Budget Committee

ARTICLE 17

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) (No Tax Rate Impact)

Recommended by the Board of Selectmen
Recommended by the Budget Committee

ARTICLE 18

Shall the Town of Hampton vote to raise and appropriate the sum of $76,000 for the purpose of reconditioning the hockey rink on Hardardt's Way and to repair or replace existing chain link fencing and backstops at Tuck Field and to fund such appropriation by transferring $76,000 from the Recreation Infrastructure Special Revenue Fund established under Article 44 of the 2007 Annual Town Meeting? (Majority vote required) (No Tax Rate Impact)

Recommended by the Board of Selectmen
Recommended by the Budget Committee

ARTICLE 19

Shall the Town of Hampton vote to raise and appropriate the sum of $27,850 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). (No Tax Rate Impact)

Recommended by the Board of Selectmen
Recommended by the Budget Committee

ARTICLE 20

Shall the Town of Hampton vote to rescind the direction, as given to the Board of Selectmen by Article 44 of the 2009 Town Meeting, not to 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 its first renewal period on November 17, 2014, and instead vote to authorize the Board of Selectmen to renew said Agreement for an additional 5 year period after November 17, 2014 on the same terms? (Majority vote required).

Note: 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 gallons, of both a) the use of Hampton's facilities and b) Hampton's capital costs. For the year 2009 these payments from Rye to Hampton totaled $87,531. Due to the sewer work completed in the course of the Hampton Beach Infrastructure Improvements Project, Hampton's Wastewater Treatment Plant has more than enough capacity to handle the wastewater coming from Rye.

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.

ARTICLE 21

Shall the Town of Hampton enact the following Administrative Enforcement Ordinance? (Majority vote required)

ADMINISTRATIVE ENFORCEMENT ORDINANCE FOR VIOLATIONS OF TOWN ORDINANCES, BY LAWS OR REGULATIONS

Authority

This Administrative Enforcement Ordinance is adopted by the Town of Hampton in accordance with the provisions of New Hampshire Revised Statutes Annotated Chapter 31, Section 39-c, authorizing the Town of Hampton to establish a system for the administrative enforcement of violations of any municipal code, ordinance, by law, or regulations, and for the collection of penalties, to be used prior to the service of a formal summons and complaint, and to include opportunities for persons who do not wish to contest violations to pay such penalties by mail, and to provide for a schedule of enhanced penalties the longer such penalties remain unpaid.

Purpose

It is the declared purpose of the Town of Hampton, through the adoption of this Ordinance, to establish an administrative enforcement system, as authorized by N.H. RSA 31:39-c, to enable simplified, less expensive and expeditious enforcement of violations of the Town's codes, ordinances, by laws or regulations. This system shall be in addition to, and not in replacement of, any other remedies for enforcement available by law.

Section 1. Notice of Violation

Violations of Town of Hampton municipal codes, ordinances, by laws or regulations may be enforced via the issuance of notices of violations containing a description of the offense and any applicable penalties, either delivered in person or by first class mail to the last known address of the offender.

Section 2. Administration

The system may be administered by the Hampton Police Department or by such other Hampton municipal agency or official as is designated by the Hampton Board of Selectmen.

Section 3. Separate Event

Each instance of offense shall constitute a separate event for purpose of assessment of a penalty and in the case of a continuing violation, each day said violation occurs shall constitute a separate violation for penalty purposes.

Section 4. Amount of Penalty

The dollar amount, before the doubling or tripling specified below, of the penalty for a particular violation shall be the amount set forth in the particular code, ordinance, by law or regulation for whose violation a notice is issued.

Section 5. Enhanced Penalties

Failure of the offender to pay the penalty designated in the notice of violation within 30 days shall automatically increase the penalty to double the amount specified, which said doubling shall be warned of in the notice, provided that the total amount assessed for each offense shall not exceed $1,000. Failure of the offender to pay the penalty designated in the notice of violation within 60 days shall automatically increase the penalty to triple the amount specified, which said tripling shall be warned of in the notice, provided that the total amount assessed for each offense shall not exceed $1,000.

Section 6. Payment of Violations

Penalties imposed under this system may be paid by mail to the issuing department to the address for payment specified on the notice of violation.

Section 7. Appeals

Appeals for the issuance of a notice of violation shall be heard by the Town Manager or his designee as judge utilizing the informal procedure of the small claims court justice, which said appeal shall not be governed by the rules of evidence, provided that such appeal is requested by letter to the Town Manager within 15 calendar days from the issuance of the notice of violation. Any enhanced penalty may also be appealed in like fashion to the Town Manager, provided that such appeal is requested within 15 calendar days from any increase in penalty. The decision of the Town Manager on any such appeal, which may include the waiver of any enhanced penalty, shall be final.

Section 8. Other Remedies

If the administrative enforcement system established by this Ordinance is unsuccessful at resolving an alleged violation, a summons may be issued as otherwise provided by law, including use of the procedure for plea by mail set forth in RSA 31:39-d, and any other remedies available by law may also be utilized.

ARTICLE 22

Shall the Town of Hampton vote to accept the provisions of RSA 72:29-a, II, granting to the surviving spouse of any person who was killed or died while on active duty in the armed forces of the United States or any armed forces of any governments associated with the United States in the wars, conflicts or armed conflicts, or combat zones set forth in RSA 72:28, shall receive a tax credit in the amount of $1,400 from the taxes due upon the surviving spouse's real and personal property, whether residential or not, in the Town of Hampton where the surviving spouse is a resident, said exemption to be effective on and after April 1, 2010? (Majority vote required)

Recommended by the Board of Selectmen
Recommended by the Budget Committee

The purpose of this article is to update the terms of the exemption as it is being administered in Hampton to conform to several amendments that have been made to RSA 72:29-a by the New Hampshire General Court (legislature), including the legislature's elimination of the disqualification for the surviving spouse upon remarriage.

Fiscal Impact Note (Finance Dept.): The estimated 2010 tax rate impact is $0.001 per $1,000 valuation (one tenth of one cent per thousand dollars of valuation).

ARTICLE 23

Shall the Town of Hampton vote to clarify the terms of the Ambulance Service Revolving fund established by Article 19 of the 2006 town meeting pursuant to RSA31:95-h, 1(b) by providing that such part of the money received from fees and charges for ambulance and attendant emergency medical services, deemed by the Board of Selectmen to be in excess of EMS fund capital and expense needs, be treated as general revenue by the Board of Selectman for the purpose of reducing the tax rate? (Majority vote required)

In accordance with the RSA 31:95-h,1(b) funds then allocated to and deposited into the EMS fund to provide and improve emergency medical services as well as for ambulance replacement as needed, will be allowed to accumulate from year to year and shall not be considered as part of the Town's general fund unreserved fund balance. Defeat of this article will leave in place the Ambulance Service Revolving Fund as established by Article 19 of the 2006 Town meeting.

ARTICLE 24

Shall the Town of Hampton vote to amend the "Solid Waste Ordinance" adopted under Article 33 of the 2009 Annual Town Meeting as follows:

- by adding the following new subsection 4. B. 9. after subsection 4. B. 8.

  4. B. 9. The Town may extend cooperative use of equipment, personnel and facilities to other municipalities or contracted solid waste firms doing business with the Town for the purpose of cooperatively marketing, handling and shipping of recycled materials at no cost the Town of Hampton. The Board of Selectmen may permit such use following a public hearing. Passage of this article will allow the Town to join cooperatively with other towns and recycling/solid waste businesses in order to more effectively dispose of collected recycled materials without additional costs to the Town.

and

- by amending subsection 4. A. 4. by deleting from the words "without charge" and substituting therefore the words "in accordance with such charges as are determined by the Board of Selectmen," so that refuse deposited by the State of New Hampshire may be charged for as determined by the Board of Selectmen? (Majority vote required)

ARTICLE 25

To see if the Town of Hampton will vote, pursuant to NH RSA 41:11-a, III, to authorize the Board of Selectmen to rent or lease municipal property for a term of up to 5 years without further vote or ratification of the Town; once adopted, this authority shall remain in effect until specifically rescinded by the Town Meeting at a duly warned meeting provided that the term of any lease entered into prior to the rescission shall remain in effect? (Majority vote required)

Note: Currently the Board of Selectmen has the authority under RSA 41:11-a, II to rent or lease real property owned by the Town during periods not needed for public use, but any rental or lease agreement for a period of more than one year is not valid unless ratified by vote of the Town at Town Meeting. Passage of this article would provide the Board of Selectmen with the added flexibility afforded by the longer period of rental authority without Town Meeting ratification that is allowed by state legislation enacted in 2009.

ARTICLE 26

Shall the Town of Hampton vote to accept as a Class V Town road, the 30 foot wide access road to the Treatment Plant and Public Works as currently traveled that runs northeasterly for approximately 843 feet from the easterly side of Tide Mill Road to the existing steel gate, and including the shaded area of current public usage adjacent to Tide Mill Road, all as shown on a Plan of Land Access Road to the Treatment Plant Assessor's Parcel 241-012 by James Verra and Associates, Inc. dated January 6, 2010, and without any payment of damages by the Town; and to discontinue as a town road those portions of the proposed taking for right of way as deeded to the Town by deed of Charles H. Brown dated July 31, 1933 in Book 890, Page 432, that encroach upon Tax Map 241, Lot 2 and Tax Map 241 Lot 3 as shaded on the said January 6, 2010 Plan by James Verra and Associates, again without any payment of damages by the Town, and with quitclaim deeds of said encroaching portions to be executed by the Board of Selectmen to the respective owners of Tax Map 241, Lot 2 and Tax Map 241 Lot 3 at no expense to the Town? (Majority vote required)

Note: This article relates to the opening of the gates to the transfer station. This Article does not address the driveway known as Hardardt's Way.

ARTICLE 27

Shall the Town of Hampton vote to discontinue parts of the two land areas that have been laid out as highways totaling approximately 11,670 square feet, and to quitclaim any interest that the Town may have in said two areas to the owners of the abutting properties, as depicted on the a Lot Line Adjustment Plan by Jones & Beach Engineers, Inc. dated January 2010 and labeled as "Land to be deeded to" the following abutting properties, either Tax Map 175 Lot 10 (the Galley Hatch Restaurant property), or Tax Map 176 Lot 15 (the Citizens Bank property), in return for the sum of $50,000 and with no damages to be paid by the Town, said discontinuance to be in accordance with the provisions of RSA 231:43 and with any and all public utilities including drainage preserved in their current locations in accordance with RSA 231:46, and with quitclaim deeds of said two areas to be executed by the Board of Selectmen to the respective owners of Tax Map 175, Lot 10 and Tax Map 176, Lot 15 at no expense to the Town? (Majority vote required).

ARTICLE 28

Shall the Town of Hampton vote to authorize the Board of Selectmen on behalf of the Town to petition the New Hampshire General Court to enact the following legislation to create the position of Tree Warden for the Town of Hampton? (Majority vote required)

AN ACT AUTHORIZING THE TOWN OF HAMPTON TO APPOINT A TREE WARDEN

Be it enacted by the Senate and House of Representatives in General Court Convened:

Section 1. Notwithstanding any general or special provisions of law to the contrary, the Hampton Town Manager with the advice and consent of the Hampton Board of Selectmen, shall appoint a Tree Warden who shall have the powers of Tree Wardens contained in New Hampshire Revised Statutes Annotated, Chapter231:139, et. seq. and amendments thereto.

Section 2. The Tree Warden shall promulgate rules and regulations for the protection, preservation, maintenance and removal of trees on public property that shall become effective upon approval by the Hampton Board of Selectmen after said rules and regulations have been posted in two public places followed by a public hearing and upon being filed with the Hampton Town Clerk.

Section 3. The Tree Warden shall be removable from office for misconduct after a hearing before the Board of Selectmen who shall certify any such removal and the reasons therefor in writing to be filed with the Town Clerk, whereupon the Tree Warden shall be removed from office and the vacancy created filled by appointment in accordance with Section 1 of this Act.

Section 4. This Act shall take effective upon its passage.

Note: If such Act is enacted by the New Hampshire General Court, then the Town of Hampton Shade Tree Commission shall be abolished. The Tree Warden position will be combined with an existing position in the Town, such as Director of Public Works, and will be at no additional cost to the community.

ARTICLE 29

Shall the Town of Hampton enact the following Ordinance for the Regulation of Entertainment Activities? (Majority vote required)

ORDINANCE FOR THE REGULATION OF ENTERTAINMENT ACTIVITIES

Authority

In accordance with the provisions of New Hampshire Revised Statutes Annotated, Chapter 31, Section 39, I, (h), (k) and (n) authorizing the Town of Hampton to enact bylaws, the following Ordinance for the Regulation of Entertainment Activities is adopted by the Town of Hampton by the Annual Town Meeting assembled.

Purpose

The Annual Town Meeting of the Town of Hampton ordains that it is in the public interest to promote the general welfare of the residents and hereby establishes that it is public policy to regulate Entertainment Activities.

The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the Town of Hampton and its inhabitants.

Section 1. Definitions

A. Building or premise. Shall mean a structure with a position on the ground and or lot of record or a vessel on the water.

B. Dance Hall. Shall mean any establishment or place defined as "Dance Halls' that require an annual Dance Hall Permit from the Town under Chapter 4, Article 2 of the Hampton Town Ordinances and those defined as "Nightclub" by Chapter 7, Article I, Section 1.6 of the Town of Hampton Zoning and Building Ordinances.

C. Entertainment Activity. Shall include, but not be limited to, any live band, musician, performer, entertainer, disc jockey, comedian, person, concert, dance hall, jukebox, karaoke equipment, record player, sound device, and/or any type of mechanical music device that is audible outside of the building or premises.

D. Establishment or Place. Shall include, but not be limited to, bars, cafés, discotheques, nightclubs, performing arts centers, motion-picture theater, theaters, dance hall, music hall, lecture hall, halls, restaurants or any other establishment, or similar place of public assembly, which regularly provide entertainment for their patrons. For purposes of this definition, "establishment or place" shall include any occupied connecting rooms, space, or area on the same level or in the same story, or in a story or stories above or below, where entrance is common to the rooms, space or areas.

E. Entertainment License. Shall mean a license issued by the Board of Selectmen to any person to conduct an entertainment activity in an establishment or place on a regular basis for a specific licensed period.

F. Licensee. Shall mean any person who has been issued an entertainment license or a temporary entertainment license by the Board of Selectmen.

G. Person. Shall mean any person, individual, employee, business, firm, or corporation, partnership, association, owner or operator, and/or any other legal entity.

H. Temporary Entertainment License. Shall mean a license issued by the Board of Selectmen to any person to conduct an entertainment activity on a specific date, for a specific period of time, at a specific location.

Section 2. Regulation of Entertainment Licenses

The Board of Selectmen of the Town of Hampton shall regulate and issue Entertainment Licenses.

Section 3. License Required

It shall be unlawful for any person to conduct, operate, hold, and/or host any entertainment activity within any building or premise within the Town who does not possess an entertainment license as issued by the Board of Selectmen.

A. A valid entertainment license shall be posted in public view within the establishment or place.

B. No entertainment activity shall be held without a license specifying the time and object for which the license is issued.

Section 4. Issuance of License

No person shall engage in or provide an entertainment activity in any building or premise without first having obtained an entertainment license from the Board of Selectmen. Any person who complies with the requirements of this Ordinance shall be entitled to receive and retain such a license.

A. The Board shall not issue a license to any person until it has received the following:

1. A completed Entertainment License Application
2. The written recommendation from the Chief of Police, or his designee, confirming that the person has passed the criminal and motor vehicle records examination, and has given the recommendation to approve the granting of the license.
3. Written notification from the Fire Prevention Officer, or their designees, that the premises in which the entertainment activity shall be held, holds a valid Assembly Permit and a Dance Hall Permit.
4. Written notification from the Building Inspector, or their designees, that the premises in which the entertainment activity shall be held, holds a valid occupancy permit.
5. The license fee.

B. A license shall not be authorized to any person who is shown to have any of the following disapprovals or disqualifications:

1. Written notification of disapproval from any of the following:
   a. Chief of Police, or his designee;
   b. Fire Prevention Officer, or his designee;
   c. Building Inspector, or his designee.
2. The person has been convicted of a felony, in this or any other state, in the seven full years prior to the date of the application.
3. The person has been convicted of a felony involving a controlled substance or violence, in this or any other state, in the fifteen full years prior to the date of the application.

C. Dances. This subsection shall apply to any establishment or place which permits, or permits to occur, dancing, except the following: a public or private school licensed by the State or the Town for the purpose of conducting dancing classes or dance courses of study as its primary, regular and recurrent business activity; dances sponsored by an accredited educational institution, civic or religious organization or group which limits admission to its own members and their guests.

1. Dances shall not be permitted between the hours of 1:00 a.m. and 12:00 p.m., on any day of the week.

2. For the purposes of this section "teen dance" means any dance which permits the entry of persons under the age of 18 years of age.

Section 5. License Period.

Any person requiring a license to conduct an entertainment activity in an establishment or place may be licensed for a period of 12 months from the first day of April, of each year.

A. All licenses granted under this Ordinance shall continue and remain in full force and effect for a period from the first day of April each year until midnight on the 31st day of March of the following year.

B. All licenses issued previous to the date of the adoption of this Ordinance shall expire as of March 31, 2010.

Section 6. Hours of Operation.

The Board of Selectmen may vary the hours of the entertainment activity based upon the circumstance of the application (i.e., more restrictive hours or additional hours.)

Section 7. Hours Restricted

The using, operating, or permitting of an entertainment activity shall not be allowed between the hours of 1:00 a.m. and 12:00 p.m., on any day of the week.

Section 8. Fees.

A. Three hundred and sixty five dollars ($365.00) for each licensed establishment or place, paid in advance of issuance of the license.

B. In addition to the fee payable pursuant to this Ordinance, the person shall reimburse the Town for any expense occasioned by the issuance of the licensing for the entertainment activity.

Section 9. Application for Renewal of Permits or Licenses

All applications for renewals of licenses shall be in accordance with Sections 4. A. & B. and must be filed with the Board of Selectmen no later than the first day of March of any year in order to keep the renewal privilege.

Section 10. Transfer of License

A. No license held by a person shall be transferred to another except in accordance with the following procedure:

1. Notice of the proposed transfer shall be delivered to the Board of Selectmen at least 45 days prior to the date of the proposed transfer.
2. All applications for such transfer shall be in accordance with Section 4.A.1. & 2 of this Ordinance.
3. The application for the transfer shall contain the names and addresses of all persons involved in the transfer.
    a. A change in principals shall be deemed a transfer of License.
4. The Board shall, in accordance with the terms of this Ordinance, approve or disapprove the fitness of the person as a licensee within 30 days after receipt of notice of the proposed transfer unless prevented from doing so by conditions or circumstances not under the Board's control.
5. The Board of Selectmen has received payment of three hundred and sixty five dollars ($365.00) prior to the transfer.

B. No license may be transferred from any licensed establishment or place except when the following actions have been performed in advance of the transfer:

1. Notice of the proposed transfer shall be delivered to the Board of Selectmen at least 45 days prior to the date of the proposed transfer.
2. All applications for transference shall be in accordance with Section 4.A.3 & 4 of this Ordinance.
3. The Board shall, in accordance with the terms of this Ordinance, approve or disapprove the transference within 30 days after receipt of notice of the proposed transfer unless prevented from doing so by conditions or circumstances not under the Board's control.
4. The Board of Selectmen has received payment of three hundred and sixty five dollars ($365.00) prior to the transfer.

C. Any license transferred other than in accordance with the foregoing procedures, or without the approval of the Board, shall be void and such license shall at once be surrendered to the Board.

Section 11. Application for Renewal of Licenses

All applications for renewals of licenses, in accordance with Section 4 must be filed with the Board of Selectmen no later than the first day of March of any year in order to keep the renewal privilege. The Board may issue renewal licenses at any time thereafter.

Section 12. Complaints

A. Should the entertainment activity give rise to complaints from abutters, and from any of the following departments, the Health Department, the Building Department, the Police Department, or the Fire Department and/or their designees, as to noise, litter, and overcrowding, the Board may hold a hearing to determine whether or not it should make

any orders limiting the entertainment activity in time or place or otherwise restricting such entertainment activity to accommodate the needs of public peace, order and safety.

1. Complaints shall be brought by written form only and shall contain:
   a. the location of the entertainment or place concern in the compliant;
   b. the complaint shall be in detail and contain the date of, time of and the type or cause of the compliant and or incident.
   c. the name(s), address(es) and phone number(s) of the person(s) filing said complaint.

B. As a condition of the entrainment license, and at any time during the period the license is in effect, the person may be subject to additional restrictions or conditions ordered by the Board of Selectmen upon the recommendation from following departments: the Health Department, the Building Department, the Police Department, or the Fire Department and/or their designees as may be warranted by any circumstances pertaining to the entertainment activity and/or to prevent any nuisance related to or caused by the entertainment activity. A nuisance, in addition to its common law meaning, is anything that endangers life, health or safety, gives offense to senses, violates common standards of decency or obstructs the reasonable use, enjoyment, or habitation of any property.

Section 13. Nuisance, Pertaining to Licensed Activities.

It shall be the responsibility of the person to whom a license hereunder is issued to prevent any nuisance related to or caused by the entertainment activity. Such nuisance does not necessarily have to emanate from the entertainment activity as it includes any nuisance related to or caused by patrons as well as employees. The operation of any establishment or place utilizing a license hereunder shall at all times be compliant with any applicable provisions of the State Fire Code and Life Safety Code.

Section 14. Noise Standards Applied

The using, operating, or permitting of an entertainment activity within an establishment or place in such a manner as to disturb the quiet, peace, or repose and or comfort of the neighboring inhabitants or the repose of persons in any office, or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity or any time with louder volume than is necessary for convenient hearing for the person or persons who are in the premises in which the entertainment activity is situated and who are voluntary listeners thereto.

A. The operation of an entertainment activity within an establishment or place between the hours of 12:00 PM and 1:00 AM in such a manner as to be plainly audible at a distance of 50 feet from the building in which it is located shall be prima facie evidence of a violation of this section.

B. Sound devices shall be controlled to keep sound emanating from the premises within normal and tolerable limits.

C. The intensity and volume of noise will be regulated so as to cause as little disturbance outside the building as possible. Means of regulation will include, but not be limited to,

location of the bandstand and orchestra within the building, insulation or soundproofing of the building, keeping of baffles such as doors and windows closed during hours permitted and the regulation of volume control on speakers. The Chief of Police or his designee and or the Building Inspector shall act as the enforcement authority of this provision.

Section 15. Police attendance.

When it is determined by the Chief of Police or his designee to be necessary to preserve order, protect the health, safety, and welfare of the residents of the Town, or to help avoid traffic-related problems, public disturbance, or public nuisance, all establishments and places licensed under this article may be required to hire an off-duty police officer or officers during those hours the Chief of Police or his designee deems appropriate. The Chief of Police or his designee may suspend this requirement as he deems appropriate, but the requirement may be reinstated at the discretion of the Chief of Police or his designee.

A. Payment for services of these personnel shall be borne by the licensee at current wage rates, plus 30%.

Section 16. Power of Enforcement.

The Chief of Police or his designee(s) shall have the following power

1. to enter upon any premises as licensed under this Ordinance, at reasonable times, to ascertain the manner in which the license is exercised under this Ordinance;
2. to demand the exhibition of the license for the current year or time period by a person engaged or employed in the establishment or place. If the person fails then and there to exhibit the license, the entertainment license shall be suspended or revoked and the person shall be punishable as provided for under this ordinance;
3. to revoke licenses of a temporary character at any time without notice in their discretion; and
4. to issue citations for the violation of any of the provisions of this Ordinance.

Section 17. Revocation of License

A. At any time after a license has been issued under this Ordinance to any person, it may be suspended, revoked and cancelled by the Board of Selectmen if the entertainment activity violates any of the public statutes or ordinances of the Town, or is conducted in a building which does not conform to the fire statutes, ordinances or regulations of the Fire Department, Building Code and/or an unreasonable amount of complaints have been filed and/or the establishment or place is used for criminal purposes.

   1. Prior to the suspension or revocation and cancellation of any license the Board shall notify the affected licensee of the pending suspension or revocation and the reason therefore. The Board shall also provide the affected licensee with a reasonable opportunity to be heard by the Board prior to the suspension or revocation.
   2. A license shall be revoked for any violation of Federal or State or Local law.

B. Licenses of a temporary character may be revoked and cancelled at any time by the Board of Selectmen without notice at their discretion.

C. Licensed Revoked.

1. Upon the successful appeal of a license that has been revoked, the license shall be restored with new or revised conditions or restrictions on the license, and the fee for the restoration of the license shall be calculated at one dollar per day up until the annual expiration date of license.

2. A license that has been revoked shall not be subject to the renewal or restoration except that an application for a new license may be submitted and acted upon after the expiration of a least one year from the date of revocation.

Section 18. Penalties

Any person or persons violating the provisions of this Ordinance shall be guilty of a violation and subject to fine of not less than $250 for the first offense, $500 for the second offense and $1,000 for the third and any subsequent offenses 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 a Police Officer or any authorized employee or official of the State of New Hampshire. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder, and any fines collected hereunder shall inure to such uses as the Town may direct.

Section 19. 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 20. Effective

This Ordinance shall become effective when adopted by the Annual Town Meeting of the Town of Hampton and shall repeal all other Ordinances or portions of Ordinances relating to the Noise Regulation of Dance Halls.

ARTICLE 30

Shall the Town of Hampton enact the following Ordinance for the regulations of Taxi Businesses? (Majority vote required)

ORDINANC FOR THE REGULATION OF TAXI BUSINESSES

Authority

In accordance with the provisions of New Hampshire Revised Statutes Annotated Chapter 31, Section 40 authorizing the Town of Hampton to enact bylaws, the following Ordinance for the

Regulations of Taxi Businesses is adopted by the Town of Hampton by the Annual Town Meeting assembled.

Purpose

It is the declared purpose of the Town of Hampton, through the adoption of this Ordinance, to protect the public health, welfare and safety of its citizens through the proper licensing of taxi businesses, personnel and the licensing and inspection of vehicles used for the transportation of said passengers, and to require the issuance of insurance or bonds for the protection of said persons riding therein.

Section 1. Definitions. The following words shall have the meanings indicated within this Ordinance:

A. Licensed Motor Vehicle. Shall mean any motor vehicle licensed as a taxi or taxicab by the Town of Hampton and/or holds a valid taxi license from another Municipality.
B. Licensee. Shall mean any person who has been issued a license under this Ordinance by the Board of Selectmen.
C. Owner. Shall mean the person having the ownership or leasehold of any motor vehicle used or to be used in the taxi business.
D. Operator. Shall mean the person driving or having control or possession of said motor vehicle while the same is being used in the taxi business.
E. Permit. Shall mean the permitted taxi license granted by the Board of Selectmen to the person of any motor vehicle licensed as a taxi or taxicab, which is to be used in the taxi business, to engage in the taxi business and to use that particular motor vehicle so licensed in said taxi business.
F. Person. Shall mean any person, individual, employee, business, firm, or corporation, partnership, association, owner or operator, and/or any other legal entity.
G. Taxi Operator's License. Shall mean any person licensed by the Board of Selectmen to operate a taxi or taxicab within the Town of Hampton.
H. Taxi Business or Taxi Business License. Shall mean any taxi or taxicab business, operation or service licensed by the Board of Selectmen to operate within the Town of Hampton.
I. Taxi or Taxicabs. Shall mean any rubber-tired motor vehicle, having a manufacturer's rated capacity of not more than 7 passengers, duly licensed as a taxi or taxicab to be used in the call and demand for transportation of passengers for compensation to or from points chosen or designated by the passengers and not operated on a fixed schedule and/or between fixed termini, except that this Ordinance shall not apply to the following:

    1. Limousine services, which provide designated luxury or specialty vehicles by prior appointment for discrete functions;

    2. Limousine services whose operator is limited to the transport or passengers by prior appointment from locations within the Town of Hampton to destinations located outside of the Town or the reverse.

    3. The vehicle is rated by its manufacturer for a capacity of more than 7 passengers.

J. Taxi Stand. Shall mean said portion or portions of the public street or highway as may be designated by the Board of Selectmen of the Town of Hampton as a place in which taxis may stand or park.

Section 2. Board of Selectmen, Powers and Duty

The Board of Selectmen shall enforce all local and state laws affecting the ownership, licensing and operation of a taxi business in the Town of Hampton. The Board of Selectmen shall diligently see that all Ordinances, rules and regulations are enforced and shall exercise the power of license and permit suspension and/or revocation when it determines that such action is warranted by majority vote after notice and opportunity to be heard has been afforded by the Board to the affected licensee.

Section 3. Taxi Inspector – Authority

There is hereby created the office of the Taxi Inspector who shall be an officer of the Hampton Police Department as assigned to the position by the Chief of Police. Said officer, in addition to his or her regular duties, shall exercise control over taxicab operations to the extent set forth in this Ordinance. The Taxi Inspector shall investigate all taxi complaints, inspect the operations and safety of all licensed motor vehicles and enforce all local Ordinances pertaining to the taxi or taxicab business.

Section 4. Taxi Inspector Procedures

If the Taxi Inspector determines that any violation of this Ordinance has occurred, the Inspector may take one (1) or more of the following enforcement actions.

A. Issue a Defective Equipment notice to the person of the licensed motor vehicle requiring correction of the defect within 24 hours with proof of correction provided to the Police Department to avoid automatic suspension of the taxi permit.

B. Remove the permit(s) from the licensed motor vehicle in violation until the violation is corrected and proof of correction is provided to the Taxi Inspector.

C. Suspend any permit(s) or license(s), after providing notice and an opportunity to respond to the affected licensee, with any such suspension appealable to the Board of Selectmen.

D. Recommend that the Board of Selectmen suspend or revoke any license.

Section 5. Licenses Required

A. No person shall operate a taxicab business in the Town of Hampton without first having obtained a taxi business license from the Board of Selectmen.

B. No person shall operate a motor vehicle used in the taxicab business in the Town of Hampton without first having obtained a taxi operator's license from the Board of Selectmen

Section 6. Taxi Operator's License Requirements

The Board of Selectmen shall issue a taxi operator's license for any person who shall satisfy the following criteria:

A. On the written recommendation from the Chief of Police, or his designee, confirming that the applicant passed the criminal and motor vehicle records examination, and approving the granting of the license.

B. Provide evidence of possession of a valid motor vehicle operator's license.

C. Provide written notification from the owner of a permitted taxi service that the potential licensee has been offered employment as a taxi operator.

D. Provide two clear photographs of the person who is applying for a license using the following guidelines:

The photographs are identical
In color
2 x 2 inches in size
Taken within the past 6 months, showing current appearance
Full face, front view with a plain white or off-white background
Between 1 inch and 1 3/8 inches from the bottom of the chin to the top of the head
Taken in normal street attire:
Uniforms should not be worn in photographs except religious attire that is worn daily
Do not wear a hat or headgear that obscures the hair or hairline
If you normally wear prescription glasses, a hearing device, wig or similar articles, they should be worn for your picture
Dark glasses or nonprescription glasses with tinted lenses are not acceptable unless you need them for medical reasons (a medical certificate may be required)

A. When a licensee changes his or her address, he or she will, within seven (7) days of such change, notify the Board of Selectmen in writing. Failure to notify the Board of Selectmen in accordance with this section cancels the taxi licensee's issued license.

B. A license shall not be authorized for any person who is shown to have any of the following disqualifications:

1. The individual has three or more convictions for moving violations, in this or any other state, in the three full years prior to the date of application.

2. The privilege of the individual to operate a motor vehicle has been revoked and/or suspended at any time, in this or in any other state, in the three full years prior to the date of the application, for any reason related to the operation of a motor vehicle.

3. The individual has been convicted of a felony, in this or any other state, in the seven full years prior to the date of the application.

4. The individual has been convicted of a felony involving a controlled substance or violence, in this or any other state, in the fifteen full years prior to the date of the application.

Section 7. Taxicab Business License Requirements

No person shall engage in the taxicab business in the Town of Hampton without first having obtained a license for the operation of the taxi business and license for each motor vehicle to

be used in the taxicab business from the Board of Selectmen. The Board shall not issue a license until it has received the following:

A. Has complied with the requirements of Section 6 under this Ordinance.

B. Written approval from the Chief of Police, or his designee confirming that the owner/operator of the taxicab business passed the criminal and motor vehicle records examination, and approving the granting of the license.

C. Written notification from the Taxi Inspector and the Building Inspector, or their designees, that the motor vehicle(s) to be permitted meets all criteria contained in this Ordinance.

D. Each motor vehicle to be permitted shall be inspected by the Taxi Inspector before the issuance of a license and annually in the month of June each year, or more frequently if determined necessary by the Town and its officials, for compliance with the requirements in this Ordinance.

E. The person of the taxicab business shall produce documentation that each of the motor vehicles to be permitted have passed the New Hampshire State Motor Vehicle Safety Inspection Test.

Section 8. Terms and Fees for Permits and Licenses

A. All licenses granted under this Ordinance shall continue and remain in full force and effect for a period from the first day of April each year until midnight on the 31st day of March of the following year. All licenses currently issued at the adoption of this Ordinance shall expire of April 30, 2010.

B. The fee for a taxi business license shall be one hundred dollars ($100.00) each year or any part thereof plus the cost of criminal and motor vehicle checks, payable in advance for application for the taxicab business license.

C. In addition to the fees payable pursuant to this Ordinance, the person shall reimburse the Town for any expense occasioned by the issuance of the licensing for the taxi business license.

D. The fee for a taxi operator's license shall be twenty-five dollars ($25.00) per year or any part thereof plus the cost of criminal and motor vehicle checks.

E. The fee for restoration of any taxi operator's license that has been revoked shall be twenty-five dollars ($25.00).

F. In addition to the fees payable pursuant to this Ordinance, the person shall reimburse the Town for any expense occasioned by the issuance of the licensing for the taxi operator's license.

Section 9. License Suspension or Revocation

The Board of Selectmen shall have the authority to suspend or revoke any license issued pursuant to this Ordinance in the event that the Board finds that said person has violated any provision of this Ordinance.

A. Prior to the suspension or revocation of any license the Board shall notify the affected licensee of the pending suspension or revocation and the reason therefore. The Board shall also provide the affected person with a reasonable opportunity to be heard by the Board prior to the suspension or revocation.

B. A taxi business or a taxi operator's license shall be revoked for any violation of Federal or State law or for three convictions of violations of local traffic ordinances.

C. A suspension and/or revocation of a person's right to operate a motor vehicle will automatically revoke his or her taxi operator's license.

D. The fee for restoration of a taxi business license that has been revoked shall be one hundred dollars ($100.00).

   1. Except that when the revocation is due to failure to meet vehicle inspection requirements, no fee shall be due if the vehicle is repaired to the satisfaction of the Taxi Inspector within a reasonable period of time following the revocation not exceeding seven (7) days after revocation.

Section 10. Application for Renewal of Licenses

All applications for renewals of licenses must be filed with the Board of Selectmen no later than the first day of March of any year in order to keep the renewal privilege. The Board may issue renewal licenses at any time thereafter.

Section 11 Transfer of License

A. No license may not be transferred from one licensed motor vehicle to any other un-licensed vehicle except when the following actions have been performed in advance of the transfer:

   1. Notice of the proposed transfer shall be delivered to the Board of Selectmen at least 21 days prior to the date of the proposed transfer.

   2. The Board of Selectmen has been presented with the identification and certificate of insurance related to the transferee motor vehicle.

   3. The Board of Selectmen has been provided with written notification from the Taxi Inspector and the Building Inspector, or their designees, that the transferee motor vehicle meets all criteria contained in this Ordinance.

   4. The Board of Selectmen has received payment of twenty-five dollars ($25.00) per vehicle transfer fee.

   5. In addition to the fees payable pursuant to this Ordinance, the person shall reimburse the Town for any expense occasioned by the transference of license.

B. No license held by a person, shall be transferred to another except in accordance with the following procedure:

   1. Notice of the proposed transfer shall be delivered to the Board of Selectmen at least 21 days prior to the date of the proposed transfer.

2. The application for transfer shall contain the name(s) and address(es) of the proposed transferee(s). In the case of a transfer to any person, individual, business, firm, or corporation, partnership, association, owner or operator, and/or any other legal entity, the names and addresses of all the principals of said shall be given. A change in such principals shall be deemed a transfer of permits.

3. The Board shall, in accordance with the terms of this Ordinance, approve or disapprove the fitness of proposed person as a license holder within 21 days after receipt of notice of the proposed transfer unless prevented from doing so by conditions or circumstances not under the Board's control.

4. The Board of Selectmen has received payment of twenty-five dollars ($25.00) per license transfer fee.

5. In addition to the fees payable pursuant to this Ordinance, the person shall reimburse the Town for any expense occasioned by the transference of license.

C. Any license transferred other than in accordance with the foregoing procedures, or without the approval of the Board, shall be void and such license shall at once be surrendered to the Board.

Section 12. Expiration of Permit

No person holding a license to operate a taxi or taxicab hereunder, which said taxi or taxicab is not in actual operation as such for a period of 30 consecutive days, shall not continue to hold the license for such taxi or taxicab and shall deliver up the same to the Board of Selectmen of the Town of Hampton and such license shall forthwith terminate and expire.

Section 13. Insurance

No license shall be issued to any taxi business until the person shall have filed with the Board of Selectmen satisfactory proof of personal injury and property damage liability insurance coverage for each licensed taxi or taxicab for the full period of the permit.

A. The personal injury coverage shall not be less than one million dollars (1,000,000) per person per accident with a total coverage of not less than two million dollars (2,000,000) per accident. The property damage coverage shall be not less than fifty thousand dollars ($50,000) per accident.

B. If required insurance terminates, expires or is suspended, the license shall immediately terminate and expire and must immediately be returned to the Board of Selectmen. All required insurance policies shall contain a provision, which will provide for the automatic notification by the insurer to the Town of the cancellation or expiration of the policy. Said notice shall be mailed to the Board of Selectmen.

Section 14. Posting of Rates

Each taxi or taxicab shall keep its actual rates posted in a conspicuous place in the exterior of the vehicle.

Section 15. Vehicle Markings

A. Each taxi or taxicab may be equipped with a roof light with the firm name or the word "Taxi" inscribed thereon and operating during evening hours when the taxi is on duty.

B. Other Markings. Each taxi or taxicab shall have the licensed businesses' name and phone number permanently affixed/displayed on the sides there of, in letters not less than three (3) inches in height.

C. Other Markings Prohibited. All markings unrelated to the licensed business are prohibited on the licensed motor vehicle.

Section 16. Reciprocity with Other Municipalities

Taxis or taxicabs which are duly licensed in other municipalities may deliver passengers from outside the Town to destinations within the Town or pickup passengers by prior arrangement in the Town for delivery to destinations outside the Town.

Section 17. Taxicab Stands

The Board of Selectmen may designate taxicab stands within the community under such terms and conditions as it may determine. Such stands and their parking requirements shall be stated in the Town of Hampton's Traffic Regulations.

Section 18. Business and Operator's License to be Displayed

The taxi business shall post a copy of the taxicab business license in all licensed taxi or taxicabs in a conspicuous place therein; where the same may be seen by any passenger riding in the taxi or taxicab.

The operator of any taxi or taxicab shall keep his/her taxi operator's license, which shall contain a clear photograph of the operator, in a conspicuous place therein; where the same may be seen by any passenger riding in the taxi or taxicab.

Section 19. Taxi Condition

All licensed motor vehicles shall be maintained in a safe, clean and sanitary condition at all times.

Section 20. General Provisions

A. All licenses and permits remain the property of the Town of Hampton to be returned to the Town in the event of revocation or suspension.

B. When requested by a passenger, the operator of the taxi or taxicab shall give a written receipt for the fare paid to the said passenger.

C. Multiple fares are prohibited without the consent of each passenger.

D. No operator or occupant of any taxi or taxicab shall be permitted to utilize smoking materials of any kind within the licensed motor vehicle at any time. The owner of each taxi or taxicab shall post a notice in each taxicab, plainly visible to all occupants of the taxi or taxicab, reading, "No Smoking".

Section 21. Internal Postings Provision

A. All postings shall be placed in a conspicuous place therein; where the same may be seen by any passenger riding within the motor vehicle, and shall remain permanently within the licensed motor vehicle.

B. Fonts used in postings shall be no smaller than 24 pt.

C. All licenses and permits shall be posted.

D. Posting of the "Fares" – Actual Rates and the date of effectiveness.

E. Posting of "Operator to give requested written receipt for the fare paid to the said passenger".

F. Posting of "Multiple fares are prohibited without the consent of each passenger".

G. Posting of "No Smoking"

Section 22. Violation

A. Any person violating the provisions of this Ordinance shall be guilty of a violation and subject to fine of not less than $250 for the first offense, $500 for the second offense and $1,000 for the third and any subsequent offenses to be issued in the form of a summons and notice of fine as provided in RSA 502-A:19-b.

B. Such summons shall be issued by a Police Officer or authorized employee or official of the State of New Hampshire.

C. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder, and any fines collected hereunder shall inure to such uses as the Town may direct.

Section 23. 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 24. Effective

This Ordinance shall become effective when adopted by the Annual Town Meeting of the Town of Hampton and shall repeal all other Ordinances or portions of Ordinances relating to taxis or taxicabs.

ARTICLE 31

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

LITTERING ORDINANCE

Authority

In accordance with the provisions of New Hampshire Revised Statutes Annotated, Chapter 31, Section 39, I, (a); Chapter 47, Section 17, VII as adopted by the Board of Selectmen pertaining to litter; Chapter 163-B authorizing the Town of Hampton to enact bylaws, the following Ordinance for the regulation of Littering is adopted by the Town of Hampton by the Annual Town Meeting assembled.

Purpose

It is the declared purpose of the Town of Hampton, through the adoption of this Ordinance, to protect human health, preserve the natural environment, conserve precious and dwindling national resources and to curb the desecration of the beauty of the Town of Hampton and the State of New Hampshire and to protect from harm the health, welfare and safety of its citizens from those who would litter.

Section 1. Definition of Litter. As used in this Ordinance, unless the context clearly requires otherwise, the word "litter" means all rubbish, refuse, garbage, trash, debris, dead animals or other discarded materials of any kind or description left, deposited or discarded on public or private property.

Section 2. Unlawful Activities. It shall be unlawful for any person to dump, deposit, throw or leave, or to cause or permit the dumping, placing, throwing or leaving of litter on any public or private property within the Town of Hampton, or in or on ice or on any waters located within the Town of Hampton or the State of New Hampshire, unless

1. Such property is designated by the State or any of its agencies or the Town of Hampton for the disposal of such litter, and such person is authorized by the proper public authority to use such property for the lawful disposal of litter as defined in this Ordinance.
2. Such litter is properly placed into a receptacle or container marked for the receipt of litter, as defined in this Ordinance, or designated for recyclable materials.

Section 3. Other Activities.

1. Businesses, hawkers, vendors and peddlers who sell products or wares of any kind, including food, that is dispensed in such a manner to be carry-out or carry-away from such businesses, hawkers, vendors or peddlers shall provide proper receptacles for the disposal of paper and other wastes generated by such sales. Such receptacles shall be empted on a regular basis to prevent overflow and the creation of litter that shall be in violation of this Ordinance.
2. The disposal of smoking materials of any kind, unless deposited in a designated receptacle for that purpose, shall constitute littering under this Ordinance.
3. The owner or custodian of dogs or other animals who allow or permit their animal(s) to defecate on public or private property, other than their own property, shall be in violation of this Ordinance unless such defecation is removed by the owner or custodian at the time of defecation.
4. No person or persons shall deposit or leave household or business trash, garbage or other solid waste at a street litter receptacle. Such actions shall be a violation of this Ordinance.

Section 4. Penalties.

1. Any person or persons violating the provisions of this Ordinance shall be guilty of a violation and subject to fine of not less than $100 for the first offense, $500 for the second offense and $1,000 for the third and subsequent offenses 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 a Police Officer or authorized employee or official of the State of New Hampshire. The Court may also order in its discretion that the person or persons found guilty under this Ordinance of littering, in addition to such fine, to pickup and remove from any public street or highway or public right-of-way, or public beach or public park, or with prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it has been established by competent evidence that he has deposited litter, any and all litter deposited thereon by anyone prior to the date of execution of sentence in accordance with the provisions of RSA 163-B:4. Fines imposed shall be inured to the use of the Town and shall be deposited in the General Fund of the Town of Hampton.

2. In accordance with the provisions of RSA 163-B:4, II the Court is hereby directed to publish the names of persons convicted of violating the provisions of this Ordinance and RSA 163-B:3.

Section 5. Prima Facie Evidence. In accordance with the provisions of RSA 163-B:5, evidence that litter is thrown, deposited or dumped from any motor vehicle, boat, airplane or other conveyance in violation of RSA 163-B:3, shall be prima facie evidence that the operator of said conveyance shall have violated said statute and the license to operate such a conveyance issued to any person convicted hereunder may be suspended for a period not to exceed 7 days together with, or in lieu of the penalties provided in Section 4 of this Ordinance.

Section 6. Enforcement. All law enforcement agencies and officers and officials of said agencies of this State and the Town of Hampton are hereby authorized, empowered, and directed to enforce compliance with this Ordinance in accordance with the provisions of RSA 163-B.

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 32

Shall the Town of Hampton vote to amend the "Beaches and Parks of Hampton" Ordinance as follows:

- by deleting from Chapter 2, Article 5, Section 2:502 (e) by deleting the words in the first line "on town beaches, in the water, or" so that the reference to dogs on Town Beaches is removed from this section and then will only be governed by the Code of Ordinances relating to dogs under Chapter 1, Article 1, Section 1:111 (Regulation of Animals - Public Beaches), so that the Chapter 2, Article 5, Section 2:502 (e) shall read as follows:

  "Dogs are not permitted on town parks with the exception that properly leashed dogs may be permitted on town parks as long as they are properly controlled, and do not constitute a nuisance. Provided further, however, no dogs, reptiles or exotic animals are permitted at or within one hundred feet (100') of activities in which an excess of five hundred (500) persons are expected, or, in fact are, in attendance. Service animals as defined by the Americans with Disabilities Act of 1990 are exempt from this Ordinance. Attendance of such animals, at such activities where a large number of people are expected to congregate shall constitute a public nuisance. Proof of the number of persons expected or attending shall be based upon reports from either the Fire Department or the Police Department."

  Note: This section 2:502 (e) and Chapter 1, Article 1, Section 1:111 are currently in conflict with each other. The above amendment will permit dogs on Town beaches during specific periods of the year by allowing them at any time between Labor Day and Memorial Day, and from 6 PM to 8 AM during the remainder of the year, subject to immediate removal of any defecation, as per Chapter 1, Article 1, Section 1:111.

and

- by amending Chapter 2, Article 5, Section 2:502 (Beaches and Parks of Hampton - Rules and Regulations) by adding to subsection (f) the words "in parks" after the word "trash", and by adding to the end of the subsection the words "All Town beaches in the Town of Hampton shall be designated as carry-in, carry-out requiring persons using the beaches to take all trash with them for proper disposal upon leaving the beach" so that said Chapter 2, Article 5, Section 2:502 (f) reads as follows:

  "All waste and trash in parks must be placed in containers provided or removed with owner. All Town beaches in the Town of Hampton shall be designated as carry-in, carry-out requiring persons using the beaches to take all trash with them for proper disposal upon leaving the beach."? (Majority vote required)

Article 33

As Petitioned

On petition of Gary J. Pole and of at least 25 additional registered voters...

We, the following, petition the town of Hampton to accept Lyons Street, Francis Street, and Williams Street as public roads and such roads to be accepted "as is" and without of any damage by the town.

These paved streets have sewer, water and have always been maintained by the town.

By accepting these streets, it will not affect the tax rate as these streets have always been maintained by the town. (Majority vote required)

Article 34

Disability Exemption

(As Petitioned) On petition of William E. Armstrong and of twenty-five or more other legal voters of the Town of Hampton to see if the Town will vote to modify the disability exemptions from property tax in the Town of Hampton for qualified taxpayers, to be as follows: the taxpayer must have a net income of not more than $38,000 [from $21,000], or, if married, have a combined net income of not more than $58,000 [from $30,000] and own net assets not in excess of $250,000, excluding the value of the taxpayer's residence, whether single [from $50,000] or married [from $75,000]. The total Exemption shall be $125,000 [from $41,000]. To qualify, the person must have been a New Hampshire resident for at least 5 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. (Majority vote required)

Article 35

(As Petitioned) On petition of June M. White and of 25 or more registered voters: the town of Hampton shall vote to sell 152 square feet of the property on the south side of Boston Ave. abutting home owners property located at 8 River Ave. to homeowner

There is a strip of land, six to nine feet wide between homeowner's property line and Boston Ave.

Home owner is looking to purchase 4 feet of this strip, running 38 ft, which is the length of the lot at 8 River Ave.

The town will receive money for this strip of land and home owner will pay extra taxes every year. Home owner will maintain this area, which is currently not maintained by the town.

The land would be of no value to anyone else. (Majority vote required)

Article 36

(As Petitioned) On petition of June M. White and of 25 or more registered voters: the town of Hampton shall vote to return to using outside counsel on an as needed basis and eliminate the in house legal department.

The cost of the legal department and the number of lawsuits has increase greatly since we went to in house counsel 7 years ago. In the past year there have been approximately 48 lawsuits. For a town of approximately 15, 000 people this is excessive.

In 2007 the legal dept. budget was, $268,000, in2008, $309,572 and to the end of Nov. 2009 the budget is $458,081, $119,000 being judgments against the town.

With outside counsel we will get rid of many of the petty law suits generated by the legal department and save the tax payers money. (Majority vote required)

Article 37

(As Petitioned) On petition of John Sangenario and 25 or more registered voters

Petition to the Board of Selectmen of the Town of Hampton, New Hampshire

We the undersigned registered voters of Hampton, New Hampshire, hereby petition the Board of Selectmen to include as a Warrant Article at the 2010 Annual Town Meeting the following:

Article: To see if the Town will vote to approve the following resolution to be forwarded to our State Representative(s), our State Senator, the Speaker of the House, and the Senate President.

Resolved: The citizens of New Hampshire should be allowed to vote on an amendment to the New Hampshire Constitution that defines "marriage". (Majority vote required)

Article 38

PETITION TO DISCONTINUE THE BOARD OF CEMETERY TRUSTEES

(As Petitioned) On the petition of Martha C. Williams and at least 25 registered voters, shall the Town of Hampton discontinue the board of cemetery trustees by delegating their duties and responsibilities to the Town Manger, as specified in RSA 289? (Majority vote required)

Article 39

(As Petitioned) On petition of Mary-Louise Woolsey, and more than 25 other registered voters:

To see if the Town will vote to amend the Solid Waster Ordinance of 2008, which replaced "all other Ordinances or portions of Ordinances that may be in conflict with the provisions herein enacted" –

by causing to be removed from this ordinance any reference, in any and all sections, to the authority currently granted to the Town to process, collect and/or dispose of commercial waste; and to direct that additional language be inserted in the current ordinance prohibit public processing, collection and/or disposal of all commercial, industrial and condominium waste. (Majority vote required)

Article 40

(As Petitioned) On petition of Sara Casassa and of twenty-five or more registered voters of the Town of Hampton, to see if the Town will waive deed restriction #4 relating to erecting a building within seven feet of a boundary line for the limited purpose of allowing the owner of a one story seasonal cottage at 7 James Street (Map 152, Lot 5) to remove an old porch roof which is failing and replace with a properly pitched code compliant porch roof. The porch will

remain in the current footprint. The new porch roof will be within the Town's height limit and just five feet higher at its peak than the existing porch roof. Further to authorize and direct the Selectmen to execute, deliver and record notice of this vote at the Rockingham County Registry of Deeds at no cost to the Town. (Majority vote required)

Article 41

(As Petitioned) On petition of Sue Erwin and at least 25 registered voters shall the town of Hampton vote to raise and appropriate the sum of $5,000 to be used for the repair and restoration of historic cemetery markers and monuments within the Pine Grove and Ring Swamp Cemeteries? (Majority vote required)

Recommended by the Board of Selectmen
Recommended by the Budget Committee

Fiscal Impact Note (Finance Dept.): The estimated 2010 tax rate impact is $0.002 per $1,000 valuation (two tenths of one cent per thousand dollars of valuation).

Given under our hands and seals this 22nd day of January, in the Year of our Lord Two Thousand Ten.

Richard P. Griffin, Chairman

Richard E. Nichols, Vice Chairman

BOARD OF SELECTMEN

William G. Lally

Richard W. Bateman

Gerald Znoj

A true copy of warrant – Attest

Richard P. Griffin, Chairman

Richard E. Nichols, Vice Chairman

BOARD OF SELECTMEN

William G. Lally

Richard W. Bateman

Gerald Znoj

We hereby certify that we gave notice to the inhabitants, within names, to meet at the time and place and for the purposes within named, by posting an attested copy of the within Warrant at the place of the meeting within named, and a like attested copy at the United States Post Office, the Town Offices, the Beach Fire Station, and the Lane Library, being public places in said Town of Hampton this 22nd day of January, 2010.

Richard P. Griffin, Chairman

Richard E. Nichols, Vice Chairman

BOARD OF SELECTMEN

William G. Lally

Richard W. Bateman

Gerald Znoj

STATE OF NEW HAMPSHIRE

January 22, 2010

Rockingham, ss

Personally appeared the above named Selectmen of the Town of Hampton and swore that the above was true to the best of their knowledge and belief.

Before me,

Notary Public

My Commission expires: 7-18-2012

MS-7

BUDGET OF THE TOWN
WITH A MUNICIPAL BUDGET COMMITTEE

OF:_____HAMPTON_____

BUDGET FORM FOR TOWNS WHICH HAVE ADOPTED
THE PROVISIONS OF RSA 32:14 THROUGH 32:24

Appropriations and Estimates of Revenue for the Ensuing Year January 1, _2010_to December 31, _2010_

or Fiscal Year From _____to_____

IMPORTANT:

Please read RSA 32:5 applicable to all municipalities.

1. Use this form to list the operating budget and all special and individual warrant articles in the appropriate recommended and not recommended area. All proposed appropriations must be on this form.

2. Hold at least one public hearing on this budget.

3. When completed, a copy of the budget must be posted with the warrant. Another copy must be placed on file with the town clerk, and a copy sent to the Department of Revenue Administration at the address below within 20 days after the meeting.

This form was posted with the warrant on (Date): 1/22/10

BUDGET COMMITTEE

Please sign in ink.

Under penalites of perjury, I declare that I have examined the information contained in this form and to the best of my belief it is true, correct and complete.

Mary-Louise Woolsey
Michael Plowdle
Peter Traynor
[illegible]
[illegible]
[illegible]
John J. Leonard

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Victor R. DeMarco

THIS BUDGET SHALL BE POSTED WITH THE TOWN WARRANT

FOR DRA USE ONLY

NH DEPARTMENT OF REVENUE ADMINISTRATION
MUNICIPAL SERVICES DIVISION
P.O. BOX 487, CONCORD, NH 03302-0487
(603)271-3397

MS-7
Rev. 08/09

MS-7 Budget - Town of HAMPTON FY 2010

1	2	3	4	5	6	7	8	9
ACCT.#	PURPOSE OF APPROPRIATIONS (RSA 32:3,V)	OP Bud. Warr. Art.#	Appropriations Prior Year As Approved by DRA	Actual Expenditures Prior Year	SELECTMEN'S APPROPRIATIONS Ensuing Fiscal Year (RECOMMENDED)	(NOT RECOMMENDED)	BUDGET COMMITTEE'S APPROPRIATIONS Ensuing Fiscal Year RECOMMENDED	NOT RECOMMENDED
	GENERAL GOVERNMENT		XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
4130-4139	Executive		166,339	172,271	167,189	-	167,189	-
4140-4149	Election,Reg.& Vital Statistics		225,789	220,585	233,605	-	233,605	-
4150-4151	Financial Administration		765,115	719,483	807,998	716	808,714	-
4152	Revaluation of Property					-		-
4153	Legal Expense		351,948	487,119	321,174	-	321,174	-
4155-4159	Personnel Administration		3,033,945	1,650,514	1,967,209	-	1,967,209	-
4191-4193	Planning & Zoning		134,145	130,725	123,051	11,500	134,551	-
4194	General Government Buildings		88,143	98,786	118,558	-	118,558	-
4195	Cemeteries		100,749	104,245	114,031	-	114,031	-
4196	Insurance		3,003,046	2,954,900	3,278,758	-	3,278,758	-
4197	Advertising & Regional Assoc.					-		-
4199	Other General Government		55,801	59,768	65,782	-	65,782	-
	PUBLIC SAFETY		XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
4210-4214	Police		3,586,725	3,598,616	3,416,472	159,104	3,575,576	-
4215-4219	Ambulance							
4220-4229	Fire		3,032,680	3,102,174	2,987,671	112,352	3,100,023	-
4240-4249	Building Inspection		182,025	174,149	180,805	-	180,805	-
4290-4298	Emergency Management		3,000	234	3,000	-	3,000	-
4299	Other (Including Communications)		440,780	340,688	433,010	-	433,010	-
	AIRPORT/AVIATION CENTER		XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
4301-4309	Airport Operations							
	HIGHWAYS & STREETS		XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
4311	Administration		1,257,437	1,058,144	1,075,194	27,645	1,102,839	-
4312	Highways & Streets		761,525	464,916	591,631	-	275,057	316,574
4313	Bridges							

MS-7 Budget - Town of HAMPTON FY 2010

1	2	3	4	5	6	7	8	9
ACCT.#	PURPOSE OF APPROPRIATIONS (RSA 32:3,V)	OP Bud. Warr. Art.#	Appropriations Prior Year As Approved by DRA	Actual Expenditures Prior Year	SELECTMEN'S APPROPRIATIONS Ensuing Fiscal Year (RECOMMENDED)	(NOT RECOMMENDED)	BUDGET COMMITTEE'S APPROPRIATIONS Ensuing Fiscal Year RECOMMENDED	NOT RECOMMENDED
	HIGHWAYS & STREETS cont.		XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
4316	Street Lighting		204,750	211,041	214,000	-	214,000	-
4319	Other							
	SANITATION		XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
4321	Administration		1,792,387	1,478,422	1,669,079	13,035	1,682,114	-
4323	Solid Waste Collection		624,426	640,560	676,176	5,157	681,333	-
4324	Solid Waste Disposal		1,196,339	1,161,108	1,197,326	-	1,170,941	26,385
4325	Solid Waste Clean-up							
4326-4329	Sewage Coll. & Disposal & Other		203,000	229,187	235,000	-	235,000	-
	WATER DISTRIBUTION & TREATMENT		XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
4331	Administration							
4332	Water Services							
4335-4339	Water Treatment, Conserv.& Other							
	ELECTRIC		XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
4351-4352	Admin. and Generation							
4353	Purchase Costs							
4354	Electric Equipment Maintenance							
4359	Other Electric Costs							
	HEALTH/WELFARE		XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
4411	Administration							
4414	Pest Control		167,931	156,458	116,591	-	116,591	-
4415-4419	Health Agencies & Hosp. & Other		178,151	178,151	-	-	-	-
4441-4442	Administration & Direct Assist.		144,699	70,660	103,000	-	103,000	-
4444	Intergovernmental Welfare Payemnts							
4445-4449	Vendor Payments & Other							

MS-7 Budget - Town of HAMPTON FY 2010

1	2	3	4	5	6	7	8	9
ACCT.#	PURPOSE OF APPROPRIATIONS (RSA 32:3,V)	OP Bud. Warr. Art.#	Appropriations Prior Year As Approved by DRA	Actual Expenditures Prior Year	SELECTMEN'S APPROPRIATIONS Ensuing Fiscal Year (RECOMMENDED)	(NOT RECOMMENDED)	BUDGET COMMITTEE'S APPROPRIATIONS Ensuing Fiscal Year RECOMMENDED	NOT RECOMMENDED
	CULTURE & RECREATION		XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
4520-4529	Parks & Recreation		198,265	199,952	195,481	-	195,481	-
4550-4559	Library		820,842	820,842	822,176	12,000	834,176	-
4583	Patriotic Purposes		1,650	1,594	1,650	-	1,650	-
4589	Other Culture & Recreation		500	147	500	-	500	-
	CONSERVATION		XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
4611-4612	Admin.& Purch. of Nat. Resources		3,601	3,601	3,601	-	3,601	-
4619	Other Conservation							
4631-4632	REDEVELOPMNT & HOUSING							
4651-4659	ECONOMIC DEVELOPMENT							
	DEBT SERVICE		XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
4711	Princ.- Long Term Bonds & Notes		2,323,374	2,322,913	2,324,666	-	2,324,666	-
4721	Interest-Long Term Bonds & Notes		983,007	959,757	891,550	-	891,550	-
4723	Int. on Tax Anticipation Notes		50,000	9,095	30,000	-	30,000	-
4790-4799	Other Debt Service							
	CAPITAL OUTLAY		XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
4901	Land							
4902	Machinery, Vehicles & Equipment			274,620	-	-	-	-
4903	Buildings		85,000	15,521	-	-	-	-
4909	Improvements Other Than Bldgs.		72,000	67,000	-	-	-	-
	OPERATING TRANSFERS OUT		XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
4912	To Special Revenue Fund		190,000	190,000	-	-	-	-
4913	To Capital Projects Fund				-		-	
4914	To Enterprise Fund							
	Sewer-							
	Water-							

MS-7 Budget - Town of HAMPTON FY 2010

1	2	3	4	5	6	7	8	9
ACCT.#	PURPOSE OF APPROPRIATIONS (RSA 32:3,V)	OP Bud. Warr. Art.#	Appropriations Prior Year As Approved by DRA	Actual Expenditures Prior Year	SELECTMEN'S APPROPRIATIONS Ensuing Fiscal Year (RECOMMENDED)	(NOT RECOMMENDED)	BUDGET COMMITTEE'S APPROPRIATIONS Ensuing Fiscal Year RECOMMENDED	NOT RECOMMENDED
OPERATING TRANSFERS OUT cont.			XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
	Electric-							
	Airport-							
4915	To Capital Reserve Fund *							
4916	To Exp.Tr.Fund-except #4917 *		38,650	38,650	-	-	-	-
4917	To Health Maint. Trust Funds *							
4918	To Nonexpendable Trust Funds							
4919	To Fiduciary Funds							
OPERATING BUDGET TOTAL			26,467,764	24,366,596	24,365,934	341,509	24,364,484	342,959

* Use special warrant article section on next page.

MS-7 Budget - Town of HAMPTON FY 2010

SPECIAL WARRANT ARTICLES

Special warrant articles are defined in RSA 32:3,VI, as appropriations: 1) in petitioned warrant articles; 2) appropriations raised by bonds or notes; 3) appropriations to a separate fund created pursuant to law, such as capital reserve funds or trusts funds; or 4) an appropriation designated on the warrant as a special article or as a nonlapsing or nontransferable article.

1	2	3	4	5	6	7	8	9
ACCT.#	PURPOSE OF APPROPRIATIONS (RSA 32:3,V)	Warr. Art.#	Appropriations Prior Year As Approved by DRA	Actual Expenditures Prior Year	SELECTMEN'S APPROPRIATIONS Ensuing Fiscal Year (RECOMMENDED)	(NOT RECOMMENDED)	BUDGET COMMITTEE'S APPROPRIATIONS Ensuing Fiscal Year RECOMMENDED	NOT RECOMMENDED
4902	FD Pumper Truck	9			546,000		546,000	
4415	Human Service Agencies Consolidated	10	178,151	178,151	172,751		172,751	
4414	Mosquito Control	11	50,000	50,000	50,000		50,000	
4915	DPW Capital Reserve	12			340,000		340,000	
4312	Road Improvements	13	300,000	161,491	300,000		300,000	
4909	HB - Street Lighting	14			177,000		177,000	
4903	Salt Shed	15			150,000		150,000	
4912	Hampton Cable TV Local Origination Fund	16	100,000	100,000	100,000		100,000	
4912	Police Forfeiture Fund	17	90,000	90,000	90,000		90,000	
4909	Recreation Facilities	18	72,000	67,000	76,000		76,000	
4916	Cemetery Burial Trust Fund	19	38,650	38,650	27,850		27,850	
4195	Cemetery Marker Cleanup	41			5,000		5,000	
SPECIAL ARTICLES RECOMMENDED			XXXXXXXXX	XXXXXXXXX	2,034,601	XXXXXXXXX	2,034,601	XXXXXXXXX

INDIVIDUAL WARRANT ARTICLES

"Individual" warrant articles are not necessarily the same as "special warrant articles". An example of an individual warrant article might be negotiated cost items for labor agreements, leases or items of a one time nature you wish to address individually.

1	2	3	4	5	6	7	8	9
ACCT.#	PURPOSE OF APPROPRIATIONS (RSA 32:3,V)	Warr. Art.#	Appropriations Prior Year As Approved by DRA	Actual Expenditures Prior Year	SELECTMEN'S APPROPRIATIONS Ensuing Fiscal Year (RECOMMENDED)	(NOT RECOMMENDED)	BUDGET COMMITTEE'S APPROPRIATIONS Ensuing Fiscal Year RECOMMENDED	NOT RECOMMENDED
INDIVIDUAL ARTICLES RECOMMENDED			XXXXXXXXX	XXXXXXXXX		XXXXXXXXX		XXXXXXXXX

MS-7 Budget - Town of _____HAMPTON_____ FY __2010___

1	2	3	4	5	6
ACCT.#	SOURCE OF REVENUE	Warr. Art.#	Actual Revenues Prior Year	Selectmen's Estimated Revenues	Budget Committee's Est. Revenues
	TAXES		XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
3120	Land Use Change Taxes - General Fund		13,600	-	-
3180	Resident Taxes				
3185	Timber Taxes		546	-	-
3186	Payment in Lieu of Taxes				
3189	Other Taxes				
3190	Interest & Penalties on Delinquent Taxes		366,737	275,000	275,000
	Inventory Penalties				
3187	Excavation Tax ($.02 cents per cu yd)				
	LICENSES, PERMITS & FEES		XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
3210	Business Licenses & Permits		6,415	6,900	6,900
3220	Motor Vehicle Permit Fees		2,485,654	2,559,000	2,559,000
3230	Building Permits		146,610	175,000	175,000
3290	Other Licenses, Permits & Fees		28,435	23,500	23,500
3311-3319	FROM FEDERAL GOVERNMENT		77,703	-	-
	FROM STATE		XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
3351	Shared Revenues				
3352	Meals & Rooms Tax Distribution		672,101	672,000	672,000
3353	Highway Block Grant		274,564	274,500	274,500
3354	Water Pollution Grant		114,401	111,335	111,335
3355	Housing & Community Development				
3356	State & Federal Forest Land Reimbursement				
3357	Flood Control Reimbursement				
3359	Other (Including Railroad Tax)		263,167	60,369	60,369
3379	FROM OTHER GOVERNMENTS				
	CHARGES FOR SERVICES		XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
3401-3406	Income from Departments		568,817	538,300	538,300
3409	Other Charges		309,535	455,600	455,600
	MISCELLANEOUS REVENUES		XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
3501	Sale of Municipal Property	19	39,021	28,000	28,000
3502	Interest on Investments		(4,156)	20,000	20,000
3503-3509	Other		423,660	424,000	424,000
	INTERFUND OPERATING TRANSFERS IN		XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
3912	From Special Revenue Funds	14, 16, 17, 18	262,000	483,500	483,500
3913	From Capital Projects Funds	part 13	574,620	40,000	40,000

1	2	3	4	5	6
ACCT.#	SOURCE OF REVENUE	Warr. Art.#	Actual Revenues Prior Year	Selectmen's Estimated Revenues	Budget Committee's Est. Revenues
INTERFUND OPERATING TRANSFERS IN cont.			XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
3914	From Enterprise Funds				
	Sewer - (Offset)				
	Water - (Offset)				
	Electric - (Offset)				
	Airport - (Offset)				
3915	From Capital Reserve Funds				
3916	From Trust & Fiduciary Funds		465,690	506,000	506,000
3917	Transfers from Conservation Funds				
OTHER FINANCING SOURCES			XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
3934	Proc. from Long Term Bonds & Notes				
Amounts VOTED From F/B ("Surplus")		12, part 13, 15		750,000	750,000
Fund Balance ("Surplus") to Reduce Taxes			450,000		
TOTAL ESTIMATED REVENUE & CREDITS			7,539,120	7,403,004	7,403,004

BUDGET SUMMARY

	PRIOR YEAR ADOPTED BUDGET	SELECTMEN'S RECOMMENDED BUDGET	BUDGET COMMITTEE'S RECOMMENDED BUDGET
Operating Budget Appropriations Recommended (from pg. 5)	26,467,764	24,365,934	24,364,484
Special Warrant Articles Recommended (from pg. 6)	-	2,034,601	2,034,60
Individual Warrant Articles Recommended (from pg. 6)	-	-	-
TOTAL Appropriations Recommended	26,467,764	26,400,535	26,399,08
Less: Amount of Estimated Revenues & Credits (from above)	7,539,120	7,403,004	7,403,00
Estimated Amount of Taxes to be Raised	18,928,644	18,997,531	18,996,08

Maximum Allowable Increase to Budget Committee's Recommended Budget per RSA 32:18: 2,318,28
(See Supplemental Schedule With 10% Calculation)

BUDGET COMMITTEE SUPPLEMENTAL SCHEDULE

(For Calculating 10% Maximum Increase)

(RSA 32:18, 19, & 32:21)

VERSION #1: Use if you have no Collective Bargaining Cost Items or RSA 32:21 Water Costs

LOCAL GOVERNMENTAL UNIT:__HAMPTON__ FISCAL YEAR END_12/31/10___

	RECOMMENDED AMOUNT
1. Total **RECOMMENDED** by Budget Comm. (See Posted Budget MS7, 27, or 37)	26,399,085
LESS EXCLUSIONS: 2. Principal: Long-Term Bonds & Notes	2,324,666
3. Interest: Long-Term Bonds & Notes	891,550
4. Capital Outlays Funded From Long-Term Bonds &Notes per RSA 33:8 & 33:7-b.	
5. Mandatory Assessments	
6. Total exclusions (Sum of rows 2 - 5)	< 3,216,216 >
7. Amount recommended less recommended exclusion amounts (line 1 less line 6)	23,182,869
8. Line 7 times 10%	2,318,287
9. Maximum Allowable Appropriations (lines 1 + 8)	25,501,156

Line 8 is the maximum allowable increase to budget committee's recommended budget. Please enter this amount on the bottom of the posted budget form, MS7, 27, or 37.

Please attach a copy of this completed supplemental schedule to the back of the budget form.

DEFAULT BUDGET OF THE TOWN

OF:_____HAMPTON_____

For the Ensuing Year January 1, _2010__to December 31, __2010__

or Fiscal Year From _____to_____

RSA 40:13, IX (b) "Default budget" as used in this subdivision means the amount of the same appropriations as contained in the operating budget authorized for the previous year, reduced and increased, as the case may be, by debt service, contracts, and other obligations previously incurred or mandated by law, and reduced by one-time expenditures contained in the operating budget. For the purposes of this paragraph, one-time expenditures shall be appropriations not likely to recur in the succeeding budget, as determined by the governing body, unless the provisions of RSA 40:14-b are adopted, of the local political subdivision.

1. Use this form to list the default budget calculation in the appropriate columns.
2. Post this form or any amended version with proposed operating budget (MS-6 or MS-7) and the warrant.
3. Per RSA 40:13, XI, (a), the default budget shall be disclosed at the first budget hearing.

GOVERNING BODY (SELECTMEN)

or

Budget Committee if RSA 40:14-b is adopted

NH DEPARTMENT OF REVENUE ADMINISTRATION
MUNICIPAL SERVICES DIVISION
P.O. BOX 487, CONCORD, NH 03302-0487
(603)271-3397

Default Budget - Town of _____HAMPTON_____ FY __2010___

1	2	3	4	5	6
Acct. #	PURPOSE OF APPROPRIATIONS (RSA 32:3,V)	Prior Year Adopted Operating Budget	Reductions & Increases	Minus 1-Time Appropriations	DEFAULT BUDGET
	GENERAL GOVERNMENT	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
4130-4139	Executive	166,339	-		166,339
4140-4149	Election,Reg.& Vital Statistics	225,789	12,015		237,804
4150-4151	Financial Administration	765,115	28,317		793,432
4152	Revaluation of Property				-
4153	Legal Expense	351,948	-		351,948
4155-4159	Personnel Administration	3,033,945	28,467	(1,100,203)	1,962,209
4191-4193	Planning & Zoning	134,145	-		134,145
4194	General Government Buildings	88,143	-		88,143
4195	Cemeteries	100,749	1,092		101,841
4196	Insurance	3,003,046	275,711		3,278,757
4197	Advertising & Regional Assoc.	-	-		-
4199	Other General Government	55,801	-		55,801
	PUBLIC SAFETY	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
4210-4214	Police	3,586,725	(87,610)		3,499,115
4215-4219	Ambulance	-	-		-
4220-4229	Fire	3,032,680	(17,699)		3,014,981
4240-4249	Building Inspection	182,025	(1,820)		180,205
4290-4298	Emergency Management	3,000	-		3,000
4299	Other (incl. Communications)	440,780	-		440,780
	AIRPORT/AVIATION CENTER	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
4301-4309	Airport Operations				-
	HIGHWAYS & STREETS	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
4311	Administration	1,257,437	(136,647)		1,120,790
4312	Highways & Streets	461,525	-		461,525
4313	Bridges	-	-		-
4316	Street Lighting	204,750	-		204,750
4319	Other	-	-		-
	SANITATION	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
4321	Administration	1,792,387	(106,249)		1,686,138
4323	Solid Waste Collection	624,426	43,637		668,063
4324	Solid Waste Disposal	1,196,339	(10,716)		1,185,623
4325	Solid Waste Clean-up	-	-		-
4326-4329	Sewage Coll. & Disposal & Other	203,000	-		203,000

Default Budget - Town of _____HAMPTON_____ FY __2010___

1	2	3	4	5	6
Acct. #	PURPOSE OF APPROPRIATIONS (RSA 32:3,V)	Prior Year Adopted Operating Budget	Reductions & Increases	Minus 1-Time Appropriations	DEFAULT BUDGET
	WATER DISTRIBUTION & TREATMENT	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
4331	Administration				-
4332	Water Services				-
4335-4339	Water Treatment, Conserv.& Other				-
	ELECTRIC	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
4351-4352	Admin. and Generation				-
4353	Purchase Costs				-
4354	Electric Equipment Maintenance				-
4359	Other Electric Costs				-
	HEALTH	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
4411	Administration	-			-
4414	Pest Control	117,931	-		117,931
4415-4419	Health Agencies & Hosp. & Other	-			-
	WELFARE	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
4441-4442	Administration & Direct Assist.	144,699	-		144,699
4444	Intergovernmental Welfare Pymnts				-
4445-4449	Vendor Payments & Other				-
	CULTURE & RECREATION	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
4520-4529	Parks & Recreation	198,265	(1,410)		196,855
4550-4559	Library	820,842	(15,950)		804,892
4583	Patriotic Purposes	1,650	-		1,650
4589	Other Culture & Recreation	500	-		500
	CONSERVATION	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
4611-4612	Admin.& Purch. of Nat. Resources	3,601	-		3,601
4619	Other Conservation				-
4631-4632	REDEVELOPMENT & HOUSING				-
4651-4659	ECONOMIC DEVELOPMENT				-
	DEBT SERVICE	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
4711	Princ.- Long Term Bonds & Notes	2,323,374	1,292		2,324,666
4721	Interest-Long Term Bonds & Notes	983,007	(91,457)		891,550
4723	Int. on Tax Anticipation Notes	50,000	-		50,000
4790-4799	Other Debt Service				-

Default Budget - Town of _____HAMPTON_____ FY __2010___

1	2	3	4	5	6
Acct. #	PURPOSE OF APPROPRIATIONS (RSA 32:3,V)	Prior Year Adopted Operating Budget	Reductions & Increases	Minus 1-Time Appropriations	DEFAULT BUDGET
	CAPITAL OUTLAY	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
4901	Land				-
4902	Machinery, Vehicles & Equipment				-
4903	Buildings				-
4909	Improvements Other Than Bldgs.				-
	OPERATING TRANSFERS OUT	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX
4912	To Special Revenue Fund				-
4913	To Capital Projects Fund				-
4914	To Enterprise Fund				-
	Sewer-				-
	Water-				-
	Electric-				-
	Airport-				-
4915	To Capital Reserve Fund				-
4916	To Exp.Tr.Fund-except #4917				-
4917	To Health Maint. Trust Funds				-
4918	To Nonexpendable Trust Funds				-
4919	To Fiduciary Funds				-
	TOTAL	25,553,963	(79,027)	(1,100,203)	24,374,733

Please use the box below to explain increases or reductions in columns 4 & 5.

Acct #	Explanation for Increases	Acct #	Explanation for Reductions
4140-4149	Labor Cost Actual Adjustments	4155-4159	1-Time: Benefit Expense / Statutory Requirement re: NHRS Spike Charge eliminated
4150-4151	Labor Cost Actual Adjustments	4210-4214	Labor Cost Actual Adjustments / Contractual Benefits
4155-4159	Benefit Expense Change	4220-4229	Labor Cost Actual Adjustments
4195	Benefit Expense Change	4240-4249	Commodity cost change - unit method
4196	Benefit Expense Change / Legal Obligations	4311	Labor Cost Actual Adjustments / Commodity Cost change - unit method
4323	Contracted Services	4321	Labor Cost Actual Adjustments
4711	Increase in Long Term Debt Principal - Legal Obligation	4324	Contracted Services
		4520-4529	Commodity cost change - unit method
		4550-4559	Labor Cost Actual Adjustments / Benefit Expense Change
		4721	Decrease in Long Term Interest Exp - Legal Obligation