Code
of the
Town of
Hampton

COUNTY OF ROCKINGHAM

STATE OF NEW HAMPSHIRE

SERIAL NO. . . . . .

GENERAL CODE
www.generalcode.com

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Town of Hampton

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11 - 01 - 2014

C E R T I F I C A T I O N

TOWN OF HAMPTON

Office of the Town Clerk

I, **JANE CYPHER**, Town Clerk of the Town of Hampton, New Hampshire, hereby certify that the chapters contained in this volume are based upon the original legislation of the Town of Hampton and that said legislation, as codified and renumbered as to sections and rearranged into chapters, constitutes the Code of the Town of Hampton, County of Rockingham, State of New Hampshire.

Given under my hand and the Seal of the Town of Hampton, County of Rockingham, State of New Hampshire, this _____ day of _____, at the municipal offices of the Town of Hampton.

s/**JANE CYPHER**

_____
Town Clerk

PREFACE

The Town of Hampton has, over the years, passed through a process of legislative change common to many American communities. While only a few simple laws were necessary at the time of the establishment of the Town, subsequent growth of the community, together with the complexity of modern life, has created the need for new and more detailed legislation for the proper function and government of the Town. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up-to-date.

Contents and Organization of Code

The various chapters of the Code contain ordinances and resolutions adopted by the Town Meeting and Board of Selectmen, votes of the Town Meeting, and regulations, policies, procedures, and agreements adopted by the Board of Selectmen, Planning Board, Zoning Board of Adjustment, Conservation Commission, and other bodies. The materials to be included in the Code and the organization of the Code were determined by the Town.

Table of Contents and Grouping of Legislation

The Table of Contents details the arrangement of material alphabetically by chapter as a means of identifying specific areas of legislation. Wherever two or more items of legislation have been combined by the editor into a single chapter, the use of article designations has preserved the identity of the individual enactments.

Reserved Chapters

Unassigned chapter numbers do not appear in the Table of Contents but are available for assignment to new enactments. In this manner, new subject matter can be included alphabetically.

Pagination

A unique page-numbering system has been used in which each chapter forms an autonomous unit. The first page of each chapter is the number of that chapter followed by a colon and the numeral "1." Thus, Chapter 6 would begin on page 6:1. By use of this system, it is possible to add or to change pages in any chapter, or add new chapters, without affecting the sequence of subsequent pages.

Numbering of Sections

A chapter-related section-numbering system is employed in which the section number indicates the number of the chapter and the location of the section within that chapter. Thus, the first section of Chapter 30 would be § 30-1, while the sixth section of Chapter 57 would be § 57-6.

Scheme

The scheme is the list of section titles that precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the scheme titles are repeated as section headings in the text.

Histories

At the end of the Scheme (list of section titles) in each chapter is located the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived, including the enactment number, if pertinent, and the date of adoption. In the case of chapters containing parts or articles derived from more than one item of legislation, the source of each part or article is indicated in the text, under its title. Amendments to individual sections or subsections are indicated by histories where appropriate in the text.

General References; Editor's Notes

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader's attention to such related chapters. Editor's Notes are used in the text to provide supplementary information and cross-references to related provisions in other chapters.

Appendix

Certain forms of local legislation are not of a nature suitable for inclusion in the main body of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this publication is reserved for such legislation and for any other material that the community may wish to include.

Derivation Table

In order to assist Code users in the transition to the new Code's organization, the Derivation Table indicates where chapters and articles of Town's prior Code of Ordinances have been included in the 2011 Code, or the reason for exclusion.

Disposition List

The Disposition List is a chronological listing of legislation, indicating its inclusion in the publication or the reason for its exclusion. The Disposition List will be updated with each supplement to the Code to include the new legislation reviewed with said supplement.

Index

The Index is a guide to information. Since it is likely that this publication will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index will be supplemented and revised from time to time as new legislation is added.

Instructions for Amending the Code

All changes to the Code, whether they are amendments, deletions or additions, should be adopted as amendments to the Code. In doing so, existing material that is not being substantively altered should not be renumbered.

Adding new sections. Where new sections are to be added to a chapter, they can be added at the end of the existing material (continuing the numbering sequence) or inserted between existing sections as decimal numbers (e.g., a new section between §§ 65-5 and 65-6 should be designated § 65-5.1).

Adding new chapters. New chapters should be added in the proper alphabetical sequence in the appropriate part, utilizing the reserved chapter numbers. New chapter titles should begin with the key word for the alphabetical listing (e.g., new legislation on abandoned vehicles should be titled "Vehicles, Abandoned" under "V" in the Table of Contents, and a new enactment on coin-operated amusement devices should be "Amusement Devices" or "Amusement Devices, Coin-Operated" under "A" in the Table of Contents). Where a reserved number is not available, an "A" chapter should be used (e.g., a new chapter to be included between Chapters 166 and 167 should be designated Chapter 166A).

Adding new articles. New articles may be inserted between existing articles in a chapter by the use of "A" articles (e.g., a new article to be included between Articles XVI and XVII should be designated Article XVIA). The section numbers would be as indicated above (e.g., if the new Article XVIA contains six sections and existing Article XVI ends with § 166-30 and Article XVII begins with § 166-31, Article XVIA should contain §§ 166-30.1 through 166-30.6).

Supplementation

Supplementation of the Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included and repeals will be indicated as soon as possible after passage. Supplemental pages should be inserted as soon as they are received and old pages removed, in accordance with the Instruction Page which accompanies each supplement.

Acknowledgment

The assistance of the Town officials is gratefully acknowledged by the editor. The codification of the legislation of the Town of Hampton reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes involving nearly every facet of community life. Problems increase in number and complexity and range in importance from everyday details to crucial areas of civic planning. It is the profound conviction of General Code that this publication will contribute significantly to the efficient administration of local government. As Samuel Johnson observed, "The law is the last result of human wisdom acting upon human experience for the benefit of the public."

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PART I

TOWN CHARTERS AND HISTORICAL DOCUMENTS

RECORDS

OF

THE GOVERNOR AND COMPANY

OF THE

MASSACHUSETTS BAY

IN

NEW ENGLAND.

PRINTED BY ORDER OF THE LEGISLATURE.

EDITED BY

NATHANIEL B. SHURTLEFF, M.D.,

MEMBER OF THE MASSACHUSETTS HISTORICAL SOCIETY, FELLOW OF THE AMERICAN ACADEMY OF ARTS AND SCIENCES, AND MEMBER OF THE AMERICAN ANTIQUARIAN SOCIETY.

VOL. I.

1628—1641.

BOSTON:

FROM THE PRESS OF WILLIAM WHITE,

PRINTER TO THE COMMONWEALTH.

1853.

Blue Hills, & to informe the nexte Gen̄all Court to what townes it may most conveniently be layde./ 1635-6.

3 March.

Further ordered, this present Court, that the Gen̄all Court, to be holden in May nexte, for elecc̃on of magistrates, & soe from tyme to tyme, as occac̃on shall require, shall elect a certaine number of magistrates for tearme of their lyves, as a standing counsaile, not to be removed but vpon due convicc̃on of crime, insufficiency, or for some other waightie cause; the Goūn^r for the tyme being to be alwayes president of this counsaile, & to have such further power out of Court as the Gen̄all Courts shall, from tyme ^ ^, indue them withall./ 267– A standing counsell.

Ordered, that there shalbe a plantac̃on setled att Wenicunnett, & that Mr Dum̄er & Mr John Spencer shall have power to presse men to builde a howse forthw^th, in some convenient place; & what money they lay out aboute it shalbe repaide them againe out of the tresury, or by those that come to inhabite there./ 268– Winnicunnet, now Hampton, &c.

Ordered, that the maior p̃te of the magistrates shall have power from time to time to dispose of the sitting downe of men in any newe plantac̃on, & that none shall goe without leave from them./ 269– Magis^t power to order new planters.

Ordered, that the bounds of Waterton shall run eight myles into the country, from their meeteing howse, within the lynes already sett out; & it is agreed, that Sr Richard Saltonstall shall have one hundred acres of the meadowe, to be sett out indifferently by John Pratt & Wiłłm Rescue./ 270– Bounds of Water Towne. S^r Ri: Saltonstal.

It is referd to John Humfry, Es^q̃, & Capt̃ Turner to sett out the bounds betwixte Salem & Ipsw^ch, & betwixte Ipsw^ch & Newberry, before midsum̄er nexte, as also to vewe & informe the nexte Gen̄all Court if there may not be another towne conveniently setled betwixte them; & it is agreed, that the bounds of the said townes shall run̄ sixe myles apeece into the country./ 271– Salem, Ipswich, & Newbury bounds. B:

With the consent of the deputies of Dorchest^r & Rocksbury, it [is] referd to Capt̃ Traske, Mr Palmer, & Wiłłm Cheeseb[rough,] or any two of them, to sett out the bounds betwixte Rocks[bury &] Dorchest^r, which they are appoyncted to doe befo[re] midsum̄er nexte./ 272– Roxbury & Dorchester bounds.

*The Goūn^r, Deputy Goūn^r, & John Winthrop, Senr, Es^q̃, or any two of them, are intreated to vewe Shaweshin, & soe to informe the nexte Gen̄all Court whither or noe it may not be a fitt place for a plantac̃on./ [*170.] Com̄ittee to vejw Shawshin.

It is agreed, that the im̄unitie of Concord for three yeares shall begin the first of October nexte, & that none shall have benefitt thereof but those that lyve there, & with respect onely to the stocke they have there./ 273– Concord im̄unity^s.

The order that restrained ordinaries to a certaine prize for dyett is nowe repealed./ R. 274– Ordinary stint repeal^d.

1637. 2 November. Nathaniell Wales, Edward Sale, Willi: Casely, Mr John Fiske, & Mr John Harvard were made free, & tooke the oath of freedome./

Robrt Fletcher was chosen & sworne cunstable of Concord./

Mr John Winthrope, Iunior, had leave to imploy an Indian to shoote in a peece to foule for him./ 340.

341– Corne is set at 3½shs the bushell for the payment of rates, being marchantable./ 341.

342– All former lawes against tobacco are repealed, & tobacco is set at liberty./ 342.

343– The order about takeing the ⅓d of the valewe of wine, strong water, & tobacco, of such as sell it againe, or ⅙ p̃t of othrs. Leiftt Howe is authorished to take the excise dewe by the sayle of wine, strong water, or tobacco, by the order wch was formerly made 7th day 10th m̃, 1636./

343– Newberry to remoove. The inhabitants of Neweberry, haveing bene moved to leave their plantation, they have graunted them Winnacunnet, or any other plantation vpon Merrimack, below the first falls, & to have sixe miles square; & those that are now inhabitants, & shall remove wthin one yeare, shall have three years im̃unity, (as Concord hath,) the three years begining the first of the first month next./

343– Abr: Shaws grant of iron stone. Abraham Shawe is graunted haulfe of the benefit of coles or yron stone, wch shalbee found in any com̃on ground wch is in the countryes disposeing./ 343.

344– Mr Dudly 1000 acrs. The Deputy, Mr Dudley, hath a thousand acres of land granted him, wheare it may not p̃iudice any plantation granted, nor any plantation to bee graunted, wthout limiting to time of impvt./

Mr Winthrops 1000 acr. The Governor, Mr John Winthrope, Senior, hath graunted him a thousand acres of land, vpon the same tearms as Mr Dudley hath his./

Mr Jns Endicot grs of 50 acrs of mead. Mr John Endecot hath 40 or 50 acres of meadowe graunted him, wheare it may not preiudice a plantation./

[*203.] Jns Olliur dismist yr Court. *Srg John Oliver, iustifiing the seditious libell called a remonstrance or petition, was dismissed from being a deputy in this Courte./

Edw: Tredwell a lott. Edward Tredwell, vpon his petition being dismissed, (before the law against dismission was made,) & his servise being appued, was admitted to have a lot./

Wm Holdroyd to haue a lott. Willi: Holdroyd was in like sort admited to have a lot./

Jns Sandfords gratuity. John Sanford is graunted 13l 6s 8d for the yeare past, & so hee is discharged, vpon delivery of an invy to another wch shalbee appointed./

344– Water Towne 1500 acrs meadow on Concord Riur. Watertowne is granted 15 hundred acres of medow, if it be there convenient, at the newe plantation vpon the ryver wch Concord is vpon./

1638.
6 September.

John Bridge,
Grego : Stone,
Rich : Browne,
Thom : Mahewe,
Willi : Jeanison,
Thom : Flint,
Symon Willard,
Edwd Howe,
Willi : Hathorne,
John Woodberry,
Jacob Barney,
Willi : Hubberd,
Samu : Symonds,
Rich^rd Lumkins,
Edwd Rawson.

Genl Court 6 : 7 : 38.

THE Generall Courte being assembled, a comission was granted to make Mr Nathaniell Rogers free at Ipswich, by takeing his oath theare before two magistrates./

Ralph Mousall dismist ye Court.

Ralfe Mousall, being questioned about speaches form^rly spoken by him in approbation of Mr Wheeleright, was dismissed from being a member of the Courte./

391– Mr Downing decoy.

Whearas Emanuell Downing, Esqr, hath brought over, at his great charges, all things fitting for takeing wild foule by way of duck coy, this Court, being desiros to encourage them, & others, in such designs as tend to publike good, do give him full liberty to place the same duck coy in some convenient place wth in the bounds of Salem, as the towne & hee can agree, & that it shall not bee lawfull for any pson to shoote in any gun wth in halfe a mile of the pond where such duck coy shalbee placed, nor shall vse any other meanes for disturbance of the foule there ; & if any man shall offend against this order, hee shalbee fined, or oth^rwise punished by the discretion of such court as shall have hearing of the cause ; & if any pson shall bee taken shooting, or going aboute to shoote, wth in the said limits, & beeing not knowne to the said Emanuell Downing, or his servants, wch shall attend the said duck coy, it shalbee lawfull for them to make seizure of his peece, & detaine the same till the cause be h[e]ard & determined./

391– The same order shall extend to all other places whear any duckcoy shalbee erected by like licence from the Courte./ 390.

Hampton plant., Winnacunnet.

The Court grants that the petitioners, Mr Steven Bachiler, Christo: Hussey, Mary Hussey, vidua, Thom : Crumwell, Samuell Skullard, John Osgood, John Crosse, Samu : Greenfeild, John Molton, Tho : Molton, Willi : Estow, Willi : Palmer, Willi : Sergant, Rich^rd Swayne, Willi : Sanders, Rob^rt Tucke, wth diverse others, shall have liberty to begin a plantation at Winnacunnet ; & Mr Bradstreete, Mr Winthrope, Iunior, & Mr Rawson, or some two of them, are to assist in setting out the place of the towne, & apportioning the severall quantity of land to each man, so as nothing shalbee done therein w^thout alowance from them, or 2 of them./ 391.

391–

1639.

Elisabeth, the wife of Mr Edward Howe, (of Linn, deceased,) is granted administration of her husbands estate./

22 May. Adm̃instracõn to Mr Edwd Howes estate.

Mr Israell Stoughton is granted administration of the estate of his sister, Judeth Smeade, for the good of her children, according to the will of the said Judeth./

Admstion grtd to Mr Israel Stoughton of Judith Smead est.

Richrd Gridley, vpon his acknowledgment of his fault, & giveing satisfaction to the Court, was readmitted againe to the freedome of this body./

Rich: Gridley restord to freedome.

Mr Nathaniell Sparhawke was pmitted to drawe wine & strong water for Cambridge./

Mr Sparhauks licenc̃.

Mr John Holgrave was remitted nyne pounds three shillings & four pence, onely 2li 10shs remaining to bee paid by him./

Mr Holgraues lic̃.

The Court was adiourned to the 6th of the 4th month./

Adiornemt.

Mr Richrd Browne, being gone to Conectecot wthout leave, is fined five pounds, hee nether acquinting the Court nor councell./

6 June. Mr Rich: Browne find 5li for his absenc̃.

The 13th day of the 4th month was desired might bee kept a day of humiliation in all or churches for the want of raine, & help of brethren in distresse./

Day of humilliatio.

It was ordered, care should bee taken to p̃vent damage to the Indians, & pcure them satisfaction for any damage done them./

To p̃vent damage to ys Indians.

Mr Edward Mellows his rate of 56shs was remitted him, in regard of his losse sustained by fyer./

Mr Edwd Mellows rate remitted hm.

Captaine Mason had granted him ten pounds, for his good servise against the Pecoits & otherwise./

Capt Mason reward. for service agt Pecotts.

Mr Joseph Peck, Edmond Hubbard, Senior, & Antho: Eames were authorished to end small businesses vnder 20shs at Hingham./

Hingh. 3 men.

Winnacunnet is alowed to bee a towne, & hath power to choose a cunstable & other officers, & make orders for the well ordering of their towne, & to send a deputy to the Court, & Christo: Hussey, Willi: Palmer, & Richrd Swaine to end all businesses vnder 20shs for this yeare; the laying out of land to bee by those expressed in the former order./

419– N. Hampton. Vide ps 259.

Mr Peters is desired to write to Holland for 500li worth of peter, & 40li worth of match, & to give order vpon the receit of the salt peter & match heare in good condition, to charge bylls vpon the Governor, & the country doth pmise to save the Govrnor harmelesse./

Mr Peters desired to write to Holland for 500li peeter.

Mrs Harding is respited till the next Court, the meane while to bee dealt wth by Mr Cotton, Mr Wilson, & the church, to see if shee may bee convinced, & give satisfaction; if not, witnesses to bee then pduced against her./

Mrs Harding respitted, &c.

[There are no pages 246, 247, 248, and 249 of the original record.]

[*250.]

*Martin Saunders is alowed to keepe a house of intertainement at Mount Woollaston./

Martyn Saunds licenc̃.

1639.
4 September.

Mr Thom: Mayhewe,
Mr Sam: Shepard,
Mr John Bridge,
Capt Edwd Gibons,
Mr Willi: Tynge,
Mr John Stowe,
Mr Willi: Heathe,
Mr John Glover,
Mr Tho: Hawkins,
Mr Edm Bates,
Mr John Vpham,
Mr Joseph Peck,
Mr Edm Hubberd, Seni.

MR JOHN HAULE is discharged of the 20t bond wch hee gave for his servant John Burrows, haveing put him away./

It was ordered, that the newe plantation by Concord shalbee called Sudbury./

Winnacunnet shalbee called Hampton./ 431–

Mr Ezechi: Rogers plantation shalbee called Rowley./

The other plantation beyond Merrimack shalbee called Colechester./ Vide pa 287 & 290.

The order of the Court, vpon the petition of the inhabitants of Sudberry, is, that Peter Noyes, Bryan Pendleton, J^ Parmm ^, Edmond B^, Walter Hayne, George Moning, & Edmond Rise have comision to lay out lands to the psent inhabitants, according to their estates & persons, & that Capt Jeanison, Mr Mayhewe, Mr Flint, Mr Samuel Sheopard, & John Bridge, or any 3 of them, shall, in convenient time, repaire to the said towne, & set out such land & accomodations, both for houselots & otherwise, both for Mr Pelham & Mr Walgrave, as they shall thinke sutable to their estates, to bee reserved for them if they shall come to inhabite there in convenient time, as the Court shall think [fit]./

The Court was adiourned vntill the 9th, at 3 a clock./ 9 September.

Mr John Endecott & Mr Israell Stoughton were desired againe to meete wth or brethren of Plimoth, & have new comission to settle the bounds betweene vs & Plimoth, & have full power given them so to do./

It was agreed, that the order No 406 (that excomunicate psons wch have stood excomunicate aboue 6 months should bee psented) shalbee repealed./

Forasmuch as it is evident vnto this Court, that the comon custom of drinking one to another is a meere vselesse ceremony, & draweth [on] that abominable practice of drinking healths, & is also an occation of much wast of the good creatures, & of many other sinns, as drunkennes, quarelling, bloudshed, vncleannes, mispense of pcious time, &c, wch as they ought in all places & times to bee pvented, carefully ||prevented||; so especially in plantations, of churches, & comon weales, wherin the least knowne evills are not to bee toller- L. agt drinking to each other.

1640. 7 October. the church, this Court also, being charitably & wel perswaded of the truth of his repentance, are willing to forgive his former offences, so farr as may concerne every of o^r private interests, & are freely reconciled to him in Christian love; but being desiros to have yet further tryall of him before hee bee fully restored to his former liberty, this Court doth order that his sentence of banishment shalbee suspended till the ende of the next Courte of Elections, & then the Courte will further consider of his condition./

452– The petition of the inhabitants of Linn is granted for the clause of forfeture in the former order to bee obliterate for not selling one lot wth in two yeares after their removeing to the village./

Tr: Whereas much wrong hath bene done to the countrey by the negligence of cunstables in not gathering up such levyes as they have received warrants from the Treasurer to gather, & they neglecting the same dureing the time of their continuance in their offices, thereby caseing themselues & puting the trouble of gathering thereof unduely to the next cunstable, who thinks it a wrong to have the former cunstables busines imposed upon him; the former cunstable for his excuse alleaging himselfe to bee out of office, & so hath no power to distraine; it is therefore ordered, that if any cunstable shall not have gathered the levyes comitted to his charge, by the Treasurer then being, dureing the time of his office, that hee shall, notw^thstanding the expiration of his office, have power to levy by distres all such rates & levies, & if hee bring them not in to the ould Treasurer according to his warrants, the Treasurer shall distraine such cunstables goods for the same; & if the Treasurer do not so distraine the cunstable, hee shalbee answerable to the countrey for the same; & if the cunstables bee not able to make payment, it shalbee lawfull for the Treasurer, ould or newe, respectively, to distraine any man, or men, of that towne where the cunstables are unable, for all arrerages of levies, & that man, upon petition to the Court, shall have order to collect the same againe equally of the towne, wth his iust damages for the same./

Mr Woodman, of Neweberry, is released from being leiftenant there./

[*287.] Mr Eaton^s acco^t to be taken. *Mr Treasurer & Mr Duncan are appointed a comittē to take the account of Mr Nathani: Eatons busines from Capt. Jeanison & Goodm̄ John Bridge./

453– Wampampeage. It is ordered, that white wampampege shall passe at 4 a penny, & blewe at 2 a penny, & not above 12^d at a time, except the receiver desire more./ Rep: Nicho: Jacobs is alowed to keepe an ordinary at Hingham./

B. †N: Salisbuy. Salisbury bounds. Wee, whose names are under written, according to the order of the Generall Court, have taken veiwe of the bounds of Hampton & †Colechester, according to o^r best light, by o^r discovery & fro^m information of both the

townes, wee iudge it most equall that the line begiñing at Hampton Ryver mouth, ruñing from thence so as to leave Mr Bachilers farme layde out in Hampton bounds, & from the southerlist line of Mr Bachilers farme the line to extend westerly, between Colechester & Hampton, the same point of the compas that Merrimack Ryver runes, from the mouth to the end of Colechester bounds./ 1640. 7 October.

Septembr 24, 1640./

THOM: NELSON,
WILLI: PAINE,
EDWARD WOODMAN.

Mr Woodman, Mr Paine, & Mr Nelson are appointed to veiwe the bounds between Colechester & Mr Wards plantation, & Mr Batte & Goo: Howlet to go wth them to informe them that they may certify the Courte./ Colchester. Comittee to vejw Pentucket & Colchester.

Mr Thom: Welde, pastor of Roxberry, is granted 533 acres, next to Mr Thom: Allen, teacher of Charles Towne, beyond Concord Ryver, wrof 200 was granted by the country, & the other 333 is p̃t of the 4000 acres granted to Roxberry./ L. Mr Tho: Welds 533 acres.

For incuragment of the manifacture of linnen, woollen, and cotton clothe, it is ordered, that whosoever shall make any sort of the said cloathes fit for use, & shall shewe the same to the next magistrate, or to 2 of the deputies of this Court, upon certificate thereof to this Court, or the Court of Assistants, the party shall have alowance of 3d in the shilling of the worth of such cloth, according to the valewation, wch shalbee certified wth it. And the said magistrate, or deputies, shall set such marke upon the same cloth as it may bee found to have bene alowed for; ꝑvided, this order shall extend onely to such cloth as shalbee made wthin this iurisdiction, & the yarne heare spun also, & of such materials as shalbee raised also wthin the same, or else of cotton. This order to continue for 3 yeares next followinge./ Rep: (4) 2: 41. 454— Rep. 465.

Whereas there was a levy made the last Court of 1200l, whereof little is paid, & the order then made for the assessing thereof would now bee unequall & inconvenient, in regard of the alteration of the prizes of such things wherin it was to bee paid in to the Treasurer, or such as hee hath assigned the *same unto, shalbee paid in corne at the prices this Courte hath set downe, [*288.] & that the Treasurer, or such as it shalbee assigned unto, may leave it in the hands of such as should pay it untill it shalbee called for, so it bee wthin 5 months, & then to bee delivered good & marchantable in full measure, onely the rate of Concord, wch is most of it in cattle, shalbee accepted by the Treasurer, & such as hee shall assigne it unto, & what losse shall come thereby it shalbee made up by Concord, ꝑvided that such as have or shall pay their rates

NEW HAMPSHIRE PROVINCE LAWS.

[THE ADMINISTRATION OF JOHN CUTT, PRESIDENT OF THE PROVINCE, JANUARY 21, 1679-80, TO MARCH 27, 1681, BEING IN THE THIRTY FIRST, THIRTY SECOND, AND THIRTY THIRD YEARS OF CHARLES II.]

THE COM'ISSION CONSTITUTING A PRESIDENT & COUNCEL FOR THE PROVINCE OF NEW-HAMPSHIRE IN NEW-ENGLAND.

[Council Book 4, p. 1.]

[This commission passed the Great Seal, September 18, 1679. It was formally received January 1, 1679-80. This copy is from N. H. Council Records, vol. 4, p. 1. The President and Councilors named took their oaths of office under it January 21, 1679-80 (XIX, State Papers, 655). By this commission the province was established as a separate government in New England, and certain powers and duties were prescribed for those having to do with its administration, legislation, and judicial functions. An important feature of this and succeeding commissions was the provision for the recognition and protection of the interests of those claiming lands within the province under the Masonian Patent. The instrument is in a certain sense a charter, and was intended to be the organic law of the province. Its provisions lacked, however, the most important essential of chartered rights and constitutional guaranties in that it was temporary, and its continuance depended upon considerations over which the people of the province had but little influence. It was, in fact, superceded by a new commission to Edward Cranfield dated May 9, 1682. President Cutt died in March, 1681, and Richard Waldron, who had been named as Deputy President, (XIX, State Papers, 655), succeeded to the office of President, and continued in the government under the Cutt commission as Deputy President until he gave place to Lieutenant-Governor Cranfield October 4, 1682, (XIX, State Papers, 687). The Cutt commission has been printed in N. H. Laws, edition of 1771; 8, Collections N. H. Historical Society, 1; I, Province Papers, 373; Charters and Constitutions of the United States, ed. 2, 1878, by Ben: Perley Poore, vol. 2, p. 1275. For narratives and discussions of events connected with the establishment of this government, see all the principal histories of New England; Belknap's New Hampshire, Farmer's ed., ch. 7, p. 90; Life of John Mason, by Charles W. Tuttle and J. W. Dean, 1887; History of Exeter, by Charles H. Bell, 1888; History of Hampton, by Joseph Dow, 1893; *Dover Enquirer* series of Historical Articles; Rambles about Portsmouth, by Charles W. Brewster, 2 vols.; Annals of Portsmouth, by Nathaniel Adams, 1825; Isles of Shoals, by John S. Jenness; History of New Castle, by John Albee, 1885; authorities cited under titles Portsmouth, Dover, Hampton, Exeter, New Castle, and Isles of Shoals in N. H. State Papers, vols. XXIV and XXV; Documents in I, N. H. Province Papers *passim*; XVII, N. H. State Papers, 473, (Transcripts from Ancient Documents in the English Archives); XXV, N. H. State Papers, articles in the appendix; The Establishment of the Royal Provincial Government of New Hampshire, by Charles W. Tuttle, 1, Proceedings of N. H. Historical Society, 1880, p. 339.]

Charles the Second &c. To all to whom these pr'sents shall come Greeting Whereas Our Colony of the Massachusetts, al's Mattachusetts Bay in New-England in America, have taken upon themselves to exercise a Government & Jurisdiction, over the Inhabitants & Planters in the Towns of Portsmouth, Hampton, Dover Excester, & all other the Towns & lands in the Province of New-Hampshire, lying & extending from three miles northward of Merrimack River, or any part thereof unto the Province of Maine, not having any legall right or authority so to do: Which said Jurisdiction & all further exercise thereof, we have thought fit by the advice of Our Privy Councell to inhibit & restrain for the future; And do hereby inhibit and restrain the same. And whereas the Government of that part of the said Province of New-Hampshire, so limited & bounded as afores'd hath not yet bin granted unto any person or persons whatsoever but the same still remains & is under Our im'ediate care & protection; To the end therefore that Our loving Subjects the planters and Inhabitants within the limits aforesaid, may be protected and defended in their respective rights, liberties & properties, & that due & impartiall Justice may be duly administred in all cases civill & criminall; & that all possible care may be taken for the quiet and orderly Government of the same: now know ye, that We by & with the advice of Our Privy Councell, have thought fit to erect & constitute & by these pr'sents for us our heirs & success'rs do erect authorize & appoint a Præsident & Councell, to take care of the said Tract of land called The Province of New-Hampshire, & of the Planters & Inhabitants thereof; & to Order, rule & Govern the same according to such methods & regulations, as are herein after specified & declared. And for the better execution of Our Royall pleasure in this behalf, We do hereby nominate & appoint Our Trusty & well beloved Subject John Cutt of Portsmouth Esqr to be the first Præsident of the said Councell, & to continue in the said office for the space of one whole year next ensuing the date of these ꝑ'sents & so long after, untill we Our heirs or successors, shall nominate & appoint some other person to succeed him in the same. And we likewise nominate & appoint Our trusty & well beloved subjects Rich: Martin Esq'r, William Vaughan Esq'r, & Tho: Daniel Esq'r, all of Portsmouth afores'd John Gilman of Exeeter afores'd Esq'r, Christoph'r Hussey of Hampton afores'd Esq'r, & Rich: Walden of Dov'r afores'd Esq'r to be of the Councell within the said Province of New-Hampshire: And we do hereby authorize and appoint, the said Præsident & Councell, to nominate & make choice of three other Persons out of the severall parts of the afores'd Province, whom they shall judg to be most fitly qualified to be of the said Councell, & to swear them into the same: And that the said Jo: Cutt, & every succeeding Præsi-

dent of the said Councell, shall nominate & appoint any one of the members of the same Councell for the time being, to be his Deputy, & to ℙr'side in his absence. And that the said Praesident, or his Deputy, & any five of the said Cou'cell shall be a Quorum. And Our express will & pleasure is, That no person shall be admitted to sit, or have a vote in the said Councell, untill he have taken the oath of allegeance & supremacy, & the oath herein after mentoned for the Due & impartiall execut'on of Justice, & the faithful discharge of the trust in them reposed. Which Oaths We do hereby authorize & direct the said Ric: Martin W: Vaughan T Daniel; Jo: Gilman Christ: Hussey R: Walden; or any three of them first to administer to the said Jo: Cutt the Present Praesident, & the said Jo: Cutt having taken the said Oaths, We do will, authorize & require him the said Praes: for the time being, to administ'r the same from time to time to all & every other the members of the said Councell. And We do hereby will, require & com'and the said Jo: Cutt R: M: &c & every of them, to whom this Our pleasure shall be made known, That, all excuses whatsoever set aside, they fail not to assemble & meet together at the s'd Town of Portsmo' in the Prov: of New Hampsh: afores'd within the space of 20 days, next after the arrivall of this Our Com'ission at Portsmo' aforesaid; & there to cause this Our Com'ission, or Letters Patents, to be read before them, or as many of them as shall be there assembled; & having duly first taken the said Oaths; to proceed to choose, nominate & appoint such Officers & serv'ts as they shall think fit & necessary for their service: And also to appoint such other time & place for their future meeting, as they or the major part of them (whereof the Praes: or his deputy to be one) shall think fit & agreeable. And Our Will & pleasure is, That Our said Councell shall from time to time have & use such Seal only, for the sealing of their Acts, Orders & proceedings, as shall be sent unto them by Us, Our heirs & successors, for that purpose. And we do by these ℙr'ts, for Us Our heirs & successors, constitute, establish, declare & appoint Our said Praes: & Councell the Praes: & Councell & their successors for the time being, to be a constant & setled Court of records for the administrac'on of Justice to all Our subjects inhabiting within the limits aforesaid, in all causes, as well civill as criminall; & that the Praes: & any 5 of the Councell for the time being shall have full power & authority, to hold pleas in all causes from time to time, as well in pleas of the Crown as in matters relating to the conservation of the peace, & punishment of offenders, as in civill suits & actions between partie & partie; or between Us & any of Our subjects there; whether the same do concern the realty, & relate to a right of freehold, & inheritance; or whether the same do concern the personalty, & relate to some matter of debt,

contract, damage, or other personal injury; & also in all mixt actions, w'ch may concern both realty & personalty and therein after due & orderly proceeding, & deliberate hearing on both sides, to give Judgm't, to award execuc'on, as well in criminall, as in civill causes as aforesaid: so always, that the forms of proceeding in such cases, & the Judgm't thereupon to be given, be as consonant, & agreeable to the Laws & Statutes of this Our Realm of Eng'd, as the ꝑr'sent state & condic'on of Our subjects inhabiting within the limits aforesaid, & the circumstances of the place will admit. And the Praes: & Councell for the time being, & every one of them respectively, before they be admitted to their severall & respective offices & charges, shall also take this Oath following. You shall swear, well and truly to administer Justice to all his Maj'ties good subjects, inhabiting within the Province of New-Hampsh: under this Government: & also duly & faithfully to discharge & execute the Trust in you reposed, according to the best of your knowledg; you shall spare no person for favour or affection; nor any person grieve for hatred or ill will. So help you God. Notwithstanding it is Our will & pleasure, & so we do hereby expressly declare, that it shall & may be lawfull from time to time, to & for all & every person & persons, who shall think himself or themselves aggrieved by any sentence, Judgm't or Decree pronounced, given or made (as aforesaid) in, about or concerning the title of any land, or other reall estate or in any personall Action, or suit above the value of 50 l and not under, to appeal from such Judgm't sentence, & Decree unto Us, Our heirs & successors, & Our & their Privie Councell: But with and under this caution & limitac'on; That the Appellant shall first enter into, & give good security, to pay full costs, in case no relief shall be obtained upon such Appeal. And Our further will & pleasure is & so we do hereby declare; That in all criminall cases, where the punishm't to be inflicted upon the offenders, shall extend to loss of life or limb (the case of willfull murder only excepted) the ꝑ'ty convicted shall either be sent over into this Our Kingdom of Engl'd, with a true state of his case & conviction; or execuc'on shall be respited untill the case shall be here represented unto Us, Our heirs & successors, in Our & their Privie Councell, and Orders sent, & returned therein. And for the better defence and security of all Our loving subjects within the Province of New-Hampsh: and the bounds & limits aforesaid, Our further will & pleasure is, and hereby We do authorize, require & com'and the said Praes: & Councell for the time being, in Our name & under the seal by Us appointed to be used, to issue forth & give Com'issions from time to time, to such ꝑson & persons, whom they shall judg shall be best qualified for regulation & discipline of the militia of Our said Province; & for the arraying & muster-

ing the Inhabitants thereof, & instructing them how to bear and use their arms; & that care be taken, that such good discipline shall be observed, as by the said Councell shall be pr'scribed; & that if any invasions shall at any time be made, or other destruction, detriment, or an'oyance made or done by Indians, or others upon or unto Our good subjects inhabiting within the said Prov: of New H: We do by these pr'sents, for Us Our heirs & successors, declare, Ordaine & grant, that it shall & may be lawfull to & for Our said Subjects, so com'issionated by Our said Councell from time to time, & at all times for their speciall defence & safety, to encounter, expell, repell, & resist by force of arms, & all other fitting ways & means whatsoever, all & every such person & persons, as shall at any time hereafter attempt or enterprise destruction invasion detriment or an'oyance of any of Our said loving subjects, or their plantations or estates: And above all things We do by these pr'sents will, & require & comand Our said Councell to take all possible care for the discountenancing of vice, & incouraging of vertue & good living; that by such examples the infidel may be invited, & desire to partake of the Christian Religion, & for the greater ease & satisfacc'on of o'r s'd loving subjects in matters of Religion We do hereby require & com'and, that liberty of conscience shall be allowed unto all protestants; & that such especially as shall be conformable to the rites of the Church of Engl'd, shall be particularly countenanced & incouraged. And further We do by these pr'sents, for Us, Our heirs & successors, give & grant unto the said Councell & their successors for the time being, full & free liberty, power, and authority, to hear & determine all emergencies, relating to the peace & good Government of Our subjects within the s'd Prov: & also to sum'on & convene any person or persons before them and punish contempts: & to cause the Oath of Allegeance to be administred to all & every person & persons, who shall be admitted to any Office, freedom, or preferment; & likewise with what convenient speed they can, to cause proclamac'on to issue out & be made in Our name to the Inhabitants of the Prov: of New Hampsh: thereby signifying that We have taken them into Our im'ediate Governm't & gracious protection: & letting them further know, that We have written to the Gov'rnour & Councell of the Massachusetts bay, to recall all such Com'issions as have been granted for exercising any Jurisdiction in the parts aforesaid and that We have inhibited & restrained them for the future, from exercising any further authority or Jurisdiction over them. And further, that the s'd Inhabitants within the said Prov: of N: Hamp: & limits aforesaid, do & shall from henceforth repair for Justice & redress unto them the said Pres: & Councell, whom We have constituted & appointed to be a standing court for administra-

c'on of Justice as aforesaid, & intrusted them with the care of their quiet & orderly Government and therefore requiring that they give obedience unto them. And Our will & pleasure is, that these, with such other generall intimations be given unto the people, as by the said Pres: & Councell shall be thought necessary. And for supporting the charge of the Government of the said Prov: of N: Hamp: Our Will & pleasure is, & We do by these pr'sents authorize & require the said Pres: & Councell, to continue such taxes & impositions, as have bin, & are now laid & imposed upon the Inhabitants thereof; & that they levy & distribute, or cause the same to be levyed & distributed to those ends, in the best & most equall man'er they can untill a generall Assembly of the s'd Prov: shall be called, & other methods for that purpose agreed upon. To which end Our Will & pleasure is and We do by these pr'ts authorize, require, & com'and the said Praes: & Councell that they within 3 months after they have bin sworn (as aforesaid) do & shall issue forth Sum'ons under the Seal by Us appointed to be used in the nature of writs for the calling of a Generall Assembly of the said Prov: using & observing there such rules & methods (as to the persons who are to chuse their Deputies, & the time & place of meeting) as they shall judg most convenient. At the 1st meeting of which Gen'l Assembly We do hereby will, authorize & require the Praes: of the said Councell, to mind them in the generall, what is to be intimated in the proclama-c'on aforesaid: That he recom'end unto them the making of such Acts, Laws & Ordinances, as may most tend to the establishing them in obedience to Our authority; their own pr'servation in peace & good Governm't & defence against their enemies; & that they do consider of the fittest ways for the raising of taxes, & in such proportion, as may be fit for the support of the Governm't And our will & pleasure is, & we do hereby declare, ordain, & grant, That all & every such Acts, Laws & Ordinances, as shall from time to time be made in & by such generall Assembly or Assemblies, as shall be first approved & allowed by the Praes: & Councell for the time being, & thereupon shall stand & be in force, untill the pleasure of Us Our heirs & successors shall be known, whether the same Laws & Ordinances shall receive any change, or confirmation; or be totally disalowed & discharged. And therefore Our Will & pleasure is, That the Praes: & Councell do & shall from time to time, transmit & send over unto Us Our heirs & successors & Our & their Privie Councell for the time being all & every such Acts, Laws & Ordinances, by the first ship that shall sail hence for Engl'd after their making. Also Our will & pleasure is, & We do hereby direct & appoint, that if the said Praes: of the Councell shall happen to dye; that then from & after the death of the said Praes: the Deputy shall succeed him in the office of

Praes: & shall & may nominate & choose any one of the s'd Councell to be his Deputy, to preside in his absence; & the said Deputy so succeeding shall continue in the said office of Praes: untill Our further will & pleasure be known therein & we shal think fit to nominate & appoint some other person. And if any of the members of the said Councell shall happen to die, Our will and pleasure is, & we do hereby direct & appoint the remainder of the Councell to elect some other person to be a member of the said Councell for the time; & to send over the name of such person so chosen, & the names of two more, whom they shall judg fitly qualified for the s'd preferment; that We Our heirs & successors may nominate & appoint, which of the three shall be the member in the place of such member so dying, And We do hereby declare, That We Our heirs & successors, shall & will observe & continue this method of grace & favour towards Our loving subjects in convening them in their Assembly, in such man'er & form as is herein before menc'oned & specified; unless by inconvenience arising from thence; We Our heirs or successors, shall see cause to alter the same. And whereas *the inhabitants of the saide province of new hamshire have many of them bin long in posesion of Severall quantityes of lands & are saide to have maide Considerable Improvments theire upon having noe other title for the same then what hath bin derived from the Goverment of the macithusets baye: in vertue of theire Imaginary line w'ch titell as it hath by the opinion of our Judges in England bin alltogether set aside soe the agents from the saide Colony have Consequently disowned any righte either in the soyle or goverment thereof; from the three mile line aforesaide: & it appearing unto us that the ansestors of Roberd Mason esquire obtained grants from our great Councill of plimoth for the tract of land aforesaide: & wheare at very greate expence upon the same untill molested & finally driven oute which hath occasioned a lasting Complainte for Justice by the saide Roberd Mason ever Since our restoration: how ever to prevent in this case any unresonable demands w'ch mighte be made by the Saide Roberd Mason for the righte he Clameth in the Saide soyle wee have obliged the saide Roberd Mason under his hand & Seale to declare that he will demande nothing for the time paste untill the twenty fourth of June laste paste nor molest any in their posesions for the time to come: but will [make out titles] to them & theire ayres for ever provided they will paye unto him upon a faire agrement in leiu of all other Rents Six pence in the pound according to the Just and trew yearly valew: of all houses builte by them & of all lands whether

*This commission is composed of parts of two entirely different manuscripts. Here the break occurs from the first to the second, the latter being apparently a far less accurate copy. Ed.

gardens orchards arribell or pasture w'ch have been Improved by them w'ch he will agree Shall be bounded out unto eviry of the partyes Conserned & that the residue may remaine unto himselfe: to be disposed of for his best advanetadge—

But not with standing this overture from the Saide Robert Mason w'ch Semeth to be faire unto us any of the Inhabitants of the saide province of new hamshire Shall refuse to agree w'th the Agents of the saide Roberd Mason upon the terms aforesaide our will & pleasure is that the president & Counsill of new hamshire aforesaide for the time being Shall have power & are hereby Impowered to Interpose & reconsile all Differances [if they] can That Shall or maye arise betweene the saide Roberd Mason & the Saide Inhabitants but if they cannot then we doe hereby: Commande & requier the saide president & Counsill to send into England such Casses fairely & Imparsialy stated to gether w'th theire one opinions upon such Cases that we our ayres & Sucsessors by & with the advice of our & there privy Counsill maye determin therein according to equity, and lastly our will & pleasure is that the saide president & Counsill for the time being doe prepare & send into England such [rules] & methods for theire one prosedings as maye best suite with the Constitution of the saide province of new-hamshire

And for the better establishing of Our authority theire and the goverment thereof that wee and our privi Councill maye examin & allter or aprove the same in witness whereof we have Caused these our letters to be made pattens witness our self at wesminster the 18th of September In the one and thirtieth yeare of our Reigne—

Peripsom Regem Barker—

[4-207] [*Petition for Grant of a Township, 1731.*]

To his Excellency Jonathan Belcher Esqr Governour and Commander in Cheif in and over his Maiesties Province of New Hamp^r and to the Honourable his majesties Council the Petition of sundry Inhabitants of the Town of Hampton in the s^d Province humbly sheweth—

That most of the Towns and Parishes within the province of New Hamp^r have been favoured respectively with Charters for considerable tracts of his Majesties Wast Lands within this province for the making of new Towns proper to them, and though it was proposed in the time of granting these Charters that a Charter should be granted to the Inhabitants of the Town of Hampton, yet through neglect due notice was not given to the greatest part of the Inhabitants of that town to seek after a right in any of the new Towns or in any entire body of Land for their proper use, most of whome have done very great service in this his Majesties province as souldiers against the Indian enemy but have not been favoured with any share in the new grants, at which they are extremely grieved, and therefore earnestly pray for help from your Excellency and Honours, and pray that you will please to grant your Petitioners who are represented by the subscribers and a List of their names hereto annexed, a Tract of Wast Land within this province to be embodied into a Town as the other new Towns be, or that whereas your Petitioners are informed that the Charter of Chichester is forfeited by the Proprietors by their neglect of fulfilling the conditions thereof, which Town was originally designed for the Town of Hampton that your Excellency and Honours will please to make them a grant thereof, and yor Petitioners will punctually comply with the conditions to be set thereon and shall ever pray as in duty bound &c

May 1731. Joseph Towle Thomas Marston

March ye 23 1731 an account of the mens names that petitioned for a new Township

Timothy Dalton	Samuel Hobs	Benoni ffuller
Samuel Darbon	Joseph Towle	Beniamin M marston
Jeremiah Darbon	John Garland	John Towle
Joseph Johnson	Jonathan Towle	Thomas ffuller
Elisha Page	Jonathan Elkins Jur	Amos Knowles
Caleb Towle junior	Beniamin Hobs	Samuel Smith
Moris Hobs	William Moulton	John Hobs
Josiah Hobs	Joseph Page	Joseph Taillor Jur
Zacriah Towl	frances Towl	James Towl
Henry Batchelder	John Page	Thomas Page
Nathaniel Dearbon	Beniamin Towle jur	John Marston

James Godfree
John Weedgwood
James Hobs
John Leavitt
Ebenezer Godfree
Samuel Leavitt
Thomas Marston
Christopher Palmer
Joseph Batchelder
Jonathan Dearbon
Jonathan Godfree
Nathan Bleak
Joseph Moulton
Jonathan Sandborn
Jeremiah Marston
Henry Dearbon
Benjamin Towle
Moses Perkins
John Tailor
Obadiah Marston
Jonathan Tuck
Thomas Jams
Joshua Towl
Joseph Prescut
Beniamin Prescut
Jonathan Darbon Jur
William Sandborn Jur
Beniamin James Jur
Jonathan Marston Jur
William Sandborn
Richard Tailor
Caleb Marston
Abner Sandborn
Thomas Nudd
Wintrip Marston
John Nay Jur
Thomas Elkins
Nathaniel Mason
Jeremiah Towl
Samuel Lock
Daniel Sandborn
Edward Moulton
John Johnson
Joshua Brown
Edmund Chapman
Reuben M marston
Caleb Marston Jur
Thomas Hains
Caleb Towl
Reuben Dearbon
Daniel Collins
Gidian Shaw
Josiah Brown
James Leavitt
James Marston
Joseph Philbrick Jur
Stephen Smith
Thomas Batchelder
John Knowls senior
Nathan Marston

[In council, May 5, 1731. "Suspended till next Session."—ED.]

Chapter HD

HISTORICAL DOCUMENTS

The Town Seal And Flag of Hampton, New Hampshire

The seal of the Town of Hampton is on every Town Report, and is often seen by Hamptonites, but how many know its history?

In 1934, as a result of action by the General Court, New Hampshire's legislative body, all previous Town Charters were revoked, and new Charters were drawn by towns throughout the State with many communities adopting or re-adopting seals and flags. Hampton was about to celebrate its 300 year anniversary in 1938, and the town Selectmen authorized a seal, which was designed and drawn by Hazel Leavitt Smith [Her brother & sister were Eugene Leavitt & Alzena Leavitt Elliot, wife of William I (“Bill") Elliot, “The Singing Cop".] A flag was also designed and used for many years.

The Seal

The circular seal says: “Town of Hampton, N.H." around the inside top, and around the inside bottom of the circle: “Settled 1638, Incorporated 1639."

In the center of the circle is a shield with three rosettes. This shield with rosettes was taken from the seal of South Hampton, England and represents, for our Hampton, the fact that the early forebears came from South Hampton, England. Resting on top of the shield is the Hampton Academy. The Hampton Academy School is in the seal to commemorate the fact that Hampton established a free school system only two years after the first public school was established in America. On March 21, 1649, John Legat was hired to teach “both male and femaile . . . to read and write and cast accountes." Education played a large part in the life of Hampton's early settlers.

To the left center is a representation of Great Boar's Head, which is shown on many early maps of the coast. Opposite, on the other side of the shield, is shown the marsh and the haycocks with their supportive frames which were called staddles. The farming of hay on the marsh is Hampton's oldest industry. The Hampton River winds through the marsh. Below the shield, across the lower part of the seal is the word “Winnacunnet" on a scroll. The name Winnacunnet

means “[Beautiful] Place of the Pines" and was the Indian name for the area encompassed by Hampton. The original name for Hampton was Winnacunnet Plantations and this will be the name of the planned restoration project being undertaken by the Hampton Historical Society, this year.

The Flag

At the suggestion of the Selectmen, the Tercentenary Committee ordered a flag from the Annin Flag Co. of New York City. A sketch of the flag, a description and color requirements were sent to the company. The seal designed by Hazel Leavitt Smith was to be used, the flag was to have an antique white background with a gold border and the design in royal blue and gold. When the flag was received it was soon discovered nobody in New York City had ever seen a marsh with staddles and haycocks! The haycocks had become maple trees, the marsh had become a meadow and the Hampton River had become a winding country lane! Other than that, the design was in keeping with the Seal.

After the 300 year celebration, the flag was turned over to the American Legion to carry in parades and make available for Town functions and celebrations. The American Legion Post No. 35, Hampton, carried the flag in every Town parade from that time until 1961.

In the year 1959, while the “maple tree" flag was still in use, a committee was appointed by the American Legion Post to meet with the Selectmen to get permission for the Legion to obtain a new flag at their own expense to replace the original but unofficial flag, since the feeling prevailed that the “maple tree" flag was too small and was not, after all, in keeping with the true idea of the design.

Roland W. Paige, Donald W. Harmon and Everett W. Mann were the committee and they contacted the Flag Shop in Amesbury, Mass., and the Flag Shop agreed to the task. By summer 1960, the Dettra Flag Company of Oaks, Penn., had completed the job and the flag was delivered to the American Legion. The flag cost $425. In July the flag was presented to a meeting of the Post.

The “staddle-haycock" flag was displayed at the Historical Meeting House museum in summer 1961 and was carried in Town parades for the first time that summer.

At the annual meeting of the “Meeting House Green Memorial and Historical Association" in November, 1964, Roland Paige presented a motion that the Society go on record as supporting and co-sponsoring with the American Legion Post No. 35 an Article for the Town Warrant (1965) to “. . . adopt the newly designed flag." The Society adopted the motion unanimously. Mr. John Perkins, the town's Counsel, was approached for advice on wording the Article. Mr. Paige presented the article to the town in the 1965 Warrant.

“ARTICLE 16 — on petition . . . to see if the Town will vote to adopt as the official flag of the Town the flag in possession of the American Legion." A description of the flag and its colors was included to establish that it was the “staddle-haycock" flag, and not the “maple tree flag," which was to be the official flag of Hampton.

Robert H. Danelson, Jr., Chairman of Selectmen, made a motion for adoption, seconded by Mrs. Constance Kelly and a general discussion ensued in which it was proposed by Roland W. Paige that a record of the flag and seal be kept in the Town Office. *This was seconded by Mrs. Beatrice Perkins. The Article and its amendment was favorably passed by the voters of Hampton.

The flag remains the property of the Hampton American Legion, Post No. 35. It is the desire of the Post and its members to display the flag at appropriate Town, Civic and public events.

The flag is of light blue to represent the sea from which the settlers came. The center of the flag is the Town Seal adopted in 1938/1965. The outer circle is of gold followed by a circle of black with the lettering of town and incorporation against a deep gold; another circle of black inside. The shield on the seal has an upper half of gold with two red rosettes, the lower half of the shield is silver with one red rosette. The pines next to the white Hampton Academy are in green. Boar's Head is green and brown with white sands and blue ocean. Hampton is blue, the marsh is brown, and the haycocks with their staddles a deeper brown.

Two photographs in color of the two flags spoken of here are also in the book containing the record of the Seal and the Flag, at the Town Office in Hampton.

Town of Hampton Historical Facts

The Hampton Town Seal

The present Town Seal first appeared on the Town Report for the (fiscal) year ending January 31, 1938. According to the “Official Pictorial Magazine" of the Town's Tercentenary (1938), the Selectmen were authorized to adopt the official seal. Chosen was one designed by Mrs. Hazle Leavitt Smith of Wollaston, Massachusetts, daughter of Mr. &. Mrs. Irvin E. Leavitt of Hampton. Mrs. Smith, who also created the Historical Map for Hampton's 300th Anniversary celebration, was graduated from Hampton Academy and High School with the Class of 1913. Alzena Elliot, sister of the late Mrs. Smith, resides on Dearborn Avenue.

Within the circular seal are numerous heraldic devices similar to those used in the England of feudal times and developed in more elaboration during the Middle Ages. Mrs. Smith drew into her creation a coat-of-arms used to identify families and towns, and eventually institutions. The most important part of the arms, depicted on the shield, is nearly identical to that of the City of Southampton, England. Many of Hampton's first European settlers were originally from the Southampton area. That city is a large commercial seaport on the south coast (English Channel) near the Royal Navy base at Portsmouth. Southampton is the county seat of Hampshire (or “Hants"). Southampton's incorporation as a town dates back to the late 12th Century. Southampton's arms are also divided in halves horizontally with three Tudor roses, two over one. In England, still, “borrowing" the official, Royal Government registered arms of a family, school, or municipality is against the law.

Mrs. Smith opted not to place opposing “supporters" attached to each side of the shield. Instead, she put scenes of Hampton in a background display as if the shield and its helm/crest were superimposed over prominent scenes of the 19th Century. At the viewer's left is Great Boar's Head with a large building, probably the first hotel built (1819) on Boar's Head. “The Winnisimmet" or “Winnicumet," according to Randall's “Hampton, A Century of Town and Beach" (1989). The smaller building beside it could be the first house there, built in 1806 by Daniel Lamprey. According to Randall's, the home was operated as a small inn by 1812. The scene on the right is a meandering Hampton River through the marsh with haystacks mounded on wooden staddles awaiting transport by local farmers. Saltmarsh hay sustained the relatively large number of cattle here for nearly 300 years. For instance, the 1840 Federal Census recorded 807 head of cattle and 1,320 people.

Mrs. Smith did place one scene, the 1852 Hampton Academy building, as both the crest and the helm resting on top of the shield itself. The private Hampton Academy “Proprietary School in Hampton" was incorporated by the General Court with the concurrence of Gov. John Langdon (of Revolutionary War fame) on June 16, 1810. The first building, on Meeting House Green (later called Academy Green), accepted students in the middle and high school grades. Several famous men of the 19th Century prepared for college there. After an 1851 fire, the 1852 building was raised on Academy Green. In January 1883 eighty pair of oxen and ten pair of team horses pulled, via cables, the two-and-a-half story building on tree skids through the snow across Ring Swamp to a location (later Academy Avenue) near the Town Hall. It opened as “Hampton Academy and High School" in 1885, graduating its first “High School" class in 1887. Under a Special Act of the Legislature in 1872, the Town of Hampton was permitted to raise tuition for the private school by way of property taxes. In 1939-1940, the Hampton School District constructed a red-brick high school next to the old wooden Academy building. The private school was no more and the building was razed in 1940. Its old bell, cast in 1852 by Henry N. Hooper & Co., Boston, is emplaced in front of the new building, now the Hampton Academy Junior High School. The large wooden ball that topped the steeple, along with a banner, photo, and records, can be found at Tuck Museum next to the original Academy lot, which has a bronze tablet (on a stone) which was installed for the Academy's Centennial in 1910.

In placing the Academy building in such a prominent position on the seal, Mrs. Smith was reflecting the importance (and rarity) of having an institution of secondary education located in town. In the seal, the Academy with its belfry and steeple is in the position of the helm, representing an English knight's armorial helmet, surmounted by the crest, representing the knight's traditional insignia of identification. Mrs. Smith considered the long-existing Academy building as the edifice that identified Hampton. By its placement as the crest, or crown, in the highest prominence of the heraldic device with the steeple even invading “Hampton" in the outer inscription, she was also symbolizing the Importance of education in our Town's history. Indeed, the Town had established the first school funded by taxation in what is now the State of New Hampshire. At a Town Meeting in April 1649, it was voted to hire John Legat to teach “both mayles and femailes (which are capable of learning) to write and read and cast accounts." The school opened in late May.

The trees accompanying the Academy are evergreens, apparently spruces, which are of the conifer species. If the Town had an official tree, it most likely would be a conifer, nearly all of which are evergreens. We are told that the Indian name for our area was “Winnacunnet," interpreted to mean “Beautiful Place of the Pines" or “Pleasant Place in the Pines." Those Native Americans probably included all evergreens with cones as a general classification. Below the shield, in the place for the motto (which, like Southampton, the Town does not have), is the early name of this area “Winnacunnet." This spelling has been standardized since 1938 and further cemented with the naming of the new high-school district, Winnacunnet Cooperative School District, in 1958. Dow's “History of Hampton, New Hampshire" (1893) also preferred that spelling. In the earliest Town Records of 1639, the first clerk wrote it as “Winnicummet," probably reflecting what he thought to be the English phonetic equivalent of the Indian spoken language. “Winnacunnet Plantation" was the original name of the first permanent European settlement here in the fall of 1638. The next spring, the General Court of Massachusetts Bay Colony in Boston upgraded the settlement to town status: Town of Winnacunnet. June 7, 1639, is therefore considered the incorporation date as a self-governing

town. By fall, the leader of the religious settlement, Rev. Stephen Bachiler, requested the name change to “Hampton," a reflection of his roots in England. The First Congregational Church of Hampton is Rev. Bachiler's church, the oldest continuous religious society in the State, and one of the oldest in the country.

The black-on-white Town Seal was colorized the first year for the cover of the 1938 Tercentenary Magazine. A watercolor by George K. Ross shows a blond Puritan shaking hands with a Native American on the tidal marsh with the new seal between them. Orange and purple are the predominant colors of the seal and its rim, with a blue sky and three red roses. The bottom of the shield is purple, as is an outer circular rim. The top of the shield has a white background. The river and Boar's Head are orange. In the Southampton seal, the bottom of the shield is wine red with a white rose; the two roses on top are red on a white or silver background. They are Tudor Roses. Tudor monarchs reigned England for 118 years until the death of Elizabeth I and the establishment of Great Britain under James I of the House of Stuart in 1603. The House of Tudor was formed out of the House of Lancaster (whose family badge was a red rose) and the House of York (white rose) as the aftermath of the War of the Roses for the throne in the 1400s. This writer speculates the symbolism to be: the red roses (Lancaster) won over the white rose (York). The Lancastrians won with the help of Henry Tudor, who ascended the throne as Henry VII after the York King Richard III was slain in battle. Henry then married the slain king's niece and the houses were joined. In Mrs. Smith's seal the roses are white (not dark) - but of a Tudor rosette design.

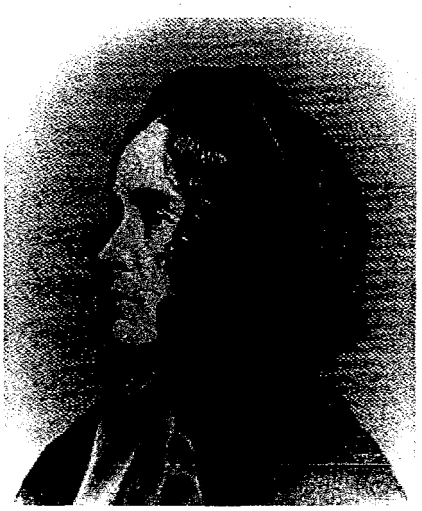
In 1975, the Town's American Revolution Bicentennial Committee commissioned artist Steven Read of North Hampton to sculpt a relief of the Town Seal as its gift to the Town for the Town Office Building, which was enlarged that year. Nearly two feet in diameter, it was presented during the ceremonies on the Fourth of July in 1976, and hangs near the Town Clerk's office. The colors are more natural than those used in the 1938 watercolor. Some orange (or orange-gold) is retained but the purple is not.

The colors of the Town Seal were defined via a vote of the 1977 Annual Town Meeting that adopted the newly manufactured Town Flag with seal as the official Town Flag. The flag, with colored seal on a blue field, was custom-made under an appropriation of Federal Revenue Sharing Funds by the March 1975 Town Meeting. The Board of Selectmen, at the request of Selectman Ashton J. Norton, had sought the appropriation to acquire a Town and U.S. ceremonial flag set for the Bicentennial. The colors of the seal are normal: a blue river (not orange) and ocean (not light green); a silver (not orange) background area behind the shield's lower half; a lot of gold and yellow. Silver and gold are the two heraldic “metals." All three roses are red. Some of the drawn details differ from Mrs. Smith's seal. The three haystacks are all on the same bank of Hampton River; there is just one building (small) on Boar's Head and it's farther up the point; the spruce trees look like a deciduous leaf-bearing tree (that would not be “forever green").

The Town Flag with the Town Seal is displayed in the Selectmen's Meeting Room at the Town Offices. (The preceding explanation and analysis is by Selectman Art Moody)

Jane Means Appleton Pierce

Born in Hampton, New Hampshire on March 12, 1806 - Died in Andover, Massachusetts December 2, 1863. Wife of U.S. President Franklin Pierce, she was the 14th First Lady of the United States from 1853 to 1857.



Jane Means Appleton Pierce was buried at Old North Cemetery in Concord, New Hampshire; her husband was interred beside her in 1869.

General Information

EUNICE (GOODY) COLE

Annual Town Meeting March 8, 1938
Warrant Article 8

To see if the Town will vote to adopt the following resolution:

Resolved: that we, the citizens of the town of Hampton in town meeting assembled do hereby declare that we believe that Eunice (Goody) Cole was unjustly accused of witchcraft and of familiarity with the devil in the seventeenth century, and we do hereby restore to the said Eunice (Goody) Cole her rightful place as a citizen of the town of Hampton.

Be it further resolved: that at such time as the Selectmen shall elect during the Tercentenary of the town of Hampton, appropriate and fitting ceremonies shall be to carry out the purposes of this resolution by publicly burning certified copies of all official documents relating to the false accusations against Eunice (Goody) Cole, and that the burned documents together with soil from the reported last resting place and from the site of the home of Eunice (Goody) Cole be gathered in an urn and reverently placed in the ground at such place in the Town of Hampton as the Selectmen shall designate. Article 16 of the warrant of the Annual Town Meeting of March 8, 1938 was moved, seconded, and voted in the affirmative.

HISTORICAL TOWN BOUNDARY MARKERS

BOUND ROCK (Marker Number: 120) Hampton 1978

This rock, originally in the middle of the Hampton River, indicated the start of the boundary line surveyed by Capt. Nicholas Shapley and marked by him “AD 1657-HB and SH" to determine the line between Hampton and Salisbury, Massachusetts, HB meaning Hampton Bound and SH, Shapley's mark. Lost for many decades due to the shifting of the river's mouth, the original course of the river and the Bound Rock were rediscovered in 1937. This historically important boulder, still serving as a boundary marker between Hampton and Seabrook, was enclosed by the State of New Hampshire that same year.

To get to the Bound Rock, take NH 1-A south, toward Seabrook. Take the first left past the bridge over the Hampton Harbor Inlet, which is Eisenhower Street, turn right onto Portsmouth Street, then left onto Woodsrock Street.

This marker was erected in cooperation with the Town of Hampton.

FIRST PUBLIC SCHOOL (Marker Number: 28) Hampton 1965

In New Hampshire, supported by taxation, the first public school opened in Hampton on May 31, 1649. It was presided over by John Legat for the education of both sexes. The sole qualification for admission of the pupils was that they be “capable of learning."

Located on the front lawn of the Centre School, at the intersection of Towle Avenue and Winnacunnet Road (NH 101-E).

OLD LANDING ROAD (Marker Number: 119) Hampton 1977

This was the first roadway from the ancient landing on Hampton River taken on October 14, 1638, by Rev. Stephen Bachiler and his small band of followers, when they made the first settlement of Hampton, originally named Winnacunnet Plantation. For the next 160 years, this area was the center of the Town's activity. During that period and into the Town's third century, Landing Road provided access for fishing, salt marsh haying, mercantile importing and exporting, and transportation needs of a prospering community.

Located east of US 1, at the corner of Park Avenue and Landing Road, near Winnacunnet High School.

Warrant for Special Town Meeting.
State of New Hampshire.

To the inhabitants of the Town of Hampton, in the County of Rockingham, in said State, qualified to vote in town affairs:

You are hereby notified to meet at the Town Hall in said Town of Hampton on Tuesday, the TWENTY-FIFTH day of July next, at TEN O'Clock in the forenoon to act upon the following subject:

ART. I. Upon a petition of the undersigned legal voters of the Town of Hampton Annette M. Batchelder, Margaret C. Wingate, Viola H. Farrant, I.C. Miner, James H. Hutchings, Emily C. Hutchings, David F. Colt, Fred L. Blake, Arthur Sherburne, Lester Blake, Wm. M. Blake, N.P. Tobey, Howard G. Lane, Sarah M. Lane, Edward S. Seavey, Fred R. Bagchelder, Mrs. I. C. Miner, Elmer C. King Jr., Lillian M. King, Albert Z. Lamie, Marvin Young, Elizebeth Janvrin, Roland Dionne, Caroline Philbrook, Madeline Lamie, Thomas Cogger, Mrs. Thomas Cogger, John A. Janvrin, Alfred Rosser, Grace M. Rosser, John P. Wingate, Fred Lorenz, George Ashworth, Kenneth N. Ross,

To see if the Town will vote to approve and authorize the release and conveyance to the State of New Hampshire of all the right, title and interest of the Town of Hampton in and to the land in said Hampton included within the lay-out of the State Highway and situated between the main travelled portion of said highway and the Atlantic Ocean and extending from the Coast Guard Station to Great Boar's Head and from Great Boar's Head to Haverhill Avenue, so-called, the precise limits or boundaries of said tracts of land to be fixed and determined by the Governor and Council, said land to be held by the State of New Hampshire for public highway, park and recreational purposes forever, as provided by section 3 of Chapter 159 of the Laws of 1933, entitled, “An Act Providing for the aquisition of the Hampton Harbor Toll Bridge and for emergency Construction for Coastal and Highway Protection," and further to authorize the release and conveyance to the State of New Hampshire, so far as the Town of Hampton has any right, title or interest therein, of such additional land, rights or easements as may be necessary for the construction and maintainance of the jetty or jetties, sea walls and other structures provided for by said Chapter 159 of said Laws of 1933.

ART. 2. To authorize, empower and direct the selectmen for and in behalf of the town of Hampton to execute and deliver to the State of New Hampshire such deeds and releases of real estate as may be required of the Town of Hampton under section 3, Chapter 159, Laws of 1933, entitled “An Act Providing for the Aquisition of the Hampton Harbor Toll Bridge and for Emergency Construction for Coastal and Highway Protection," as a condition to the construction of the jetty or jetties, sea walls or other structures authorized by Chapter 159.

Given under our hands and seals this TENTH day of July, 1933.

Harry D. Munsey Selectmen
Edwin L. Batchelor of
Elroy G. Shaw Hampton N.H.

A true copy of Warrant Attest:

Harry D. Munsey Selectmen
Edwin L. Batchelor of
Elroy G. Shaw Hampton N.H.

Hampton, N.H. July 25, 1933.

Record of Special Town Meeting.

Meeting was called to order at 10 A.M. Warrant was read by Moderator Dean B. Merrill, meeting was then opened for discussion.

Motion by Mrs. Wingate. I wish to offer the following resolution and more its adoption by a hand note.

Whereas under the provisions of Chapter 159 of the laws of 1903, entitled “an act Providing for the acquisition of the Hampton Harbor Toll Bridge and for Emergency Construction for Coastal and Highway Protection," the Governor, with the advice of the Council, is authorized and empowered to construct a jetty or jetties, sea walls or other structures to stabilize the mouth of the Hampton River and to protect the state highway and the Hampton beaches, and

Whereas Section 3 of said Chapter provides that it shall be a condition to the construction of such jetty, jetties, sea walls or other structures that the Town of Hampton release and convey to the State of New Hampshire all its right, title and interest in and to certain land designated by said section, and

Whereas said section also provides that it shall be a further condition to the construction of such jetty, jetties, sea walls or other structures that the Town of Hampton shall release and convey to the said State, so far as the Town may have any rights, interest or title thereto, such additional land, rights or easements, as may be necessary for the construction and maintenance of said jetty, jetties, sea walls or other structures, and

Whereas said section further provides that the land so conveyed shall not be subject to the provisions of chapter 105, Laws 1931 and shall be held by the state for public highway, park and recreational purposes forever, and that no concession shall be granted thereon, provided however, that the Town of Hampton, so long as the Governor and Council shall approve, may maintain the band stand, comfort, station, Chamber of Commerce Building or similar structures and the parking places and playgrounds now thereon, and

Whereas it is deemed advisable and for the best interests of the Town of Hampton that said Chapter be carried out in accordance with its provisions and that said conditions to the constructions of the said jetty, jetties, sea walls or other structures authorized by said Chapter be fulfilled.

Now Therefore, be it Resolved, that the Town of Hampton release and convey to the State of New Hampshire all its right, title and interest in and to the land in said Hampton including within the layout of the State Highway and situated between the main travelled portion of said Highway and the Atlantic Ocean and extending from the Coast Guard Station to Great Boar's Head and from Great Boar's Head to Haverhill Avenue, so called, the precise limits or boundaries of said tracts of land to be fixed and determined by the Governor and Council, said land to be held by the State of New Hampshire for public highway, park and recreational purposes forever in accordance with the provisions of Section 3, Chapter 109, of the Laws of

1933, entitled “an Act Providing for the acquisition of the Hampton Harbor Toll Bridge and for Emergency Construction for Coastal and Highway Protection," and

Be It Further Resolved, that the Town of Hampton release and convey to the State of New Hampshire, so far as the Town may have any right, title or interest thereto, such additional land, rights or easements as may be necessary for the construction and maintenance of said jetty, jetties, sea walls or other structures, and

Be it Further Resolved that the Selectmen of the Town of Hampton, be and they hereby are authorized, empowered, and directed for and in behalf of the Town of Hampton; to execute and deliver to the said State of New Hampshire such deeds and releases and conveyances of real estate as may be necessary to carry out the foregoing resolutions and to comply with the conditions to the construction of a jetty, jetties sea walls or other structures as authorized by the provisions of Chapter 159 of the Laws of 1933, and

Be It Further Resolved that the Selectmen for and in belief of the Town of Hampton, execute and deliver said deeds, releases and conveyances to the State of New Hampshire, upon request of the Governor and Council for the purpose of carrying out the provisions of said Chapter 159 of the Laws of 1933.

The motion to adopt this resolution was duly seconded.

Motion: made to vote by hand vote after being duly seconded was: Yes 235, No 4.

Motion to adjourn was: Voted.

A True Record. Attest.

William Brown
Town Clerk

LAWS

OF THE

STATE OF NEW HAMPSHIRE

PASSED JANUARY SESSION, 1931

LEGISLATURE CONVENED JANUARY 7, ADJOURNED MAY 7

CONCORD, N. H.
1931

CHAPTER 105.

AN ACT AUTHORIZING THE DISPOSAL OF STATE LANDS UNDER CERTAIN CONDITIONS.

SECTION
1. Department lands.

SECTION
2. Repeal; takes effect.

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

1. **Department Lands.** Amend chapter 19 of the Public Laws by adding after section 28 a new section, which shall be numbered 28-a**,** and shall read as follows: **28-a. _____, Disposal of.** Upon recommendation of the head of any state department having jurisdiction over the same the governor and council may sell, convey, transfer or lease any real property owned by the state. The funds accruing from such disposal shall revert to the credit of such department. This section shall not apply to sale of institutional lands as provided by section 5, chapter 9 of the Public Laws, as amended by section 1, chapter 40 of the Laws of 1927, and section 1, chapter 5 of the Laws of 1931, nor to real estate given or bequeathed to the state under provisions of trust.

2. **Repeal; Takes Effect.** All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect upon its passage.

[Approved April 14, 1931.]

LAWS

OF THE

STATE OF NEW HAMPSHIRE

PASSED JANUARY SESSION, 1933

LEGISLATURE CONVENED JANUARY 4
ADJOURNED JUNE 16

CONCORD, N. H.
1933

CHAPTER 159.

AN ACT PROVIDING FOR THE ACQUISITION OF THE HAMPTON HARBOR TOLL BRIDGE AND FOR EMERGENCY CONSTRUCTION FOR COASTAL AND HIGHWAY PROTECTION.

SECTION
1. Acquisition of bridge authorized.
2. Appropriations.
3. Acquisition of land.
4. Bonds authorized.
5. Short term notes.
6. Tolls.
7. Eminent domain.
8. Operation and maintenance of toll bridge.
9. Federal appropriation.
10. Repeal.
11. Takes effect.

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

1. Governor and Council Empowered. The governor, with the advice of the council, is hereby authorized and empowered:

I. To acquire for the state a certain toll bridge with approaches and appurtenances, known as the Hampton Harbor Toll Bridge, located upon the state highway extending through the towns of Hampton and Seabrook and spanning the Hampton river, said bridge with approaches and appurtenances to be acquired by purchase if, in the judgment of the governor and council, the same can be purchased at the fair value thereof, but if said bridge, approaches and appurtenances cannot be acquired by purchase the governor and council may, in behalf of the state, acquire said bridge, approaches and appurtenances, by eminent domain as herein provided.

II. To construct such jetty, jetties, sea walls or other structures as may be necessary or desirable for the stabilization of the mouth of the Hampton river, the prevention of erosion of the adjacent beaches, and the protection of said bridge, approaches and appurtenances.

III. To construct such sea wall or walls or other structures as may be necessary or desirable to protect the state highway and the beach situated in said Hampton between the North Hampton line and Great Boar's Head.

IV. To construct such sea wall or walls or other structures as may be necessary or desirable to protect the beach and state highway situated in said Hampton between Great Boar's Head and Haverhill street, so called.

The construction of the jetties, sea walls or other structures shall be undertaken according to the urgency of the need therefor. The work of construction shall be under the supervision and direction of the highway commissioner. The governor and council are hereby authorized and empowered to employ assistants and agents to enter into all necessary contracts on behalf of the state and to do any and all things necessary or expedient to carry out the provisions of this chapter.

2. Appropriations. A sum not exceeding four hundred and fifty thousand dollars, to be raised as herein provided, together with the sum of sixty thousand dollars, appropriated by chapter 242, Laws of 1931 for a breakwater at Hampton Beach not having been expended, for all of the foregoing purposes except the construction and improvements between North Hampton line and Great Boar's Head, is hereby appropriated. The cost of construction and improvements between North Hampton line and Great Boar's Head is to be a charge upon the highway fund.

3. Acquisition of Land. To preserve and maintain for the use and enjoyment of the public the Hampton beaches described in this section, it shall be a condition to the construction of the jetty or jetties, sea walls or other structures authorized in section 1 for the protection of the Hampton beaches that the town of Hampton release and convey to the state of New Hampshire, all its right, title and interest in and to the land in said Hampton included within the layout of the state highway and situated between the main traveled portion of said highway and the Atlantic Ocean and extending from the Coast Guard Station to Great Boar's Head and from Great Boar's Head to Haverhill avenue, so called, the precise limits or boundaries of said tracts of land to be fixed and determined by the governor and council and the land so conveyed shall not be subject to the provisions of chapter 105, Laws of 1931, and shall be held by the state for public highway, park and recreational purposes forever and no concession shall be granted thereon, provided, however, that the town of Hampton, so long as the governor and council shall approve, may maintain the band stand, comfort station, chamber of commerce building or similar structures and the parking places and play grounds now thereon; and provided further that the town of Hampton shall maintain public order and sanitation. The town of Hampton may also construct and maintain, subject to the approval of the governor and council such sidewalks between the main traveled portion of said highway and the ocean as may be necessary for the accommodation of the public. And it shall be a further condition to the construction of said jetty, or jetties, sea walls, or other structures authorized in section 1 that the town of Hampton shall release and convey to the state, so far as the town may have any right, interest, or title thereto, such additional land, rights, or easements as may be necessary for the construction and maintenance of said jetty, or jetties, sea walls, or other structures. The governor and council are hereby authorized and empowered to acquire by purchase or by eminent domain such other lands, rights, and easements as may be necessary to the construction and maintenance of the jetty, or jetties, sea walls, or other structures herein authorized.

4. Bonds Authorized. The state treasurer, under the direction of the governor and council, is hereby authorized to borrow four hundred and fifty thousand dollars and to issue therefor bonds in the name and on behalf of the state of New Hampshire, bearing such rate of interest and maturing as may be determined by the governor and council, for the purpose of carrying out the provisions of this chapter. Such bonds shall contain an express guarantee, which shall be deemed a contract on the part of the state, that tolls will be collected, in accordance with the provisions of this act, until the date of maturity of said bonds or until sufficient money shall have accumulated to pay said bonds and the interest thereon at the dates of maturity, shall be in such form and such denominations as the governor and council shall determine, may be registerable as to both principal and interest, shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the state. The secretary of state shall keep an account of all such bonds countersigned by the governor, showing the number and amount of each bond, the time of countersigning, the date of delivery to the treasurer and the date of maturity. The state treasurer shall keep an account of each bond showing the number thereof, the name of the person to whom sold, the amount received for the same, the date of the sale and the date of maturity. The treasurer may negotiate and sell such bonds by direction of the governor and council in such manner as they may determine most advantageous to the state. The proceeds of the sale of such bonds shall be held by the treasurer and paid out by him upon warrants drawn by the governor for the purposes of this chapter alone and the governor, with the advice and consent of the council, shall draw his warrants for the payment from the funds provided for by this chapter of all sums expended or due for the purposes herein authorized.

5. Short Term Notes. Prior to the issuance of the bonds above described the treasurer, upon the direction of the governor and council, may for the purposes of this act borrow money

from time to time on short term loans to be refunded by the issuance of the bonds above described.

6. Tolls. There shall be collected for the use of said Hampton Harbor Toll Bridge and the approaches thereto after the same are acquired by the state, such charges or tolls as the governor and council shall deem reasonable from the travelers thereon. The tolls collected shall be deposited with the state treasurer who shall keep the same in a separate account designated by the name of the bridge and the operating expenses and maintenance of said bridge shall be paid from these funds. The balance remaining after the payment of the operating expenses and the maintenance shall be applied by the governor, with the approval of the council, to the payment of the interest and principal of the bonds issued hereunder. In the event of such balance proving insufficient to pay any accruing installment of such interest, or the principal of said bonds at their maturity, the governor, with the approval of the council, shall draw his warrant for payment of the deficiency out of any funds in the treasury not otherwise appropriated. Toll collections shall continue until cessation of the same is ordered by the governor and council.

7. Eminent Domain. If the governor and council shall be unable to agree with the owners upon the price to be paid for said bridge or such lands, rights or easements as may be deemed necessary for the carrying out of the provisions of this act, excepting lands, rights or easements to be acquired from the town of Hampton, the governor and council are hereby authorized and empowered to take and appropriate the same for the use of the state and shall file in the superior court a petition, in behalf of the state for the assessment of damages occasioned by such taking. Such notice of the petition shall be given to interested parties as may be ordered by the superior court and the procedure shall be such as justice may require. Either party shall be entitled to have the damages assessed by jury, and upon the payment or satisfaction of the judgment the title shall vest in the state.

8. Operation and Maintenance. The Hampton Harbor Toll Bridge, including the approaches thereto and appurtenances, when acquired under the provisions of this chapter shall be operated and maintained out of the toll receipts as provided in section 6, until toll collections shall cease and thereafter the expense of maintenance and operation shall be a charge upon the highway funds.

9. Federal Appropriation. The governor and council, with such co-operation as the New Hampshire members of congress and the New Hampshire Shore and Beach Preservation and Development Commission and other interested parties may give, shall, in conformity with the announced plan of the president of the United States, to institute a program of public works to relieve unemployment, apply for federal aid to assist in building the jetty, jetties, sea walls or other protective structures authorized in this chapter, and specifically to secure the completion of the Hampton river stabilization project as outlined in the studies and investigations of beach erosion at Hampton Beach made by the Beach Erosion Board of the war department, in co-operation with the state of New Hampshire.

10. Repeal. Chapter 242 of the Laws of 1931 is hereby repealed.

11. Takes Effect. This act shall take effect upon its passage.

[Approved June 14, 1933.]

Quitclaim
Town of Hampton
to
State of N. Hamp.
W. G. Alexander

KNOW ALL MEN BY THESE PRESENTS

THAT, the Town of Hampton, a body corporate and politic, County of Rockingham, State of New Hampshire, in accordance with Chapter 159, Session Laws of 1933 and pursuant to a resolution passed in a duly authorized Town Meeting on the 25th day of July, 1933, for and in consideration of the sum of one dollar and other valuable consideration to it in hand before the delivery thereof, well and truly paid by the State of New Hampshire, have remised, released and forever quitclaimed, and by these presents, do remise, release and forever quitclaim unto the said State of New Hampshire it and its successors and assigns forever;

Certain beach and highway land lying in said Town of Hampton, County and State as aforesaid, and shown on a Plan recorded as Plat No. 39, Page 1 in the records of the Rockingham County Registry of Deeds, and recorded as Plan No. 3, 431 in the Records of the New Hampshire State Highway Department, described as follows;

Beginning at a concrete bound situated on the westerly side of the Ocean Road, so called, said bound being on a course N. 47° 08' 10" W. and distant 90.92 feet from the southwest corner of property of the United States, known as the Hampton Beach Coast Guard Station; thence S. 20° 43' 20" W. a distance of 778.02 feet across High Street, so called, and by property of the Town of Hampton to a concrete bound; thence S. 15° 56' 40" W. a distance of 1,784.50 feet by property of the Town of Hampton to a concrete bound; thence S. 13° 56' 20" W., a distance of 802.29 feet by property of the Town of Hampton to a concrete bound; thence S. 12° 13' 50" W. a distance of 723.81 feet by property of the Town of Hampton to a concrete bound; thence S. 8° 07' 40" W. a distance of 1,364.47 feet by property of the Town of Hampton to a concrete bound; thence S. 12° 20' 10" W., a distance of 523.91 feet by property of the Town of Hampton, through the Winnicummet Road, so called, and by property now or formerly of Marvin Ranlett, A. A. Lamoreaux, and others to a concrete bound; thence S. 0° 44' 00" E. a distance of 381.14 feet by property now or formerly of A. A. Lamoreaux, Jennie R. French, Celia F. Shields, Harry Welch, E. Cloeh, J. Bowen, Celia F. Shields, Hannah Lehan and others to a concrete bound; thence S. 4° 56' 20" E. a distance of 439.97 feet by property now or formerly of Exeter Co-operative Bank, Mrs. Nellie L. Johnson, Mrs. Arthur Wheat, Mary Day, Estate of Lizzie N. Day and others to a concrete bound; thence S. 7° 46' 40" E. a distance of 460.44 feet by property now or formerly of Estate of Lizzie N. Day, S. D. Prince, Fannie Giddings, Mrs. Arthur Wheat, John F. Kelleher, George C. Healy, John P. Proctor and others to a concrete bound with steel bolt in center; thence S. 6° 21' 40" E. a distance of 345.15 feet by the property now or formerly of John P. Proctor, Minnie G. Andrews, William J. and Patrick O'Connell, Estate of Joseph F. Williams and others to a concrete bound; thence curving to the right with the arc of a circle having a radius of 685.0 feet, a distance of 316.02 feet by property now or formerly of Estate of Joseph F. Williams, George S. Ryan and others to a concrete bound; thence S. 20° 04' 20" W. a distance of 551.72 feet by property now or formerly of Richard F. Englehardt, Alice Marsden, Charles L. Gillis, Mary Travers, L. C. Ring, Estate of

Joseph Nudd, Eugene Nudd, and others to a concrete bound; thence S. 29° 25' 30" W. a distance of 217.19 feet by property now or formerly of Mabel Guyon and others to a concrete bound; thence curving to the right with the arc of a circle having a radius of 206.0 feet, a distance of 198.71 feet by property now or formerly of Mable Guyon and others to a concrete bound; thence S. 84° 41' 40" W., a distance of 526.11 feet by property now or formerly of Mabel Guyon, Carol J. and Lida Tilton, Basil M. Comeau, Estate of Edward G Towle, Nellie Thurston, Moses W. Brown, Catherine E. Wrinn, Alberta Smithson, Catherine E. Minehan, and others to a concrete bound; thence S. 74° 50' 20" W. a distance of 325.52 feet by property now or formerly of Catherine E. Minehan, Powow River National Bank, Hannah A. Savage, William Kennedy, Dr. A. D. Golding, Susannah Watson and others to a concrete bound; thence S. 70° 14' 10" W. a distance of 520.37 feet by property now or formerly of Susannah Watson, William Keefe, J. Everett Towle, Charles Boardman, J. J. Mahoney and Peter McGalliget, Estate of John H. Moran, Ella M. and Lillian S. Horne, John A. Janvrin, and others, across Janvrin Avenue, so-called; and by property now or formerly of Fred R. Pillsbury and others to a concrete bound; thence curwing to the left with the arc of a circle having a radius of 550.0 feet, a distance of 372.69 feet by property now or formerly of Fred R. Pillsbury, Ethel B. Woodbury, J. F. James, National Mechanics and Traders Bank, William H. Sleeper, Sarah H. Gookin, Frank Fellows and others, to a concrete bound; thence S. 31° 24' 40" W., a distance of 124.92 feet by property now or formerly of Frank Fellows, Estate of Ashton Lee and others to a concrete bound; thence S. 22° 47' 30" W., a distance of 216.18 feet by property now or formerly of Estate of Ashton Lee, William D. Fitzgerald and others, to a concrete bound; thence S. 20° 19' 30" W. a distance of 80.41 feet by property now or formerly of William D. Fitzgerald and others, across Glade Path, so called, and by property now or formerly of J. J. O'Donnell and others to a concrete bound; thence curving to the right with the arc of a circle having a radius of 1,145 feet, a distance of 206.0 feet by property now or formerly of J. J. O'Donnell, Estate of Irving Beach, John S. Mason and others to a concrete bound; thence S. 30° 38' 00". W. a distance of 284.12 feet by property now or formerly of Estate of Irving Beach, Patrick J. Dorgan, Heirs of Patrick Kearns, Frank H. P. Clement, Charles E. Austin, Blance A. Richardson, and others to a concrete bound; thence S. 31° 23' 50" W. a distance of 269.30 feet by property now or formerly of Charles E. Austin, Blance A. Richardson, Nora K. Jones, Bessie F. Jones and others, across Rose Avenue, so called, and by property now or formerly of Kenneth N. Ross, Mrs. C. W. Ross and others, to a concrete bound; thence S. 35° 49' 50" W. a distance of 231.41 feet by property now or formerly of Mrs. C. W. Ross, Raymond L. Goding, Edith L. Gilman and others, across Highland Avenue, so called, and by property now or formerly of James S. DeLancy and others, to a concrete bound; thence S. 34° 42" 50" W. a distance of 120.29 feet by property now or formerly of James S. DeLancy, George Ashworth and others to a concrete bound; thence S. 36° 25' 00" W. a distance of 64.62 feet by property now or formerly of George Ashworth and across a portion of Nudd Avenue, so called, to a concrete bound; thence S. 15° 14' 10" W., a distance of 95.35 feet across the remaining portion of Nudd Avenue and across Marsh Avenue, so called, and by property now or formerly of the Hampton Beach Improvement Company, to a concrete bound; thence S. 18° 48' 40" W., a distance of 403.29 feet by property now or formerly of the Hampton Beach Improvement Company and across A Street, so called, to a concrete bound; thence S. 15° 10' 40" W., a distance of 138.99 feet by property now or formerly of the Hampton Beach Improvement Company and across a portion of B Street, so called, to a concrete bound; thence S. 12° 48' 50" W., a distance of 439.37 feet across the remaining portion of B Street, so called, by property now or formerly of the Hampton Beach Improvement Company, across C. Street, so called, and by property now or formerly of the Hampton Beach Improvement Company to a concrete bound; thence S. 11° 29' 20" W., a

distance of 520.79 feet across D Street, so called, by property now or formerly of the Hampton Beach Improvement Company, and across F Street, so called, to a concrete bound; thence S. 10° 44' 50" W. a distance of 548.06 feet by property now or formerly of Hampton Beach Improvement Company, across G Street, so called, by property now or formerly of the Hampton Beach Improvement Company, across H Street, so called, and by property now or formerly of the Hampton Beach Improvement Company to a concrete bound; thence S. 5° 55' 50" W., a distance of 758.89 feet by property now or formerly of the Hampton Beach Improvement Company, across I Street, so called, by property of the Hampton Beach Improvement Company, across J Street, so called, by property now or formerly of the Hampton Beach Improvement Company, across K Street, so called, and by property now or formerly of the Hampton Beach Improvement Company to a concrete bound; thence S. 5° 09' 10" W., a distance of 333.10 feet by property now or formerly of the Hampton Beach Improvement Company, across L Street, so called, by property now or formerly of the Hampton Beach Improvement Company, and across a portion of M Street, so called, to a concrete bound; thence S. 6° 17' 40" W. a distance of 181.72 feet across the remaining portion of M Street, so called by property how or formerly of the Hampton Beach Improvement Company to a concrete bound; thence S. 9° 52' 30" W. a distance of 58.33 feet by property now or formerly of the Hampton Beach Improvement Company to a concrete bound; thence S. 34° 03' 40" W., a distance of 243.67 feet across N Street, so called, by property now or formerly of the Hampton Beach Improvement Company to a concrete bound; thence S. 35° 10' 00" W., a distance of 724.93 feet by property now or formerly of the Hampton Beach Improvement Company, across O Street, so called, by property now or formerly of the Hampton Beach Improvement Company, across P Street, so called, by property now or formerly of the Hampton Beach Improvement Company, across Q Street so called, and by property now or formerly of the Hampton Beach Improvement Company to a concrete bound; thence curving to the right with the arc of a circle having a radius of 790.0 feet, a distance of 291.35 feet by property now or formerly of the Hampton Beach Improvement Company and the Town of Hampton to a concrete bound; thence 3. 56° 17' 50" W., a distance of 184.73 feet by property now or formerly of the Town of Hampton, across Marsh Avenue, so called by property now or formerly of E. W. Bailey and others to a concrete bound; thence curving to the left with the arc of a circle having a radius of 390 feet, a distance of 810.57 feet by property now or formerly of E. W. Bailey, A. N. Geanon, Frank Locke, E. W. Bailey and others to a concrete bound; thence S. 10° 40' 15" W., a distance of 14.40 feet by property now or formerly of E. W. Bailey and others to a bound, said bound being a T rail set in concrete; thence S. 10° 40' 15" W. by property now or formerly of E. W. Bailey and others to the extreme low water line of the Hampton River; thence in an easterly and southeasterly direction along the said extreme low water line of the Hampton River and thence in a northerly direction with the extreme low water line of the Atlantic Ocean as it is now, or at any future time may run, to a point in a line bearing S. 47° 08' 10" E. from the first mentioned concrete bound; thence N. 47° 08' 10" W. by property now or formerly of the Town of Hampton and the property of the United States, known as the Hampton Beach Coast Guard Station, and across Ocean Road, so called, to the bound first mentioned.

Saving and reserving from the above all of that portion of the head land known as Great Boar's Head which lies easterly or southeasterly from the following described line:

Beginning at a concrete bound at the northeasterly corner of the parcel designated as Parcel B on the plan referred to above; and running thence S. 20° 04' 20" W. 557.12 feet to a concrete bound; thence S. 29° 25' 30" W. 222.59 feet to a concrete bound, said bound being at the southeasterly corner of the aforesaid Parcel B; thence continuing with the course last mentioned to the extreme low water line of the Atlantic Ocean; thence running easterly,

northerly and northwesterly with the extreme low water line of the Atlantic Ocean to a point in a line bearing N. 26° 59' 50" E. from a concrete bound; thence S. 26° 59' 50" W. to said conrete bound; thence N. 65° 00' 10" W. 165.16 feet to a concrete bound; thence S. 64° 07' 20" W. 136.77 feet to a concrete bound; thence S. 20° 04' 20" W. 43.84 feet to the concrete bound begun at.

Saving and reserving such other land, if any, lying within the limits of the tract shown as Parcel B on said plan, as may be held by certain individuals under private ownership.

Saving and reserving from the above all of the land shown as white Island on said plan; and being bounded northerly by Parcel C, westerly by Parcel D, southerly and southeasterly by Parcel E, and easterly by the Atlantic Ocean, according to the following description:

Beginning at a concrete bound at the northeasterly corner of the parcel designated as Parcel D on the plan referred to above, said concrete bound being on a line running N 84° 11' 20" E a distance of 85.71 feet from the southwest corner of the parcel designated as Parcel C on plan referred to aforesaid; thence running S 35° 10' 00" W 1,024.96 feet by land of the Town of Hampton to a concrete bound; thence curving to the right with the arc of a circle having a radius of 850 feet a distance of 271.69 feet by land of the Town of Hampton to a concrete bound; thence curving to the left with the arc of a circle having a radius of 480 feet a distance of 349.51 feet by land of the Town of Hampton to a concrete bound; thence S 11° 45' 40" W 72.14 feet by land of the Town of Hampton to a concrete bound in a line running N 81° 04' 40" W; thence running S 78° 14' 20" E 237.09 feet by land of the Town of Hampton to a concrete bound; thence running N 72° 18' 55" E 512.37 feet by land of the Town of Hampton to a concrete bound; thence running N 52° 52' 45" E to the extreme low water line of the Atlantic Ocean; thence in a northerly direction with the extreme low water line of the Atlantic Ocean as it now or at any future time may run to a point in a line bearing N 84° 48' 50" W; thence along said line bearing N 84° 48' 50" W by land of the Town of Hampton to the concrete bound first begun at. The courses mentioned above relate to the True Meridian: the distances being given in feet and decimals thereof. The extreme low water line hereinbefore mentioned in this instrument is intended to be a line which lies Easterly from the Westerly line of the Ocean Boulevard as described herein.

Saving and reserving such other land, if any, lying within the limits of the parcel shown as Parcel D on said plan, as may be held by certain individuals under private ownership.

"Meaning and intending hereby to convey

(1) All the right, title and interest of the Town of Hampton in and to land in said Hampton included within the layout of the state highway and situated between the main traveled portion of said highway and the Atlantic Ocean, and extending from the Coast Guard Station to Great Boar's Head and from Great Boar's Head to Haverhill Avenue, so called, as provided by vote of the Town of Hampton at a meeting duly called for the purpose, held on — 1933, and in accordance with and subject to the provisions of Chapter 159 of the Laws of 1933, as to maintenance by the state and the Town of Hampton and otherwise.

(2) All the right, title and interest in such land, rights or easements of the Town of Hampton in the Town of Hampton as may be necessary for the construction and maintenance of jetties, sea walls or other structures as authorized by vote of the Town of Hampton at a meeting duly called for the purpose, held — 1933, and in accordance with and subject to the provisions of Chapter 159 of the Laws of 1933.

It is hereby understood that this conveyance does not release the Town of Hampton from its obligation to convey other land, rights or easements than that hereinabove specifically described for jetties, sea walls or other structures if the necessities of the situation require, for an additional purchase price or upon eminent domain procedure as provided by Chapter 159 of

the Laws of 1933; but that the land specifically conveyed for that purpose is in accordance with plans prepared by engineers of the federal government and approved by the governor and council.

It is hereby made a condition to this instrument that the land described above shall not be subject to the provisions of Chapter 105, Laws of 1931, and shall be held by the state for public highway, park and recreational purposes forever, and that no concession shall be granted thereon, provided, however, that the Town of Hampton, so long as the Governor and Council shall approve, may maintain the band stand, comfort station, chamber of commerce building or similar structures, and the parking place and play grounds now thereon; and as this deed is given for the purpose of complying with the provisions of Chapter 159, Laws of 1933 this deed is given conditional to the construction within reasonable time of such jetties, sea walls or other structures as may be deemed necessary or desirable by the Governor and Council, otherwise this deed is void and of no effect.

TO HAVE AND TO HOLD the said promises, with all the privileges and appurtenances thereunto belonging, to it the said State of New Hampshire it and its successors and assigns forever; and the said Town of Hampton does hereby covenant with the said State of New Hampshire that the said Town of Hampton will warrant and defend the said premises to it the said State of New Hampshire it and its successors and assigns, against the lawful claims and demands of any person or persons claiming by, from or under the Town of Hampton.

IN WITNESS WHEREOF the said Town of Hampton has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by Harry D. Munsey, Edwin L. Batchelder, and Elroy G. Shaw, Selectmen of the Town of Hampton, duly authorized, this 26th day of October, in the year of our Lord, one thousand nine hundred and thirty-three.

PART II

ACCEPTANCE OF STATE STATUTES

Chapter AC

ACCEPTANCE OF STATE STATUTES

[This chapter sets forth in chronological order certain warrant articles and election questions which the Town requested be included in Part II of the Code. This information is provided for reference purposes only.]

Note: For acceptances related to tax exemptions, see Chapter 442, Taxation, in Part III of the Code.

Adopt Chapter 79 of the Public Statutes

Voted that the Town adopt the provisions of Chapter No. 79 of the Public Statutes, relating to sidewalks and sewers.

Adopt Municipal Budget Act

To see if the Town will vote to adopt the provisions of the Municipal Budget Act.

Motion to indefinitely postpone was passed. See Article 3 of the Annual Town Meeting of March 12, 1935, pages 5 and 17 of the Annual Town Report.

Licensing the Sale of Milk and Cream

To see if the Town will vote to adopt the provisions of Chapter 165 of the Public Laws of 1926 or any amendment thereto relating to the sale of milk and cream.

Motion to adopt Chapter 165 of the Public Laws. Adoption was approved. See Article 12 of the Annual Town Meeting of March 12, 1935, pages 7 and 23 of the Annual Town Report.

Beano

To vote upon the following article: "Shall the provisions of Chapter 171-A of the Revised Laws relative to playing games of beano be adopted in this town?"

Article 16 of the warrant for the Annual Town Meeting of March 14, 1950, was voted by ballot, Yes 358, No 355. See pages 7 and 24 of the Annual Town Report.

Beano

To vote upon the following article: "Shall the provisions of Chapter 171-A of the Revised Laws relative to playing games of beano be adopted in this town?"

Article 3 of the warrant for the Annual Town Meeting of March 13, 1951, was voted by ballot, Yes 417, No 389. See pages 5 and 26 of the Annual Town Report.

Town Caucus

On petition of John W. Perkins and ten other legal voters, to see if the Town will vote to adopt the Caucus Law, so called, relative to the conduct of Town Caucuses as provided in Sections 84 to 95, inclusive, of Chapter 33 of the Revised Laws of 1942 and any amendments thereto.

Article 14 of the warrant for the Annual Town Meeting of March 13, 1951, was moved, seconded and voted in the affirmative. See pages 7 and 23 of the Annual Town Report.

Adopt Municipal Budget Law

On petition of K.L. Shaughnessey, Jr., and nine other legal voters of the Town of Hampton, to see if the town will vote to adopt the provisions of the Municipal Budget Law.

Article 5 of the Annual Town Meeting of March 8, 1955, was voted on by ballot, Yes 703, No 235. See pages 6 and 41 of the Annual Town Report.

Power to Borrow Money in Anticipation of Taxes

To see if the town will vote to give the Selectmen and Town Treasurer power to borrow money in anticipation of taxes.

Article 4 of the Annual Town Meeting of March 11, 1958, was so voted. See page 188 of the Town Records of 1955-1960.

Indemnify Town Officials and Employees

To see if the Town will vote to adopt the provisions of RSA 31:105 whereby the town will indemnify and save harmless from loss or damage those officials indicated therein from personal financial loss and expense as therein set forth arising out of the actions and under the terms and conditions as provided therein and to authorize the purchase of a comprehensive general liability insurance policy as provided in RSA 31:107.

The article was moved and passed by a majority vote. See Article 14 of the March 9, 1974, Annual Town Meeting, page 41 of the Annual Town Report.

ACCEPTANCE OF STATE STATUTES

Absentee Balloting

To see if the Town will vote to adopt the provisions of New Hampshire Laws, R.S.A. 60:38, providing for the election of Town Officers by absentee ballot at Municipal Annual Meetings as follows:

"Shall the provisions for absentee ballot for the election of Hampton Town Officers be adopted by this Town Meeting?"

Article 20 of the Annual Town Meeting of March 5, 1974, was voted on by ballot: Yes 1,120, No 501. The Article was adopted. See page 35 of the Annual Town Report.

Town Clerk to Register New Voters

To see if the Town will vote to adopt the provisions of RSA 59:9a and RSA 59:9b whereby the Town Clerk shall have all the powers and duties of city clerks in the registration of new voters as provided in RSA 55:9a and RSA 55:9b. The enabling legislation being RSA 55:9c.

Ballot vote: Yes 1,205, No 314. See Article 22 of the March 5, 1974, Annual Town Election, page 35 of the Annual Town Report.

Recognize Unions

On petition of Louisa K. Woodman and fifty-four other legal voters of the Town of Hampton, to see if the Town will vote to adopt the provisions of RSA 31:3 allowing all present and future Town Boards and Commissions to recognize unions of their employees and to enter into collective bargaining contracts with such unions. Adoption of this statute is in no way to be construed a recognition of the right of public employees to strike.

Article 24 of the warrant for the Annual Town Meeting of March 5, 1974, was voted by ballot, Yes 843, No 778. See page 36 of the Annual Town Report.

Building Code Board of Appeals

To see if the Town will designate the Zoning Board of Adjustment as the board of appeal for variances involving regulations for the construction, remodeling and maintenance of buildings (that is, building codes and ordinances adopted by Town Meeting). The designation of the Zoning Board of Adjustment as the appeal board is authorized by Revised Statutes Annotated Chapter 156, Section 40b; without such designation, the Board of Selectmen is the variance board for building regulation and there is no requirement of a public hearing and notification of abutters for each variance request, as required by the Zoning Board of Adjustment statutes.

Article 23 of the Annual Town Meeting of March 13, 1979, was voted, seconded and passed. See pages 44 and 45 of the Annual Town Report.

Rescind Municipal Budget Law Adoption

To see if the Town will vote to rescind the provisions of the Municipal Budget Law.

The article was moved by Peter Lombardi, seconded by John Bellerose. A secret yes/no ballot was requested and the article failed. Article 26 of the Annual Town Meeting of March 13, 1979, was voted by ballot, Yes 53, No 177. See pages A-10 and 42 of the Annual Town Report.

Acceptance of Gifts and Grants

To see if the Town will vote to authorize the Board of Selectmen to accept grants and/or gifts for the Town of Hampton.

Moved, seconded and passed. Article 18 of the March 14, 1981, Annual Town Meeting. See pages 45 and 46 of the Annual Town Report.

Changes in Party Affiliation

Shall the Town adopt the provisions of RSA 653:34-a permitting applications for changes in party affiliation to be made to the Town Clerk?

Article 21 of the March 11, 1980, Annual Town Election. Ballot vote: Yes 1,717, No 434. See page 45 of the Annual Town Report.

Prepayment of Resident Taxes

To see if the Town will vote to authorize the prepayment of Resident Taxes and to authorize the Tax Collector to accept payments as provided in RSA 80:1-a.

Motion made and seconded, Article passed. Article 20 of the Annual Town Meeting of March 14, 1981. See page 46 of the Annual Town Report.

Acceptance of Gifts and Grants

To see if the Town will vote to authorize the Board of Selectmen to accept grants and/or gifts for the Town of Hampton.

Article moved, seconded and adopted. See Article 8 of the March 13, 1982, Annual Town Meeting. See page 37 of the Annual Town Report.

ACCEPTANCE OF STATE STATUTES

Real Estate Trust Fund

To see if the Town will vote to adopt the provisions of Chapter 314:1 authorizing a Real Estate Trust Fund approved on June 7, 1975, and effective August 6, 1975, which states as follows:

314:1 Authorization for Real Estate Trust Fund. The Town of Hampton may, at any regular or special meeting, provide that the proceeds of sales of land or interests therein, other than land or interests therein acquired by taking for non-payment of taxes or land under the administration of the Town's conservation commission, shall be paid over to the Town's trustees of trust funds, to be invested and reinvested by them; that the income thereof shall be paid annually or more often into the town's general fund and that the principal, or portions thereof, may from time to time, when authorized by any regular meeting of the town, be used for the purchase, construction or improvement of real estate for the Town.

The article was moved and seconded. Amendment to add that if Article 49 fails to pass the Legislature then Article 48 is null and void. Amendment failed. Article passed. See Article 48 of the Annual Town Meeting of March 13, 1982. See page 48 of the Annual Town Report.

Real Estate Trust Fund Legislation

To see if the Town will vote to recommend that the Legislative Delegation of the Town of Hampton be requested to introduce legislation at the next session of the Senate and House of Representatives amending Chapter 314, Section 1, to read as follows:

314:1 Authorization for Real Estate Trust Fund. The Town of Hampton may, at any regular or special meeting, provide that the proceeds of sales of land or interest therein, other than land or interest therein acquired by taking for nonpayment of taxes or land under the administration of the town's conservation commission, shall be paid over to the town's trustees of trust funds, who are authorized to obtain the services of a bank or professional management company, to be invested and reinvested by them; that the income thereof shall be paid annually or more often into the town's general fund and that the principal will remain intact.

Article 49 of the Annual Town Meeting of March 13, 1982, was moved, seconded and approved by a vote of Yes 53, No 13. See pages 48 and 49 of the Annual Town Report.

Acceptance of Gifts and Grants

To see if the Town will vote to authorize the Board of Selectmen to accept grants and/or gifts for the Town of Hampton.

Article 24 of the Annual Town Meeting of March 12, 1983, was moved, seconded and passed. See page 18 of the Annual Town Report.

Library to Retain Funds from Income-Generating Equipment

Upon the petition of Barbara Ryan, and at least 10 other voters, to see if the Town shall permit the public library to retain all money it receives from its income-generating equipment to be used for general repair and upgrading and for the purchase of books, supplies and income-generating equipment. This Article is pursuant to RSA 202-A:11-b.

Ballot vote at the Annual Town Election of March 13, 1984: Yes 1,322, No 206. See page 15 of the Annual Town Report.

Create Building Code Board of Appeals

To see if the Town will vote to have the Zoning Board of Adjustment serve as the Building Code Board of Appeals pursuant to RSA 673:3 adopted by the New Hampshire Legislature effective January 1, 1984.

Article 32 was moved and seconded and an amendment was ruled out of order. Article 32 of the warrant of March 17, 1984, was passed. See page 29 of the Annual Town Report.

Alternate Members of the Zoning Board of Adjustment

To see if the Town will vote to authorize and empower the Board of Selectmen to appoint not more than three (3) alternate members to the Zoning Board of Adjustment, the terms of such alternate members to be three (3) years, pursuant to RSA 673:6.

Article 2 of the Special Town Meeting of July 17, 1984, was passed. See pages 38 and 39 of the Annual Town Report.

Library to Retain Funds from Income-Generating Equipment

To see if the Town shall permit the public library to retain all money it receives from its income-generating equipment to be used for general repair and upgrading and for the purchase of books, supplies and income-generating equipment. This article is pursuant to RSA 202-A:11-b.

Article 55 of the Annual Town Meeting of March 16, 1985, was moved, seconded and passed. See page 46 of the Annual Town Report.

Establish Burial Ground Trust Fund

To see if the Town will vote to establish a burial ground trust fund under the provisions of RSA 31:19-a to be administered by the Trustees of Trust Funds, the interest from which shall be withdrawn annually and used for the maintenance of cemeteries.

ACCEPTANCE OF STATE STATUTES

Article 26 of the Annual Town Meeting of March 11, 1986, was moved, seconded and passed. See page 33 of the Annual Town Report.

Motor Vehicle Fee Waived for POW Veterans

To see if the Town will vote to authorize the Selectmen to waive the fee to be charged for a permit to register one motor vehicle owned by any person who was captured and incarcerated for 30 days or more while serving in a qualifying war or armed conflict as defined in RSA 72:28, IV, and who was honorably discharged, provided the person has provided the Town Clerk with satisfactory proof of these circumstances. This article is pursuant of RSA Chapter 261:157-a.

Article 32 of the Annual Town Meeting of March 11, 1986, was moved, seconded and passed. See page 39 of the Annual Town Report.

Acceptance of Gifts and Grants

To see if the Town will vote to authorize the Board of Selectmen to accept grants and/or gifts for the Town of Hampton.

Article 44 of the Annual Town Meeting of March 11, 1986, was moved, seconded and passed. See page 53 of the Annual Town Report.

Welfare Guidelines[1]

To see if the Town will vote to adopt written welfare guidelines as proposed by the Board of Selectmen. Chapter 380 of the Acts of 1985 requires the Town to adopt written welfare guidelines prior to April 1, 1986. (Copies of the full text of the proposed guidelines are on file with the Town Clerk.)

Article 44 of the Annual Town Meeting of March 11, 1986, was moved, seconded and passed. See page 51 of the Annual Town Report.

Repeal Resident Taxes

Shall we adopt the provisions of RSA 72:1-c which authorize any town or city to elect not to assess, levy and collect a resident tax?

Article 2 of the Annual Town Election of March 10, 1987, vote by ballot, Yes 998, No 362. See page 13 of the Annual Town Report.

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[1]Editor's Note: For current guidelines see Ch. 812.

Acceptance of Gifts and Grants

To see if the Town will vote to authorize the Board of Selectmen to accept grants and/or gifts for the Town of Hampton.

Article 42 of the March 10, 1987, Annual Town Meeting was moved, seconded and passed. See page 35 of the Annual Town Report.

Selectmen as Sewer Commissioners

To see if the Town will vote to adopt the provisions of Chapter 149-l of the New Hampshire Revised Statutes Annotated pertaining to sewers, and authorizing the Selectmen to perform all the duties and possess all the powers in the Town of Hampton which, in the case of a city, are conferred by RSA Chapter 149-l upon the mayor and alderman.

Article 29 of the Annual Town Meeting of March 8, 1988, was moved, seconded and passed. See pages 20 and 21 of the Annual Town Report.

Real Estate Tax Lien Procedure Adopted

To answer the question: "Shall we adopt the provisions of RSA 80:58-86 for a real estate tax lien procedure?" These statutes provide that tax sales to private individuals for nonpayment of property taxes on real estate tax lien procedure under which only a municipality or county where the property is located or the state may acquire a tax lien against land and buildings for unpaid taxes.

Article 31 was moved and seconded and voted by ballot, Yes 90, No 12. See page 21 of the 1988 Annual Town Report.

Municipal Capital Improvements Program

To see if the Town will vote to authorize the Planning Board to prepare and subsequently amend a recommended program of municipal capital improvement projects over a period of at least six (6) years to aid the Board of Selectmen in their consideration of the annual budget, all as authorized by RSA 674:5-8.

Article 36 of the Annual Town Meeting of March 8, 1988, was moved, seconded and passed. See page 22 of the Annual Town Report.

Regional Solid Waste Disposal District

Shall the Town accept the provisions of RSA 53-B:1 to 11 inclusive providing for the establishment of a regional refuse disposal district, together with the towns of Brentwood, Danville, East Kingston, Exeter, Fremont, Hampton Falls, Kensington, New Castle, Newton,

North Hampton, Rye, Sandown, and South Hampton, and the City of Portsmouth, and the construction, maintenance, and operation of a regional refuse disposal facility by said district in accordance with the provisions of a proposed agreement filed with the Selectmen.

A counted vote was taken. Article 17 of the March 12, 1988, Annual Town Meeting was voted by ballot, Yes 123, No 73. See pages 17 and 18 of the Annual Town Report.

Acceptance of Gifts and Grants

To see if the Town will vote to authorize the Board of Selectmen to accept grants and/or gifts for the Town of Hampton.

Article 40 of the March 8, 1988, Annual Town Meeting was moved, seconded and passed. See page 25 of the Annual Town Report.

Prepayment of Property Taxes

To see if the Town will vote to authorize prepayment of property taxes and to authorize the Tax Collector to accept prepayments as provided RSA 80:52-c.

Article 26 of the March 18, 1989, Annual Town Meeting was moved, seconded and voted. See page 21 of the Annual Town Report.

Acceptance of Gifts and Grants

To see if the Town will vote to authorize the Board of Selectmen to accept grants and/or gifts for the Town of Hampton.

Article 28 of the March 18, 1989, Annual Town Meeting was moved, seconded. Amended by adding after "Hampton," "provided that the Board of Selectmen shall hold a publicized hearing prior to deciding to accept any non-monetary gift." The amendment passed. The Article as amended passed. See page 21 of the Annual Town Report.

Repeal Act Creating Selectmen as Sewer Commissioners

To see if the Town will vote to negate its adoption of Article 29 of the 1988 Annual Town Meeting Warrant which gave the Board of Selectmen the powers and duties pertaining to sewers as conferred on the mayor and alderman of cities by RSA 149-1, and to adopt the "Sewage (Sewerage/Sewer) Use and Construction Ordinance" adopted, or readopted, by the Board of Selectmen on April 4, 1988.

Article 4 was moved and seconded. An amendment was made and seconded "to delete the section beginning "and to adopt. . .through April 4, 1988" and add a period. There shall be no additional out of town sewage and sewer systems added to our Hampton sewer system." The

amendment was then changed to leave in "and to adopt . . . through April 4, 1988" adding "There shall be no additional out of town sewage and sewer systems added to our Hampton sewer system." The request for a yes/no ballot was withdrawn and Article 4 of the October 24, 1989, Special Town Meeting passed as amended. See pages 37 and 38 of the Annual Town Report.[2]

Borrowing in Anticipation of Taxes

To see if the Town will vote to give the Selectmen and Town Treasurer power to borrow in anticipation of taxes.

An amendment was offered and seconded to limit the amount to $15,000,000. The amendment passed. Article 51 of the March 13, 1990, Annual Town Meeting passed as amended. See page 27 of the Annual Town Report.

Acceptance of Gifts and Grants

To see if the Town will vote to authorize the Board of Selectmen to accept grants and/or gifts for the Town of Hampton.

Article 52 of the March 13, 1990, Annual Town Meeting was moved, seconded and passed. See page 27 of the Annual Town Report.

Acceptance of Gifts and Grants

To see if the Town will vote to authorize the Board of Selectmen to accept grants and/or gifts for the Town of Hampton; before accepting any non-monetary gifts, the Board shall hold a public hearing (as voted by the March 1989 Town Meeting).

Article 53 of the March 13, 1990, Annual Town Meeting was moved, seconded and passed. See page 27 of the Annual Town Report.

Selectmen To Accept Subdivision Streets

To see if the Town will vote to authorize the Board of Selectmen to accept the dedication of any street shown on a subdivision plat approved by the Planning Board, provided such street has been constructed to applicable Town specifications as determined by the Board of Selectmen or their agent.

Article 45 of the Annual Town Meeting of March 16, 1991, was moved, seconded and passed. See page 26 of the Annual Town Report.

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[2]Editor's Note: See Ch. 406, Sewers, Art. II, Sewer Use and Construction.

ACCEPTANCE OF STATE STATUTES

Selectmen To Apply for and Expend Federal, State and Other Grants

To see if the Town will vote to authorize the Board of Selectmen to apply for, accept and expend, without further action by Town Meeting, money from State, Federal or other governmental unit or a private source which becomes available during the year, in accordance with RSA 31:95-b. Before accepting any non-monetary gift, the Board shall hold a public hearing.

Article 50 of the Annual Town Meeting of March 16, 1991, was moved, seconded and passed. See pages 27 and 28 of the Annual Town Report.

Selectmen To Apply for and Expend Federal, State and Other Grants

To see if the Town will vote to authorize the Board of Selectmen to apply for, accept and expend, without further action by Town Meeting, money from State, Federal or other governmental unit or a private source which becomes available during the year, in accordance with RSA 31:95-b.

Article 14 of the Annual Town Meeting of March 14, 1992, was moved, seconded and passed. See page 23 of the Annual Town Report.

Selectmen To Accept Gifts of Personal Property

To see if the Town will vote to authorize the Board of Selectmen to accept, pursuant to RSA 31:95-e, gifts of personal property, other than money, which may be offered to the Town for any public purpose, and such authority shall remain in effect until rescinded by a vote of Town Meeting. Prior to acceptance of any such gift, the Selectmen shall hold a public hearing on the proposed acceptance. No acceptance of any personal property under the authority of this article shall be deemed to bind the Town to raise, appropriate or expend public funds for the operation or expend any public funds for the operation, maintenance, repair or replacement of such personal property.

Article 15 of the Annual Town Meeting of March 14, 1992, was moved, seconded and passed. See page 24 of the Annual Town Report.

Selectmen to Convey Tax-Deeded Property
Tidal and Freshwater Marsh to be Retained by the Town

To see if the Town will vote to authorize the Selectmen to convey any real estate acquired by the Town by Tax Collector's Deed. With the exception that all tidal and freshwater marsh acquired through tax deeds shall be kept by the Town and placed under the jurisdiction of the Conservation Commission. Any conveyance of tax-deeded real estate shall be by deed following a public auction, or the property may be sold by advertised sealed bids, pursuant to RSA 80:80. The Selectmen shall have the power to establish a minimum amount for which the

property is to be sold, and the terms and conditions of the sale. Such authority to transfer or sell shall continue in effect until the next Annual Town Meeting.

Article 16 of the Annual Town Meeting of March 14, 1992, was moved, seconded and passed. See page 24 of the Annual Town Report.

Selectmen To Accept Dedicated Streets

To see if the Town will vote to authorize the Board of Selectmen to accept the dedication of any street shown on a subdivision plat approved by the Planning Board, provided that such street has been constructed to applicable town specifications as determined by the Board of Selectmen or their agent.

Article 18 of the Annual Town Meeting of March 14, 1992, was moved, seconded and passed. See pages 24 and 25 of the Annual Town Report.

Library Trustees to Accept and Expend Grants

To see if the Town will vote to authorize the Board of Library Trustees to apply for, accept and expend, without further action by the town meeting, money from State, Federal or other governmental unit or private source which may become available during the fiscal year.

Article was amended by adding after the words "fiscal year" the words "Said authorization to be pursuant to N.H. RSA 202-A:4-c." Article 19 of the Annual Town Meeting of March 14, 1992, was moved, seconded and passed as amended. See page 25 of the Annual Town Report.

Semiannual Collection of Taxes

To see if the Town will vote to adopt the provisions of RSA 76:15-a thereby establishing a Semi-Annual Collection of Taxes in the Town of Hampton.

Article 21 of the Annual Town Meeting of March 14, 1992, was moved, seconded and passed. See page 25 of the Annual Town Report.

Selectmen to Accept Dedicated Streets

To see if the Town will vote to authorize the Board of Selectmen to accept the public dedication of any street shown on a subdivision plat approved by the Planning Board, provided that such street has been constructed to applicable town specifications, including drainage requirements, if necessary, as determined by the Board of Selectmen or its agent.

The article was amended by adding "and maintained at" between "to" and "applicable." Article 16 of the Annual Town Meeting of March 20, 1993, was moved, seconded and passed as amended. See page 25 of the Annual Town Report.

ACCEPTANCE OF STATE STATUTES

Acceptance of Gifts and Grants

To see if the Town will vote to authorize the Board of Selectmen to apply for, accept and expend without further action by Town meeting money from the State, Federal or other governmental unit or private source which becomes available during the year, in accordance with provisions of RSA 31:95-b.

Article 17 of the Annual Town Meeting of March 20, 1993, was moved, seconded and passed. See page 26 of the Annual Town Report.

Library Trustees to Accept and Expend Grants

To see if the Town will authorize the Board of Library Trustees to apply for, accept and expend without further action by the by the Town Meeting money from State, Federal or other governmental unit or a private source which becomes available during the fiscal year, in accordance with RSA 202-A:4-c.

Article 18 of the Annual Town Meeting of March 20, 1993, was moved, seconded and passed. See page 26 of the Annual Town Report.

Selectmen to Convey Tax Deed Property
Tidal and Freshwater Marsh To Be Retained

To see if the Town will authorize the Board of Selectmen to convey any real estate acquired by the Town by Tax Collector's Deed. Such conveyance shall be by deed following a public auction, or the property may be sold by advertised sealed bids, or may be otherwise disposed of as justice may require, pursuant to RSA 80:80. The Board shall have the power to establish a minimum amount for which the property can be sold, and to set the terms and conditions of the sale. Such authority to sell or transfer under this article shall continue in effect until the next Annual Town Meeting. An exception to the above shall be that all tidal and freshwater marsh acquired through tax deeds shall be retained by the Town and placed under the jurisdiction of the Conservation Commission.

Article 19 of the Annual Town Meeting of March 20, 1993, was moved, seconded and passed. See page 26 of the Annual Town Report.

Fire Department To Assist Other Towns

To see if the Town will vote to authorize the Fire Department to go to the aid of another city, town, village or fire district, within or without the state, for the purpose of extinguishing a fire, rendering other emergency assistance, or performing any detail as requested, in accordance with the provisions of N.H. RSA 154:24 though 30. Such authority subject to the supervision of the Town Manager and the control of the Board of Selectmen.

Article 29 of the Annual Town Meeting of March 20, 1993, was moved, seconded and passed. See page 30 of the Annual Town Report.

Tax Anticipation Notes

Shall the Town accept the provisions of RSA 33:7 providing that any town at an annual meeting may adopt an article authorizing indefinitely, until specific recision of such authority, the Selectmen to issue tax anticipation notes?

Article 16 of the Annual Town Meeting of March 12, 1994, was moved, seconded and passed. See page 30 of the Annual Town Report.

Selectmen to Accept and Expend Grants

Shall the Town accept the provisions of RSA 31:95-b providing that any town at an annual meeting may adopt an article authorizing indefinitely, until specific recision of such authority, the selectmen to apply for, accept and expend, without further action by the Town Meeting, unanticipated money from a state, federal or other governmental unit or private source which becomes available during the fiscal year.

Article 26 of the Annual Town Meeting of March 12, 1994, was moved, seconded and passed. See pages 31 and 32 of the Annual Town Report.

Library Trustees to Accept and Expend Grants

Shall the Town accept the provisions of RSA 202-A:4-c providing that any town at an annual town meeting may adopt an article authorizing indefinitely, until specific recision of such authority, the public library trustees to apply for, accept and expend, without further action by the Town Meeting, unanticipated money from a state, federal or other governmental unit or a private source which becomes available during the fiscal year?

Article 27 of the Annual Town Meeting of March 12, 1994, was moved, seconded and passed. See page 32 of the Annual Town Report.

Sale of Property Taken by Tax Collector's Deed
Tidal and Freshwater Marsh to the Conservation Commission

To see if the Town will vote to authorize the Board of Selectmen to convey any real estate acquired by the town through Tax Collector's deed. Such conveyance shall be by deed following public auction, or the property may be sold by advertised sealed bids, or may be otherwise disposed of as justice may require, pursuant to RSA 80:80. The Board shall have the power to establish a minimum amount for which the property can be sold, and to set the terms and conditions of the sale. Such authority to sell or transfer under this article shall continue in effect indefinitely, until rescinded. An exception to the above shall be that all tidal and

freshwater marshland acquired through Tax Collector's deed shall be retained by the Town and placed under the jurisdiction of the Conservation Commission. Authority is also hereby granted for the Board of Selectmen to retain other tax-deeded property for the Town's present and future needs, unless a Town Meeting shall subsequently direct a specific property so retained to be sold or otherwise disposed of.

Article 28 of the March 12, 1994, Annual Town Meeting was moved, seconded and amended after the words "disposed of" by adding the words "at the Board of Selectmen's discretion." Motion as amended was passed. See page 32 of the Annual Town Report.

Selectmen to Establish and Amend Fees

To see if the Town will vote to authorize the Board of Selectmen to establish and amend fees, as provided by RSA 41:9-a. Such vote to continue in effect until rescinded.

Article 29 of the March 12, 1994, Annual Town Meeting was moved, seconded and passed. See page 32 of the Annual Town Report.

Selectmen to Accept Dedicated Streets

To see if the Town will vote to authorize the Board of Selectmen to accept, after a public hearing, the public dedication of any street shown on a subdivision plat or site plan or street plat approved by the Planning Board, provided that such street has been constructed to applicable Town specifications, including drainage requirements, if necessary, as determined by the Board of Selectmen or its agent.

Article 31 of the March 12, 1994, Annual Town Meeting was moved, seconded and passed See page 33 of the Annual Town Report.

Selectmen to Accept Dedicated Streets

To see if the Town will vote to authorize the Board of Selectmen to accept, after public hearing, the public dedication of any street shown on a subdivision plat or site plan or street plat approved by the Planning Board, provided that such street has been constructed to applicable Town specifications, including drainage requirements, if necessary, as determined by the Board of Selectmen or its agent.

Article 40 of the March 18, 1995, Annual Town Meeting was moved, seconded and passed. See page 380 of the Annual Town Report.

Elect Zoning Board of Adjustment

We the undersigned voters of the Town of Hampton hereby request the Board of Selectmen to place the following article on the Warrant for the March 1995 Annual Town Meeting. To see if

the Town will vote pursuant to RSA 673:3 to elect the members of the Zoning Board of Adjustment.

Article 42 of the warrant for the Annual Town Meeting of March 18, 1995, was moved, seconded and voted in the affirmative. See page 39 of the Annual Town Report.

Selectmen to Accept Dedicated Streets

To see if the Town will vote to delegate to the Board of Selectmen the authority to accept, after a public hearing, the public dedication of a street that corresponds in its location and lines with a street shown on a subdivision or street plat approved by the Planning Board, provided that such street has been constructed to applicable Town standards and specifications, including drainage requirements, if necessary, as determined by the Board of Selectmen or its agent, and provided that a properly drawn and executed deed to the Town has been received. This delegation of authority shall remain in effect until rescinded by majority vote at an Annual or Special Town Meeting that has been duly warned of such proposed rescission. (Legal authority RSA 674:40-a).

Article 38 of the March 16, 1996, Annual Town Meeting was moved, seconded and passed. See page 47 of the Annual Town Report.

Parking Lot Income Restriction for Infrastructure Projects Within Village District Boundaries

Shall we adopt the provisions of RSA 31:95-c to restrict 20% of the gross lease and rental income from the Town's parking areas located within the Hampton Village District to the purpose of town owned infrastructure within the Village District Boundaries. Such revenues and expenditures shall be accounted for in a special revenue fund, separate from the general fund. Any surplus in said fund shall not be deemed part of the General Fund Accumulated Surplus. This will be a non-lapsing account per RSA 32L3, VI. The infrastructure items will be determined by the Precinct Commissioners, Public Works Director and the Town Manager at budget time. The purpose of the first year's fund shall be for playground improvements (By Petition).

Article 41 of the Annual Town Meeting of March 16, 1996, was moved and seconded. Motion to amend was passed to insert after the reference 31:95-c the reference 31:95-d governing the provision for adoption of the section of General Laws. A second amendment was offered and passed that added "shall be expended only after a vote by the legislative body to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund or source of revenue." A further amendment was defeated that would have added "Selectmen" after Precinct Commissioners. The amended main motion was passed on a written ballot, Yes 86, No 58. See pages 48 and 49 of the Annual Town Report.

ACCEPTANCE OF STATE STATUTES

Establish a Heritage Commission

To see if the Town will vote to establish a Heritage Commission in accordance with the provisions of RSA 673 and RSA 674, or take any other action relating thereto (By Petition).

Article 42 of the Annual Town Meeting of March 16, 1996, was moved, seconded and passed. See page 49 of the Annual Town Report.

Selectmen to Appoint Heritage Commission Members and Alternates

To see if the Town will vote to authorize the Board of Selectmen to appoint (3 or 5 or 7) citizens as members of the Heritage Commission pursuant to the provisions of RSA 673:4-a and 673:5, and to appoint not more than five additional citizens as alternate members, or take any other action relative thereto (By Petition).

Article 43 of the Annual Town Meeting of March 16, 1996, was moved, seconded and passed. See pages 49 and 50 of the Annual Town Report.

Adoption of Official Balloting RSA 40:13

Shall we adopt the provisions of RSA 40:13 to allow official ballot voting on all issues before the Town?

Article 14 of the warrant for the Annual Town Meeting of March 12, 1996, was voted by ballot, Yes 1,916, No 660. See page 35 of the Annual Town Report.

Library to Accept Gifts of Personal Property

On the petition of the Lane Memorial Library Board of Trustees and 25 or more registered voters of the Town of Hampton: To see if the Town will vote to adopt the provisions of RSA 202-A:4-d authorizing the Library Trustees to accept gifts of personal property, other than money, which may be offered to the library for any public purpose, provided, however, that no acceptance of personal property by the Library Trustees shall be deemed to bind the town or the Library Trustees to raise, appropriate or expend any public funds for the operation, maintenance, repair or replacement of such personal property.

Article 45 of the Annual Town Meeting of April 8, 1997, was moved and seconded. The article was amended by inserting after "provided, however," the words "that the library trustees shall hold a public hearing prior to the acceptance of any gift valued over $5,000 and further provided." Article 45 was passed by a ballot vote of Yes 2,821, No 393. See page 52 of the Annual Town Report.

Hampton Emergency Medical Services Fund

Shall we adopt the provisions of RSA 31:95-c to restrict 100% of revenues from Hampton ambulance and EMS calls to expenditures for the purpose of providing ambulance and emergency medical services? Such revenues and expenditures shall be accounted for in a special revenue fund to be known as the Hampton Emergency Medical Services Fund, separate from the general fund. Any surplus in said fund shall not be deemed part of the general fund accumulated surplus and shall be expended only after a vote by the legislative body to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund or source of the revenue.

Results of balloting on March 14, 2000: Yes 2,463, No 1,060. Article 15 passed.

Hampton Private Detail Fund

Shall we adopt the provisions of RSA 31:95-c to restrict 100% of revenues from police and fire department private details to expenditures for the purpose of providing police and fire department private details? Such revenues and expenditures shall be accounted for in a special revenue fund to be known as the Hampton Private Detail Fund, separate from the general fund. Any surplus in said fund shall not be deemed part of the general fund accumulated surplus and shall be expended only after a vote by the legislative body to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund or source of the revenue.

Results of balloting on March 14, 2000: Yes 2,067, No 1,418. Article 17 passed.

Hampton Recreation Fund

Shall we adopt the provisions of RSA 31:95-c to restrict 100% of revenues from recreation department programs and activities to expenditures for the purpose of providing recreation programs and activities? Such revenues and expenditures shall be accounted for in a special revenue fund to be known as the Hampton Recreation Fund, separate from the general fund. Any surplus in said fund shall not be deemed part of the general fund accumulated surplus and shall be expended only after a vote by the legislative body to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund or source of the revenue.

Results of balloting on March 14, 2000: Yes 2,360, No 1,145. Article 19 passed.

Hampton Cable TV Local Origination Fund

Shall we adopt the provisions of RSA 31:95-c to restrict 100% of revenues from Cable TV local origination franchise agreement funds to expenditures for the purpose of providing local public, educational, and government access broadcasts in compliance with franchise agreements and/or future assigns? Such revenues and expenditures shall be accounted for in a special revenue fund to be known as the Hampton Cable TV Local Origination Fund, separate from the general fund. Any surplus in said fund shall not be deemed part of the general fund

accumulated surplus and shall be expended only after a vote by the legislative body to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund or source of the revenue. This fund will be under the jurisdiction of the Board of Selectmen.

Results of balloting on March 14, 2000: Yes 2,156, No 1,290. Article 21 passed.

Fire Alarm Fund

Shall the Town of Hampton adopt the provisions of RSA 31:95-c to restrict 100% of revenues from Fire Alarm Maintenance Fees to expenditures for the purpose of maintaining, replacing, upgrading, and/or operating a Fire Alarm System? Such revenues and expenditures shall be accounted for in a special revenue fund to be known as the Fire Alarm Fund, separate from the general fund. Any surplus in said fund shall not be deemed part of the general fund's accumulated surplus and shall be expended only after a vote by the legislative body to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund or source of revenue.

Results of balloting on March 11, 2003: Yes 2,120, No 751. Article 53 passed.

Police Forfeiture Fund

Shall the Town of Hampton adopt the provisions of RSA 31:95-c to restrict 100% of revenues from forfeited money or property received through federal, state, and local sources to expenditures for the purposes specified by federal or state statutes governing forfeitures? Such revenues and expenditures shall be accounted for in a special revenue fund to be known as the Police Forfeiture Fund, separate from the general fund. Any surplus in said fund shall not be deemed part of the general fund's accumulated surplus and shall be expended only after a vote by the legislative body to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund or source of revenue and in compliance with Federal and State laws governing forfeitures.

A motion to restrict reconsideration on the article was made and seconded and so voted.
Results of balloting on March 11, 2003: Yes 1,788, No 1,010. Article 55 passed.

Ambulance Service Revolving Fund

Shall the Town of Hampton rescind the provisions of RSA 31:95-c as to the Hampton Emergency Medical Services Fund, a Special Revenue Fund created by Article 15 of the 2000 Town Meeting and funded with revenues generated from ambulance and emergency medical services calls, and transfer any surplus remaining in said Fund up to the sum of $200,000 into, and vote to establish, an Ambulance Service Revolving Fund pursuant to RSA 31:95-h, I (b)? The money received from fees and charges for ambulance and attendant emergency medical services shall be allowed to accumulate from year to year, and shall not be considered part of

the Town's general fund unreserved fund balance. The Town Treasurer shall have custody of all monies in the Fund, and shall pay out the same only upon order of the Town Manager (no further Town meeting approval required). These funds may be expended only to provide, improve, and/or enhance ambulance and emergency medical services. Adoption of this article will have no effect on this Town's tax rate. Pursuant to RSA 31:95-d, II, the effective date of this article, if passed by the Town, shall be retroactive to January 1, 2006. Defeat of this article will leave in place the existing Hampton Emergency Medical Services Special Revenue Fund.

Results of balloting on March 14, 2006: Yes 2,785, No 578. Article 19 passed.

Recreation Revolving Fund

Shall the Town of Hampton rescind the provisions of RSA 31:95-c as to the Hampton Recreation Fund, a Special Revenue Fund created by Article 19 of the 2000 Town Meeting and funded with revenues generated from recreation department programs and activities, and transfer any surplus remaining in said Fund up to the sum of $28,000 into, and to establish, a Recreation Revolving Fund pursuant to RSA 35- B:2, II? The money received from fees and charges for recreation and park services and facilities, and from recreation department programs and activities, shall be allowed to accumulate from year to year, and shall not be considered to be part of the Town's general fund unreserved fund balance. The Town Treasurer shall have custody of all monies in the fund, and shall pay out the same only upon order of the Town Manager (no further town meeting approval required). These funds may be expended only for recreation purposes as stated in RSA 35-B, and no expenditure shall be made in such a way as to require the expenditure of other town funds which have not been appropriated for that purpose. Adoption of this article will have no effect on the Town's tax rate. Pursuant to RSA 31:95-d, II, the effective date of this article, if passed by the Town, shall be retroactive to January 1, 2006. Defeat of this article will leave in place the existing Hampton Recreation Fund.

Results of balloting on March 14, 2006: Yes 2,728, No 618. Article 20 passed.

Private Detail Revolving Fund

Shall the Town of Hampton rescind the provisions of RSA 31:95-c as to the Hampton Private Detail Fund, a Special Revenue Fund created by Article 17 of the 2000 Town Meeting and funded with revenues generated from Police and Fire Department private details, and transfer any surplus remaining in said fund up to the sum of $130,000 into, and vote to establish, a Hampton Private Detail Revolving Fund pursuant to RSA 31:95-h, I(c)? The money received from fees and charges for Police and Fire Department private details, and vehicle availability shall be allowed to accumulate from year to year, and shall not be considered part of the Town's general fund unreserved fund balance. The Town Treasurer shall have custody of all monies in the fund, and shall pay out same only upon order of the Town Manager (no further Town meeting approval required). These funds may be expended only to fund the costs of Police and Fire Department private details and vehicle availability. Adoption of the article will have no effect on the Town's tax rate. Pursuant to RSA 31:95-d, II, the effective date of this article, if

passed by the Town shall be retroactive to January 1, 2006. Defeat of this article will leave in place the existing Hampton Private Detail Special Revenue Fund.

Results of balloting on March 14, 2006: Yes 2,515, No 750. Article 21 passed

Fire Alarm Fund

Shall the Town of Hampton rescind the provisions of RSA 31:95-c as to the Fire Alarm Fund, a Special Revenue Fund created by Article 53 of the 2003 Town Meeting to operate, upgrade, and maintain a Fire Alarm System in the Town of Hampton, and to expend any surplus remaining in said Fund up to the sum of $1,000 on costs of decommissioning any fire alarm system equipment or lines utilized by the Fire Department that are no longer needed within the Town of Hampton? Pursuant to RSA 31:95-d, II, the effective date of this article, if passed by the Town, shall be June 30, 2006. Passage of this article will discontinue the existing Town operated fire alarm service. Defeat of this article will leave in place the existing Town operated fire alarm service and the Fire Alarm Fund.

Results of balloting on March 14, 2006: Yes 2,285, No 966. Article 23 passed.

Hampton Recreation Infrastructure Fund

On petition of Charlie Preston and at least 25 registered voters, shall we adopt the provisions of RSA 32:95-c, to restrict 20% of the gross lease and rental income from the Town's parking areas located within the Hampton Beach Village District to the purpose of construction or reconstruction of recreation infrastructure within the Town of Hampton. Such revenue and expenditures shall be accounted for in a special revenue fund, separate from the general fund, to be known as the Hampton Recreation Infrastructure Fund, per RSA 31:95-d. Any surplus in said fund shall not be deemed part of the General Fund Accumulated Surplus. This will be a non-lapsing account per RSA 32:3, VI. The annual recreation infrastructure projects will be determined by the Board of Selectmen, Town Manager and Director of Public Works each year, ands shall be expended only after a vote by the legislative body to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund or the source of the revenue. The first appropriation from this fund should be devoted to the reconstruction of the tennis basketball courts at Tuck Field.

Article 44 of the Annual Town Meeting of March 13, 2007, was voted by ballot, Yes 1,477, No 1,064. See page 26 of the Annual Town Report.

Repeal Beach Infrastructure Fund

On petition of Charlie Preston and at least 25 registered voters, to see if the Town will vote as follows: Shall we, the voters of Hampton, New Hampshire, rescind the provisions of RSA 31:95-c (which was adopted in 1996 – Article 41) to restrict 20% of revenues of gross lease and rental income from the town's parking areas located within the Hampton Village District to expenditures for the purpose of town owned infrastructure within the Village District boundaries. Such revenues and expenditures to be accounted for in a special revenue fund, separate from the general fund. Any surplus in said fund not to be deemed part of the General Fund Accumulated Surplus. This is a non-lapsing account per RSA 32:3, VI. The infrastructure items to be determined by the Precinct Commissioners, Public Works Director and Town Manager at budget time. The purpose of the first year's fund to be for proposed playground improvements, This rescission is in accordance with RSA 31:95-d, IV(4).

Article 45 of the March 13, 2007, Annual Town Meeting was voted by ballot, Yes 1,270, No 1,249. See pages 26 and 27 of the Annual Town Report.

Create Beach Infrastructure Fund

(As Petitioned) Shall the Town of Hampton, in recognition of the economic activity generated in the Hampton Beach Village District and in recognition of the need to provide infrastructure to maintain such activity, adopt the provisions of RSA 31:95-c to restrict 20% of gross lease and rental income from the Town's parking areas located within the Hampton Beach Village District to expenditures for the purpose of infrastructure improvements within the Village District boundaries and for properties which are owned by the Town. Such revenues and expenditures shall be accounted for in a special fund to be known as the HBVD improvement fund, separate from the general fund. Any surplus in said fund shall not be deemed part of the general fund accumulated surplus and shall be expended only after a vote by the legislative body to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund or source of revenue. The infrastructure items will be determined by the Precinct Commissioners, Public Works Director and Town Manager at budget time. The purpose of the first year's expenditure shall be lighting on the lettered streets.

Article 58 of the Annual Town Meeting of March 11, 2008 was moved and seconded. The last sentence of the article was struck by amendment. The Article was defeated by ballot vote, Yes 1,111, No 1,984. See page 167 of the Annual Town Report.

Ambulance Service Revolving Fund

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.

Motion made and seconded to amend striking all of the language but leaving "Shall the Town of Hampton vote." Motion passed.

Motion made and seconded to restrict reconsideration of Article 23. Motion passed.

Results of balloting on March 9, 2010: Yes 1,205, No 392. Article 23 passed.

Community Revitalization Tax Relief Incentives

Shall the Town of Hampton vote with regard to New Hampshire Revised Statutes Annotated, Chapter 79-E:

to adopt the provisions of New Hampshire Revised Statutes Annotated, Chapter 79-E to permit the Board of Selectmen as the local governing body to accept for consideration requests for community revitalization tax relief incentives that are:

filed in accordance with the provisions of RSA 79-E; and

for commercial structures and new residential structures, especially affordable housing, located along Lafayette Road; the High Street Business Zone; the Professional Office Zone; Ocean Boulevard; Ashworth Avenue; the Business Seasonal Zone; and the Industrial Zone that represent compact development areas; and

for the replacement or substantial rehabilitation of qualifying structures to include replacement of qualifying structures that have been destroyed by fire or acts of nature and whose rebuilding has not been started before January 1, 2010, or completed by January 1, 2011, regardless of how long the destruction occurred before the Town has voted to adopt RSA 79-E; and

to modify the provisions of RSA Chapter 79-E so that for structures that have been so destroyed, their value for taxation purposes during the tax relief periods afforded by RSA 79-E:5 shall reflect the pre-destruction assessed value as updated to the value that would have been in place for the building(s) had they not been so destroyed? (Majority vote required)

Acceptance of the law allows the Selectmen to grant up to 5 years of tax relief on new or rehabilitated structures, from taxes on the values added that are in excess of the original taxable values

Results of balloting on March 8, 2011: Yes 2,080, No 786. Article 31 passed.

Sewers

Shall the Town of Hampton vote to adopt the provisions of Chapter 149-I of the New Hampshire Revised Statutes Annotated pertaining to sewers, and authorize the Selectmen to perform all the duties and possess all the powers in the Town of Hampton which, in the case of a city, are conferred by RSA 149-I upon the mayor and alderman? (Majority vote required)

Article 26 of the Annual Town Meeting of March 11, 2014, was voted: Yes 2,437, No 396. A motion was made and seconded to restrict reconsideration of Article 26. Motion passed.

Cemetery Burial Trust Fund

Shall the Town of Hampton vote to accept the provisions of RSA 289:2-a, Chapter 71 of the Acts of 2014, directing that the funds received from the sale of cemetery lots be forwarded directly to the Trustees of the Trust Fund, with notice of such forwarding being provided to the Finance Department, and said funds shall be deposited into the Cemetery Burial Trust Fund account held by the Trustees of the Trust Funds for the maintenance of cemeteries under RSA 31:19-a? (Majority vote required)

Results of balloting on March 10, 2015: Yes 2,132, No 254. Article 30 passed.

Expenses Incurred for Professional Assistance for Capital Reserve Funds

Shall the Town of Hampton vote, pursuant to RSA 35:9-a, II (which became effective July 26, 2014), to authorize the Trustees of the Trust Funds, without further action of the Town Meeting, to charge any expenses incurred for professional banking or brokerage assistance for capital reserve funds in their custody as authorized in RSA Chapter 35, against the capital reserve funds involved, such authority to remain in effect until rescinded by a vote of the Town Meeting, which said vote to rescind such authority shall not occur within 5 years of the adoption of this article; if this warrant article passes, then the $1,500 appropriation in the operating budget for the expenses for professional banking or brokerage assistance for the Town's capital reserve funds in 2015 shall not be expended? (Majority vote required)

Fiscal Impact Note (Finance Dept.) The estimated 2015 tax impact on $1,500 is less than $0.001 per $1,000 valuation (less than one tenth of one cent per thousand dollars of valuation.)

Results of balloting on March 10, 2015: Yes 1,839, No 500. Article 32 passed.

PART III

TOWN MEETING

Chapter 1

GENERAL PROVISIONS

ARTICLE I
Adoption of Code

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Adoption of Code

Shall the Town of Hampton vote to adopt the re-numbering of the Town of Hampton Town Ordinances in accordance with the new numbering system created by the General Code Corporation, a copy of the new numbering is on file with the Town Clerk in the compilation entitled Code of the Town of Hampton, and to authorize the future re-numbering of those Article references when new amendments to the Code of the Town of Hampton or Town Ordinances are approved? (Majority vote required)

Article 22 of the Annual Town Meeting of March 12, 2013, was adopted by ballot vote: Yes 2077, No 208. See page 39 of the Annual Town Report.

Chapter 5

ADMINISTRATIVE ENFORCEMENT

§ 5-1. Authority.
§ 5-2. Purpose.
§ 5-3. Notice of violation.
§ 5-4. Administration.
§ 5-5. Separate event.
§ 5-6. Amount of penalty.
§ 5-7. Payment of violations.
§ 5-8. Appeals.
§ 5-9. Other remedies.
§ 5-10. When effective.

[HISTORY: Adopted by the Town Meeting of the Town of Hampton 3-8-2011 by Art. 43; ballot vote: Yes 1820, No 913. Amendments noted where applicable.]

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§ 5-1. Authority.

This chapter is adopted by the Town of Hampton in accordance with the provisions of RSA 31:39-c, authorizing the Town of Hampton to establish a system for the administrative enforcement of violations of any municipal code, ordinance, bylaw, or regulations and for the collection of penalties. Such administrative enforcement procedure if unsuccessful may result in the issuance and service of a formal summons and complaint under RSA 31:39-d or initiation of other court proceedings under RSA 676:1, or any other remedy allowed by law. Such administrative enforcement procedure shall include opportunities for persons who do not wish to contest violations to pay such penalties by mail.

§ 5-2. Purpose.

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

§ 5-3. Notice of violation.

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

§ 5-4. Administration.

The system may be administered by the Hampton Police Department or by such other Hampton municipal agency or official as is designated either in the municipal code, ordinance, bylaw or regulation that has been violated or by the Hampton Board of Selectmen.

§ 5-5. 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.

§ 5-6. Amount of penalty.

The penalty amount shall be the amount set forth in the particular code, ordinance, bylaw or regulation for whose violation a notice is issued.

§ 5-7. Payment of violations.

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

§ 5-8. Appeals.

Appeals for the issuance of a notice of violation may be heard by an individual selected by the Board of Selectmen 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 from the alleged violator to the Town within 15 calendar days from the issuance of the notice of violation. An appeal to the Board of Selectmen may be taken from the designated individual's decision, and the decision of the Board of Selectmen on any such appeal shall be final.

§ 5-9. Other remedies.

If the administrative enforcement system established by this chapter 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.

§ 5-10. When effective.

This chapter shall take effect when approved by vote of the Town of Hampton Town Meeting.

Chapter 9

ALCOHOLIC BEVERAGES

ARTICLE I
Town Meeting Votes

ARTICLE II
Open Containers

§ 9-1. Authority.

§ 9-2. Purpose.

§ 9-3. Possession of open container or consumption of alcohol on public property.

§ 9-4. Possession of open container or consumption of alcohol in vehicles.

§ 9-5. Definitions.

§ 9-6. Severability.

§ 9-7. Violations and penalties.

§ 9-8. When effective; repealer

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes

[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Stop Sale on Town Land

Voted that the sum of three hundred dollars be set aside for the purpose of stopping the sale of intoxicating liquor on the Town land.

Voted under the warrant for the Annual Town Meeting of March 9, 1915. See pages 8 and 9 of the Annual Town Report.

Dispensing Intoxicating Liquors by Prescription

To see if the Town will vote to allow Nathan P. Tobey, Druggist, to dispense intoxicating liquors for medical purposes on Doctor's prescriptions.

Article 20 of the warrant for the Annual Town Meeting of March 8, 1932, was voted to indefinitely postpone.

Sale of Alcoholic Beverages

To vote by Australian ballot whether beer or other lawful alcoholic beverages shall be manufactured or sold locally as permitted under this act. Laws of 1933, Chapter 99, Section 22.

Article 5 of the warrant for the Annual Town Meeting of March 13, 1934, was voted by ballot: Yes 313, No 312. See pages 6 and 22 of the Annual Town Report.

Sale of Alcoholic Beverages

To see whether beer or other alcoholic beverages shall be manufactured or sold locally.

Article 1 of the Special Town Meeting of May 15, 1934, was voted on by ballot: Yes 477, No 412. See pages 28 and 29 of the Annual Town Report.

Sale of Alcohol in First-Class Restaurants

On petition of Willis B. Eaton and fifty-seven other legal voters of the Town of Hampton: to see if the Town will vote to allow alcoholic beverages to be sold in first class restaurants in the Town of Hampton.

Article 19 of the warrant for the Annual Town Meeting of March 10, 1970, was voted indefinitely postponed. See pages 7-A and 54 of the Annual Town Report.

Biennial State Election Questions – 11-3-1970

A. Shall State stores be operated by permission of the State Liquor Commission in this city or Town? Ballot vote, Yes 1429, No 622

B. Shall malt beverages (Beer) be sold by permission of the State Liquor Commission in this city or town? Ballot vote, Yes 1268, No 725.

Biennial State Election Questions – 11-4-1980

A. Shall State stores be operated by permission of the State Liquor Commission in this city or town? Ballot vote, Yes 3,911, No 1,066

B. Shall malt beverages (beer) be sold by permission of the State Liquor Commission in this city or town? Ballot vote, Yes 4,044, No 1,003

C. Shall wines containing not less than 6 percent nor more than 14 percent alcoholic content by volume at 60 degrees Fahrenheit (table wine) be sold by permission of the State Liquor Commission in this city or town? Ballot vote, Yes 4,103, No 939

ARTICLE II
Open Containers
[Adopted 3-11-2008 by Art. 34]

§ 9-1. Authority.

In accordance with the provisions of RSA 31:39 authorizing the Town of Hampton to enact bylaws, the following article is adopted by the Annual Town Meeting.

§ 9-2. Purpose.

The Annual Town Meeting of the Town of Hampton ordains that it is in the public interest and hereby establishes that it is public policy to regulate the use of alcoholic beverages on public property and in vehicles.

§ 9-3. Possession of open container or consumption of alcohol on public property.

It shall be unlawful for any person to possess an open container of any alcoholic beverage or to consume any alcoholic beverages while on any public highway, sidewalk, common, park, or beach or upon any Town-owned property within the limits of the Town of Hampton.

§ 9-4. Possession of open container or consumption of alcohol in vehicles.

It shall be unlawful for any person to possess any open container of any alcoholic beverage or to consume any alcoholic beverage while in any vehicle upon a public highway, sidewalk, common, park, or beach or upon any Town-owned property within the limits of the Town of Hampton.

§ 9-5. Definitions.

The following words shall have the following meanings as used in this article:

VEHICLE — Includes antique motor vehicle or motorcycle; automobile transporter; automobile transporter stinger-steered; automobile utility trailer; bus; combination vehicle; commercial motor vehicle; emergency vehicle; full trailer; heavy truck; construction equipment; light truck; mixed-use school bus; moped; motor truck; motor vehicle; motorcycle; motor-driven cycle; off-highway recreational vehicle (OHRV); private passenger vehicle; recreational vehicle; school bus; semitrailer; sidecar; single unit vehicle; ski area vehicles; snowmobile; special motor equipment; street rod; tractor; tractor trailer; trailer; truck tractor; vehicle; and any water vehicle, all as defined in RSA 259.

WAY — A way as defined in RSA 259:125, I and II.

§ 9-6. Severability.

If any section or part of a section or paragraph of this article is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any

other section or sections or part of a section or paragraph of this article unless the purpose of this article cannot be accomplished in the absence of the invalidated provision.

§ 9-7. Violations and penalties.

Any person found to be in violation of this article shall be guilty of a violation and upon conviction shall be fined not less that $100 nor more than $250 for each such offense, such sums to inure to the general fund of the Town.

§ 9-8. When effective; repealer

This article shall take effect upon its passage and shall repeal all other ordinances or portions of ordinances that may be in conflict with the provision herein enacted.

Chapter 14

AMUSEMENT DEVICES

§ 14-1. Authority.

§ 14-2. Purpose.

§ 14-3. Definitions.

§ 14-4. Gambling, wagering and cash prizes.

§ 14-5. License required.

§ 14-6. Licensing requirements and standards.

§ 14-7. License fees; replacement of devices.

§ 14-8. Duration and renewal of licenses.

§ 14-9. Revocation or suspension of license.

§ 14-10. Amendments.

§ 14-11. Relation to other provisions.

§ 14-12. Enforcement.

§ 14-13. Violations and penalties.

§ 14-14. Severability.

§ 14-15. When effective.

§ 14-16. Compliance period.

§ 14-17. Exemption for government-owned amusement devices.

[HISTORY: Adopted by the Town Meeting of the Town of Hampton 3-11-2008 by Art. 32. Amendments noted where applicable.]

GENERAL REFERENCES

Entertainment activities — See Ch. 149.

Billiard tables, pool tables and bowling alleys — See Ch. 554.

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§ 14-1. Authority.

This chapter is enacted in accordance with the provisions of RSA 31:41-d to promote the general welfare, protect minors and to preserve the high moral standards of the Town of Hampton.

§ 14-2. Purpose.

It is the express intent and purpose of this chapter to promote the general welfare, protect minors, control gaming and the abuse of minors and to preserve the high moral standards of the Town of Hampton.

§ 14-3. Definitions.

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

AMUSEMENT DEVICE — Any machine which, upon the insertion of a coin, bill, currency, card, credit card, debit card, or electronic device, slug, token, plate or disc, may be operated by the public generally for use as a game, entertainment or amusement, whether or not

registering a score and whether or not skill is used in its operation. It shall include, but not be limited to, such devices as electronic games, pinball machines, skill ball, mechanical grab machines and all games, operations or transactions similar thereto under whatever may be indicated. The term does not include vending machines in which gaming or amusement features are not incorporated, nor does the term include any coin-operated rides or devices that solely produce music.

PERSON, FIRM, CORPORATION, PARTNERSHIP, ASSOCIATION or OTHER PERSON — Any of these entities or combinations thereof owning an amusement device or maintaining an establishment where one or more amusement devices are available for general use by the public or having control over such an establishment.

§ 14-4. Gambling, wagering and cash prizes. [Amended 3-10-2009 by Art. 31]

No gambling or wagering shall be permitted.[1]

§ 14-5. License required.

No person, firm, corporation, partnership, association or other person may allow to be operated an amusement device without first obtaining a license from the Board of Selectmen or its designee for said device.

§ 14-6. Licensing requirements and standards.

A. The Board of Selectmen or its designee may establish, from time to time, licensing requirements and standards, including the number of machines, locations and hours of operation, but in no case shall those requirements contain less than the following:

   (1) That the applicant or applicants must be at least 18 years of age as verified by the Chief of Police.

   (2) That a full description of the premises is submitted with a statement that such premises will be operated in accordance with all applicable local ordinances. No amusement device shall be located other than within a fully enclosed permanent building.

   (3) That no license will be issued to any person or corporation for an amusement device located within 1,000 feet of the nearest school.

B. Applicants for an amusement device license shall be required to complete a criminal background check that shall be reviewed by the Board of Selectmen before the Board considers the issuance of a license hereunder. The Board of Selectmen may waive this requirement for the renewal of an existing permit.

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1. **Editor's Note: Original Section 4, Type of machines limited, which immediately followed this section, was deleted 3-10-2009 by Art. 31.**

§ 14-7. License fees; replacement of devices.

The applicant shall pay $50 per year, or any part thereof, for a license covering from one to three amusement devices and for each additional device shall pay a fee of $5 per year, or any part thereof. The applicant may, at his discretion, remove and replace any licensed amusement device at will without the payment of a license fee for the replacement amusement device for the balance of the licensed term of the replaced device, but the new amusement device must have affixed a license issued by the Town.

§ 14-8. Duration and renewal of licenses.

A. Licenses shall be effective from the date granted until December 31 of the year granted.

B. Each license will be reviewed annually by the Board of Selectmen and renewed upon payment of fees, but only if the person, firm, corporation or association applying for a renewal has been found to comply with the provisions of this chapter. If the location and operation of said amusement device prove to be a detriment to the health, safety and welfare of the public the license shall not be renewed.

§ 14-9. Revocation or suspension of license.

A. Any violation of §§ 14-5 through 14-11 of this chapter or requirements and standards authorized pursuant hereto shall constitute a violation of the license and may be considered just cause for the revocation or suspension of the license. **[Amended 3-10-2009 by Art. 31]**

B. Any revocation or suspension shall be carried out by the Selectmen only after due notice and hearing.

§ 14-10. Amendments.

The Town of Hampton Town Meeting from time to time may amend this chapter to modify, add or delete any provision thereof.

§ 14-11. Relation to other provisions.

Nothing in this chapter shall be construed to abrogate, limit or contradict any state or federal law or regulation.

§ 14-12. Enforcement.

During all hours of operation, the amusement device shall be open and accessible for inspection by the Selectmen, the Chief of Police, or their authorized representatives, to determine compliance with the terms of this chapter.

§ 14-13. Violations and penalties.

Any licensee found to be in violation of this chapter on a given day shall be guilty of a violation and upon conviction shall be fined not more than $1,000 for each such violation, and each day thereafter that such violation continues in existence shall constitute a separate violation. Such sums shall inure to the Town and be deposited in the general fund.

§ 14-14. Severability.

Each separate provision of this chapter shall be deemed independent of all other provisions herein, and it is further ordained that if any provision of this chapter is found to be invalid by a court of competent jurisdiction, all other provisions thereof shall remain valid and enforceable, so long as the purpose of this chapter can be achieved in the absence of the invalidated provision.

§ 14-15. When effective.

This chapter shall take effect upon its passage and shall supersede all previous Town ordinances upon this subject.

§ 14-16. Compliance period.

There is hereby created a one-hundred-eighty-day compliance period from the effective date hereof during which all amusement devices presently in place and operating as of the passage of this chapter shall be brought into full compliance and licensed.

§ 14-17. Exemption for government-owned amusement devices.

Coin-operated amusement devices owned by the Town of Hampton and located on Town-owned property or owned by the State of New Hampshire and located on state-owned property are exempt from the provisions of this chapter.

Chapter 18

ANIMALS

§ 18-1. Authority.

§ 18-2. Definitions.

§ 18-3. (Reserved)

§ 18-4. Licensing.

§ 18-5. Permits for commercial animal establishments or animal shelters.

§ 18-6. Restraint.

§ 18-7. Impoundment and violation notice.

§ 18-8. Animal care.

§ 18-9. Animal waste.

§ 18-10. Public beaches.

§ 18-11. Violations and penalties.

§ 18-12. When effective.

[HISTORY: Adopted by the Town Meeting of the Town of Hampton 3-9-1994 (Ch. 1 of the Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Beaches and parks — See Ch. 35.

Noise — See Ch. 328.

§ 18-1. Authority.

At a general Town Meeting on the ninth day of March 1994, the Town of Hampton, New Hampshire, enacted the following chapter in accordance with RSA 31:39 and any other applicable chapters or amendments thereto of the New Hampshire Revised Statutes Annotated 1955.

§ 18-2. Definitions.

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

ANIMAL — Every nonhuman species of animal, both domestic and wild.

ANIMAL CONTROL OFFICER — Any person designated by the State of New Hampshire, Town of Hampton, or humane society as a person who is qualified to perform such duties under the laws of this state and this chapter.

ANIMAL SHELTER — Any facility operated by a humane society, Town agency or its authorized agents for the purpose of impounding animals under the authority of this chapter or state law for care, confinement, return to owner, adoption, or euthanasia.[1]

DOMESTIC ANIMAL — Any horses, cattle, hogs, sheep or any animal used for work or food production.

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1. **Editor's Note: The definition of "cattery," which immediately followed this definition, was repealed by Art. 26 of the Town Meeting of March 12, 2013, ballot vote: Yes 1801, No 331.**

GROOMING SHOP — A commercial establishment where animals are bathed, clipped, or otherwise groomed.

KENNEL — Any premises where three or more dogs, 10 weeks in age or older, are boarded, bred, raised, trained, or kept.

OWNER — Any person, partnership, or corporation owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

PET ANIMAL — Any animal kept for pleasure and companionship.

PET SHOP — Any person, partnership or corporation, whether operated separately or in connection with another business (except for a licensed kennel), that buys, sells, or boards any species of animal.

PUBLIC NUISANCE — Any animal or animals deemed to be a public nuisance, a menace, or vicious, in that they unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance animal" shall mean and include, but is not limited to, any animal:

A. If it barks for sustained periods of time or during the night hours so as to disturb the peace and quiet of a neighborhood or area.

B. If it digs, scratches, or excretes or causes waste or garbage to be scattered on property other than its owner's.

C. If any female dog in season (heat) is permitted to run at large or be off the premises of the owner or keeper during this period except when being exercised on a leash by a responsible adult. At all other times such dog shall be confined within a building or enclosure in such a manner that she will not come in contact (except for intentional breeding purposes) with a male dog. A female dog in heat shall not be used for hunting.

D. If it growls, snaps at, runs after or chases any person or persons.

E. If it runs after or chases bicycles, motor vehicles, motorcycles, or other vehicles being driven, pulled or pushed on the streets, highways or public ways.

F. If, whether alone or in a pack with other dogs, it bites, attacks, or preys on game animals, domestic animals, fowl or human beings.

RESTRAINT — Any animal secured by a leash or lead under the control of a responsible person and obedient to that person's commands or within the real property limits of the owner.

SECURE ENCLOSURE — A fence or like enclosure, properly constructed of strong material, which is not likely to fail and which is well maintained to prevent the escape of the animal or entry by an unauthorized person. The enclosure shall display proper and reasonable signs that warn persons in the immediate vicinity of the danger that exists within the enclosure.

VETERINARY HOSPITAL — Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

VICIOUS ANIMAL — Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation or which, because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

WILD ANIMALS — Any living member of the animal kingdom, including those born or raised in captivity, except the following: domestic dogs, domestic cats, farm animals, rodents, and species of common cage birds.

§ 18-3. (Reserved) [2]

§ 18-4. Licensing.

A. Any person owning, keeping, harboring, or having custody of any dog over three months of age within the Town of Hampton shall obtain a license as herein provided. **[Amended 3-10-2009 by Art. 32]**

B. Written application for licenses shall include the name and address of the applicant, description of the animal, the appropriate fee, and rabies certificate issued by a licensed veterinarian or veterinary hospital and shall be made to the Hampton Town Clerk.

C. Application for a license shall be made within 30 days after obtaining a dog over three months of age or within 30 days of moving into a residence within the Town of Hampton with a dog over three months of age. **[Amended 3-10-2009 by Art. 32]**

D. License fees shall not be required for certified Seeing Eye dogs, hearing dogs, government dogs, or other certified dogs that are trained to assist the physically handicapped.

E. Upon acceptance of the license application and fee, the Hampton Town Clerk shall issue a durable tag, identification collar, or ear tag stamped with an identifying number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the animal's collar or harness or safely attached to the ear.

F. Dogs must wear identification tags or collars at all times when off the premises of the owner. **[Amended 3-10-2009 by Art. 32]**

G. Licenses for the keeping of dogs shall be for a period of one year, provided that they are not revoked. **[Amended 3-10-2009 by Art. 32]**

H. The animal control officer shall maintain a record of the identifying numbers of all the tags issued and shall make this record available to the public.

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2. Editor's Note: Former § 18-3, Animal Control Commission, was repealed by Art. 26 of the Town Meeting of March 12, 2013, ballot vote: Yes 1801, No 331.

I. Every owner shall apply for said license on or before April 30, which shall run for one year from the ensuing May 1. Persons applying for first licenses during the licensing year shall be required to pay the full fee as listed in Subsection K.

J. Persons who fail to obtain a license as required within the time period specified in this section will be subjected to a fine of $10.

K. A license shall be issued after payment of the licensing fee, which for dogs is set by RSA 466:4. **[Amended 3-10-2009 by Art. 32[3]]**

L. A duplicate license may be obtained upon payment of a one-dollar replacement fee.

M. No person may use any license for any animal other than the animal for which it was issued.

N. The owner of five or more dogs shall annually by April 30 pay the required fee and obtain a group license authorizing him to keep the spayed and neutered dogs upon the premises described in the license, or off the premises while under his control. Such owner or keeper shall be required to obtain a commercial kennel permit for unspayed and unneutered dogs. The fee for dogs shall be set by RSA 466:6. **[Amended 3-10-2009 by Art. 32]**

§ 18-5. Permits for commercial animal establishments or animal shelters.

A. No person, partnership, or corporation shall operate a commercial animal establishment or animal shelter without first obtaining a permit in compliance with this section.

B. The licensing authority shall promulgate regulations for the issuance of permits and shall include requirements for humane care of all animals and for compliance with the provisions of this chapter and other applicable laws. The licensing authority may amend such regulations from time to time as deemed desirable for public health and welfare and for the protection of animals.

C. When a permit applicant has shown that he is willing and able to comply with the regulations promulgated by the licensing authority, a permit shall be issued upon the payment of the applicable fee.

D. If the applicant has withheld or falsified any information on the application, the licensing authority shall be issued a permit or license.

E. No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial animal establishment.

F. Any person having been denied a license or permit may not reapply for a period of 30 days. Each reapplication shall be accompanied by a ten-dollar fee.

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3. Editor's Note: Article 32 also deleted original Subsection L of this section, which immediately followed this subsection.

§ 18-6. Restraint.

A. It shall be unlawful for the owner or person having custody of a dog to permit a dog to run at large without a leash and under restraint from the owner or person in custody of the dog, except upon his own property or while hunting under the control of his owner or person having custody.

B. No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.

C. Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come in contact with another animal except for planned breeding.

D. Every vicious animal, as determined by the licensing authority, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of the owner.

E. Any person owning or possessing any domestic animal in this Town shall at all times keep such domestic animal in a safe and suitable enclosure so that it may not run at large.

§ 18-7. Impoundment and violation notice.

A. Unrestrained dogs and nuisance animals found on public property, or on private property upon the complaint of the private property owner, shall be taken by the police or animal control officer, impounded in an animal shelter and there confined in a humane manner.

B. Impounded dogs and cats shall be kept for not fewer than seven days, unless by a license tag or other means the owner of an impounded animal can be identified. If the animal is identified, a police officer or animal control officer shall immediately upon impoundment notify the owner by telephone or certified mail.

C. An owner reclaiming an impounded cat shall pay a fee of $10 and the current kennel fee for each day the animal was impounded.

D. An owner reclaiming an impounded dog shall pay a fee of $10 and the current kennel fee for each day the animal was impounded.

E. Any animal not reclaimed by its owner within seven days shall become the property of the local government or humane society and shall be placed for adoption in a suitable home or humanely euthanized.

F. No unclaimed dog or cat shall be released for adoption without being sterilized or without written agreement from the adopter guaranteeing that such animal will be sterilized within 30 days for adults and specified date in contract for pups or kittens.

G. In addition to or in lieu of impounding an animal found at large, the police officer or animal control officer may issue to the known owner of such animal a conditional court summons for the ordinance violation. Such notice of violation shall impose upon the owner a penalty not to exceed $100 that may be paid to the Town Clerk within 96 hours

of the date and time notice is given to the police officer or animal control officer. In the event that such penalty is not paid within the time period prescribed, the person shall have the case disposed of in Hampton District Court.

H. The owner of an impounded animal may also be proceeded against for any other violation of this chapter.

I. The licensing authority shall review automatically all licenses issued to animal owners against whom three or more ordinance violations have been assessed in a twelve-month period.

J. The police or animal control officer shall notify the owner of any domestic animal found at large in violation of this chapter if the domestic animal is found on public property or upon complaint of the owner or lessee of any other land upon which such domestic animal is found. Upon notice of a domestic animal being at large, the owner or keeper of such domestic animal shall immediately return such animal to a safe and suitable enclosure.

§ 18-8. Animal care.

A. No owner shall fail to provide his animals with sufficient, wholesome and nutritious food, water in sufficient quantities, proper air, shelter space and protection from the weather, and veterinary care when needed to prevent suffering.

B. No owner of an animal shall abandon such animal.

§ 18-9. Animal waste.

A. An owner or person having custody of any animal(s), with the exception of Town-owned animals, shall not permit said animal to defecate on any public property, including public streets, beaches, alleys, sidewalks, parks, or any other public grounds, within the Town unless said defecation is removed immediately.

B. An owner or person having custody of any animal, with the exception of Town-owned animals, shall not permit said animal to defecate on any private property unless the defecation is removed immediately, other than the premises of the owner or person having custody of said dog.

C. Any person who violates the provisions of this section shall be fined not more than $50 for the first violation and not more than $100 for subsequent violations in the given year.

§ 18-10. Public beaches.

A. Animals will be permitted on the Town of Hampton beaches from Labor Day to Memorial Day any time. However, § 18-9 will apply and will be enforced throughout the year.

B. Animals will be allowed on the Town of Hampton beaches from Memorial Day to Labor Day only after 6:00 p.m. in the evening and before 8:00 a.m. in the morning.

§ 18-11. Violations and penalties.

A. Any person who violates the provisions of § 18-6, 18-7 or 18-8 shall be fined not more than $50 for the first violation and not more than $100 for subsequent violations in a given year.

B. Any person who violates any provision of this chapter shall be deemed guilty of a violation and be punished by a fine of not less than $10 and not more than $100.

C. Any person who violates this chapter by owning or keeping an animal deemed to be a public nuisance shall be liable for a civil forfeiture, which shall be paid to the Hampton Town Clerk within 96 hours of the date and time notice is given by the law enforcement officer or animal control officer to the owner or keeper in violation. If forfeiture is paid, said payment shall be in full satisfaction of the assessed penalty. The forfeiture shall be in the amount as specified for the following violations:

(1) Twenty-five dollars for a nuisance offense as defined in Subsection A, B or C of the definition of "public nuisance" in § 18-2.

(2) Fifty dollars for a nuisance offense as defined in Subsection D or E of the definition of "public nuisance" in § 18-2.

(3) One hundred dollars for a nuisance offense as defined in Subsection F of the definition of "public nuisance" in § 18-2.

D. Any person who does not pay the civil forfeiture specified above shall have the case disposed of in District Court.

§ 18-12. When effective.

This chapter shall take effect upon its passage.

Chapter 23

APPROPRIATIONS, COMMITTEE ON

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes

[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Committee on Appropriations

Voted that a Committee of three be appointed, to be called the Committee on Appropriations, the Chairman of which shall be the Chairman of the Board of Selectmen, whose duties shall be to recommend the amounts to be raised by taxation for the year 1912, and report in time for printing in the Town accounts. Abbott Norris and Thomas Leavitt were chosen as the other members of the above committee.

Voted under the warrant for the Special Town Meeting of April 11, 1911. See page 11 of the Annual Town Report.

Chapter 35

BEACHES AND PARKS

ARTICLE I
Town Meeting Votes

ARTICLE II
Rules and Regulations

§ 35-1. Authority and purpose.

§ 35-2. Rules and regulations established.

§ 35-3. Violations and penalties.

§ 35-4. Severability.

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages — See Ch. 9.
Animals — See Ch. 18.
Hampton Beach Improvement Company — See Ch. 207.
Recreational camping — See Ch. 571.

ARTICLE I
Town Meeting Votes

[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Bath Houses at North Beach

Voted that the Selectmen be instructed to see that the bath houses at North Beach be put in good condition, painted, put on proper foundation, &c; these improvements to be made at the owners' expense; also that they be instructed not to issue any permits for the building of any houses in that locality except for strictly bathing purposes.

Voted under the warrant for the Annual Town Meeting of March 12, 1907. See page 8 of the Annual Town Report.

Leasing

Voted at the Annual Town Meeting of March 10, 1908, that the matter of leasing and care of the Beach east of Ocean Avenue, near the Casino, be left with the Selectmen. See page 9 of the Annual Town Report.

Garbage Collection at Hampton Beach

Voted that the collection of garbage at the Beach be given to the lowest bidder.

Voted under the warrant for the Annual Town Meeting of March 14, 1911. See page 8 of the Annual Town Report.

Collection and Disposal of Swill and Garbage at the Beach

Voted that the matter of collecting and disposing of the swill and garbage at the Beach be left to the Selectmen.

Voted under the warrant for the Annual Town Meeting of March 12, 1912. See page 8 of the Annual Town Report.

Cleaning Up Back Yards and Collecting Garbage at the Beach

Voted that we raise or appropriate the sum of Eight Hundred Dollars ($800) for cleaning up back yards and collecting garbage at Hampton Beach.

Voted under the warrant for the Annual Town Meeting of March 13, 1917. See page 6 of the Annual Town Report.

Business Houses at Hampton Beach

To see if the Town will authorize the Selectmen to make rules and regulations in relation to business houses at Hampton Beach in their discretion for the public good.

Article 8 of the warrant for the Annual Town Meeting of March 13, 1928, was voted to give Selectmen power. See pages 12 and 13 of the Annual Town Report.

Cleaning After a Fire

To see if the Town will pass an article to have the ruins of any fire at Hampton Beach cleaned up within sixty days.

Article 13 of the warrant for the Annual Town Meeting of March 12, 1929, voted to give selectmen power to clean up fires and to use their discretion is so doing. See pages 6 and 15 of the Annual Town Report.

Surfside Park

To see what action the Town will take in having all cottage owners in "Surfside Park" install septic tanks to take the place of all outdoor toilets. Motion: That the Health Officer investigate all toilets where they are nuisances, and condemn same.

The motion under Article 10 of the warrant for the Annual Town Meeting of March 8, 1932, was moved, seconded and voted in the affirmative. See pages 6 and 20 of the Annual Town Report.

BEACHES AND PARKS

Signs for North Shore

On petition of John G. Clancy and twelve other legal voters of the Town of Hampton to see if the Town will vote to raise and appropriate the sum of seventy dollars for sign for North Shore, Hampton Beach.

These signs would forbid people to change cloths in cars or in public before or after bathing. In addition they would prohibit people from taking dogs on the beach during the summer season.

Article 30 of the warrant for the Annual Town Meeting of March 11, 1952, was moved to investigate relative to changing cloths in cars and keeping dogs restricted on Beach and further moved that the Selectmen look into the question of the present State situation covering the changing of cloths in cars and in public or prohibiting the presence of dogs on the Beach during the Summer season and also the question of promulgating an ordinance to cover these matters if no laws are now in existence. Motion voted in the affirmative. See pages 11 and 28 of the Annual Town Report.

East End School House Lot

To see if the Town will vote to authorize the selectmen to sell at public auction the East End School House lot so-called.

Article 10 of the warrant for the March 13, 1962, Annual Town Meeting was voted indefinitely postponed. See pages 14 and 15 of the Annual Town Report.

East End School House Lot — Public Park

On petition of Ruth S. Bragg and eleven other legal voters of the Town of Hampton; to see if the Town will vote to establish a park on the "East End School House" lot, so called.

Article 16 of the warrant for the Annual Town Meeting of March 16, 1963, was moved, second and voted in the affirmative. See pages A-6, A-7 and 29 of the Annual Town Report.

Policing State Parks

To see if the Town will vote to investigate the legality of Chapter 159 of the Session Laws of 1933 and the expenditure of Town funds for lifeguards, cleaning, and policing of State Parks and to take the necessary action in the best interests of the Town.

Article 13 of the warrant for the Annual Town Meeting of March 10, 1964, was moved, seconded and voted in the affirmative. See pages A-4 and 22 of the Annual Town Report.

North Shore Park

Dedicated to Joseph B. Brown

On petition of John Pierce Batchelder and 70 other legal voters of the Town of Hampton to see if the Town will vote to ratify action by the Board of Selectmen in prior years, as follows:

Whereas, The Town of Hampton recorded plats in the Rockingham County Registry of Deeds as Plaice Cove in 1909 and North Side in 1919 and

Whereas, these plats designated a certain area on the northerly end of Plaice Cove as North Side Park and

Whereas, it is the intent of the petitioners to set aside all of this last remaining strip of natural sand dunes and

Whereas, this entire park has been used as a public park and

Whereas the Board of Selectmen during the 1920's voted to set aside this park in the memory of Joseph B. Brown, a beloved Selectmen for many years and

Whereas, no formal action by Town Meeting in accordance with R.S.A. Chapter 50 has been taken by previous Town Meetings

Now Therefore Be It Voted that North Side Park be and it is hereby dedicated as North Side Park in memory of Joseph B. Brown

Article 24 of the warrant for the Annual Town Meeting of March 10, 1964, was moved, seconded and voted in the affirmative. See pages a-9 and 26 of the Annual Town Report.

Ruth Stimson Park

On petition of Virginia C. Blake and John M, Holman and ten other legal voters of the Town of Hampton: To change the name of the area east of the Boulevard, north of the Coast Guard Station, formerly known as the "Fish House Area" and now called "Seashore Park" to "Ruth G. Stimson Park"

Article 23 of the warrant for the Annual Town Meeting of March 9, 1965, was moved and seconded. Motion to amend "If Seashore Park is to be re-named at any time a name for namesake be selected by the Historical Society." was made and seconded. The motion to amend was defeated. The main motion was voted in the affirmative. See pages 7A, 31 and 32 of the Annual Town Report.

Bi-Centennial Park Named

To see if the Town will vote to give the name "Bi-Centennial Park" to the Town-owned plat of land on New Hampshire Route 1A which formerly was the site of the Hampton Beach Coast Guard Station; and to do this in commemoration of our nation's 200th Anniversary, as recommended by the Town's American Revolution Bicentennial Committee.

Article 21 of the warrant for the Annual Town Meeting of March 4, 1975, was moved, seconded and voted in the affirmative. See pages 37 and 38 of the Annual Town Report.

Pines Park

We, the undersigned, being legal residents of the Town of Hampton, New Hampshire, petition the Selectmen at the next Town Meeting as to the following:

All Town-owned Lots to the East (Oceanside) of Lots #267 and #272, Town of Hampton Map #105 and Lots #165, 182, 212, 220, 243 and 248, Town of Hampton Map #104, located in the so-called "Pines", be made into a perpetual park, and registered in the Rockingham County Court House, Exeter, N.H. as such.

Article 16 of the warrant for the Annual Town Meeting of March 12, 1983, was moved and seconded. Amendment added "and any land that accrues in the future to the east" was passed. The main motion as amended passed. See page 15 of the Annual Town Report.

ARTICLE II
Rules and Regulations
[Adopted 3-9-1971 by Art. 24 (Ch. 2, Art. 5, of the Code of Ordinances)]

§ 35-1. Authority and purpose.

At the general meeting of the Town of the ninth day of March 1971, the following article was enacted by the Town of Hampton, New Hampshire, in accordance with RSA 31:39 and any other chapters or amendments thereto, for the care, protection, preservation and use of the public parks and beaches of the Town of Hampton.

§ 35-2. Rules and regulations established.

A. Alcoholic beverages are prohibited.

B. Sleeping during nighttime hours is not permitted.

C. Plaice Cove and Seabrook Beaches are closed to all public use between the hours of 1:00 a.m. and 5:00 a.m.

D. Fires shall not be permitted on the beaches. Fires are permitted on Town parks only after securing a permit from the Fire Department.

E. 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, that no dogs, reptiles or exotic animals are permitted at or within 100 feet of activities in which an excess of 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 subsection. 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. **[Amended 3-13-2001 by Art. 34; 3-9-2010 by Art. 32]**

F. 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. **[Amended 3-9-2010 by Art. 32]**

G. In matters of safety and orderliness, persons shall obey all reasonable requests made by lifeguards and park supervisory personnel.

H. No minibikes or other motorized vehicles are permitted on Town parks or beaches.

I. The tennis courts will be open only for the use of residents and taxpayers of the Town of Hampton and their guests. **[Amended 3-8-1975 by Art. 26]**

J. No person shall possess while in or upon a public park or beach or bring onto the same, or suffer or cause or allow any person for whose acts he is legally liable to possess while in or upon a public park or beach or bring onto the same, any container designed and intended to carry or contain liquids, which container is made of glass.[1]

§ 35-3. Violations and penalties. [Amended 3-13-2001 by Art. 34]

Any person violating any of the provisions of this article shall be guilty of a violation and upon conviction thereof shall be liable to a penalty of not less than $100 nor more than $250 for each offense.

§ 35-4. Severability.

If any section or part of a section or paragraph of this article is declared to invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this article, it shall not invalidate the remaining sections of this article.

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1. Editor's Note: Original Subsection (k), Tennis passes, which immediately followed this subsection, was deleted in May 1994.

Chapter 40

BINGO AND LOTTERIES

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Bingo and Lucky 7

Shall we adopt the provisions of RSA 287-E relative to the conduct of games of Bingo and the sale of Lucky 7 tickets? (Majority vote required)

Article 7 of the Annual Town Meeting of 3-12-2013 was adopted by ballot vote: Yes 1532, No. 683. See pages 44 and 45 of the Annual Town Report.

Chapter 46

BOUNDARIES

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Construct Water Lines to Sell to Seabrook

To see if the Town will vote to raise and appropriate the sum of $25,000 for the purpose of installing waterlines, including hydrants, a distance of 3,700 feet on Ocean Drive, Woodstock Street, Plymouth Street, Campton Street, Thornton Street and Portsmouth Avenue, and to further authorize the sale of the said water system to the Town of Seabrook for one dollar and to authorize the Board of Selectmen to execute for and in behalf of the Town of Hampton such instructions as they deem necessary to complete said sale.

Article 7 of the warrant for the Annual Town Meeting of March 9, 1965 was moved and seconded to lay the matter on the table. The motion was passed. See pages 3A, 24, 25 and 26 of the Annual Town Report.

Transfer a Portion of Seabrook Beach

To see if the Town will vote to authorize the Board of Selectmen to negotiate with the Board of Selectmen of Seabrook for the future transfer to the Town of Seabrook that portion of the Town of Hampton lying between the northerly end of Seabrook Beach and the Hampton River, and to take such steps as may be necessary to accomplish the purpose and intent of this article.

Article 8 of the warrant for the Annual Town Meeting of March 9, 1965 was moved, seconded and voted in the affirmative. See pages 3A, 24 and 25 of the Annual Town Report.

Question — Change Town Line

Subject to the approval of the Legislature and ratification by the Town at a later date, do you favor changing of the Town Line between Hampton and Seabrook, without monetary consideration, to the center of the Hampton River?

Article 9 of the warrant for the Annual Town Meeting of March 8, 1966 was moved and seconded to indefinitely postpone, motion was voted. See pages A-2 and 14 of the Annual Town Report.

Make Hampton Beach a Separate Town

To see if the Town will vote to approve in principal the separation of Hampton Beach from the Town of Hampton as a separate and distinct Town.

Article 23 of the warrant for the Annual Town Meeting of March 1980 was moved and seconded. The article failed.

Change Hampton-Seabrook Town Boundary

On the petition of Charles H. Hayden and at least 24 legal voters to see if the Town will vote to change the boundary line at the southeasterly boundary between Hampton and Seabrook so as to relocate it to the middle of the Hampton River without monetary consideration.

Article 32 of the warrant for the Annual Town Meeting of March 12, 1994 was moved, seconded and was voted by ballot, yes 165, No 147. See page 28 of the Annual Town Report

Change Hampton-Seabrook Boundary

Are you in favor of ratifying House Bill 1588, entitled "An Act altering the southeasterly boundary line between the Towns of Hampton and Seabrook and providing for a referendum"? Said Town line shall be as follows:

The southeasterly portion of the boundary between the Towns of Hampton and Seabrook shall be the low water mark on the south side of the Hampton River. All that portion of Hampton lying south of the low water mark on the south side of the Hampton River is hereby disannexed from the Town of Hampton and annexed to the Town of Seabrook. (2/3rds vote of each Town required for ratification)

Article 2 of the warrant for the Annual Town Meeting of March 14, 1995 was voted by ballot, yes 1333, no 1527. See pages 18 and 19 of the Annual Town Report.

Chapter 52

BREAKWATERS

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Building and Repairing Breakwaters

That one thousand dollars ($1,000) be appropriated for the purpose of building and repairing breakwaters at the beach, five hundred dollars of which to be raised by taxation the coming year.

Passed at the Annual Town Meeting of March 8, 1910. See page 7 of the Annual Town Report.

Breakwater at the Beach

Voted that the Town appropriate the sum of two thousand dollars, the same to be used for a breakwater at the beach and to be taken from rents received at the Beach; also that said sum be expended in the spring of the coming year.

Voted at the Annual Town Meeting of March 11, 1913. See page 7 of the Annual Town Report.

Construction of Breakwater

Voted that the Selectmen be authorized and empowered to construct a breakwater from Haverhill Avenue to Franklin Avenue, or such part thereof as in their opinion may be necessary, using such part of the unexpended balance of the appropriation of $20,000 voted at the Annual Meeting held March 9, 1920, as may be necessary for that purpose.

Voted under Article 1 of the Special Town Meeting of August 28, 1922. See page 17 of the Annual Town Report.

Breakwater South of Coast Guard Station

To see if the Town will vote to raise and appropriate a sum of money equal to the sum appropriated by the State to build a breakwater south of the Coast Guard Station.

Article 14 of the Annual Town Meeting of March 9, 1926 was voted on a motion to accept $10,000 from the State for Breakwater south of Coast Guard Station, and that the Town raise an equal amount and that $5,000 be raised this year and $5,000 next year. A committee appointed to investigate, were the Selectmen, Ernest G. Cole and Frank E. Leavitt. See pages 4 and 7 of the Annual Town Report.

Chapter 57

BUDGET COMMITTEE

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Budget Committee

On petition of K. L. Shaughnessey, Jr., and nine other legal voters of the Town of Hampton, in the event of adoption of the Municipal Budget Law, to see if the Town will vote to have the Moderator appoint a Budget Committee of twelve members-at-large.

The following motion was made by Herbert Casassa: Seconded. I move that Article 33 be amended by striking out the article and amending it to read as follows: In the event of the adoption of a municipal budget law, to see if the Town will vote to have twelve members at large elected to the budget committee, the members for the ensuing year and for their respective terms of office to be elected by this meeting, and the four members whose terms expire in each subsequent year to be elected by Australian Ballot." Mr. Kenneth Ryan moved that the amendment to Article 33 be amended as follows: That this meeting elect as members of the budget committee for their respective terms of office, the following citizens: To serve for one year: Alfred Tower, Kenneth Langley, Carl Lougee, and Virginia Blake. To serve for two years: Douglass Hunter, Martin Gunther, George Downer and Wilma White. To serve for three years: Dean B. Merrill, William Elliot, Harold Plerson and Caroline P. Higgins.

Article 33 of the Annual Town Meeting of March 8, 1955, was passed as amended. See pages 11, 35 and 36 of the Annual Town Report. Note: Dean Merrill resigned, and Charles Greenman was appointed to his place.

Selectmen's Representative Change

A Resolution was offered suggesting that the Selectman who was serving the second year of his three year term be the member to act as a representative to the Budget Committee instead of the member whose term was expiring.

The resolution under Article 28 of the March 10, 1959, Annual Town Meeting was approved by the meeting. See page 21 of the Annual Town Report.

Reduction in Number of At-Large Members

On petition of Nathan Page and (25) twenty five or more registered voters of Hampton, shall the Town of Hampton reduce the number of at-large members serving on the Hampton Municipal Budget Committee to 6 (not including representatives from other Boards) as provided under RSA 32:15-IV? This change will take place via attrition as terms expire beginning in 2016, until the number of at-large members of the Committee reaches 6. Subsequently, annual elections will be held to maintain the membership of the Municipal Budget Committee at 6 at-large members.

Results of balloting on March 10, 2015: Yes 1,205, No 1,199. Article 48 passed.

Chapter 61

BUILDING CONSTRUCTION

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Create Building Inspector

To see what action the Town will take regarding the appointment of an inspector of buildings, prescribed his duties, and fix his compensation. Moved and seconded that an inspector of buildings be appointed by the Selectmen, his duties prescribed and compensation fixed and until such appointment that the Selectmen act as such inspector.

Article 1 of the warrant of the Special Town Meeting of July 18, 1921, was passed on a voice vote. See pages 13 and 14 of the Annual Town Report.

Appoint Building Inspector

Voted that the Town shall appoint a Building Inspector for said Town, said Inspector a resident or non-resident of Hampton, to be paid a suitable salary by said Town.

Voted under Article 1 of the Warrant for the Special Town Meeting of July 18, 1921, at the adjourned session on July 25, 1921. See page 15 of the Annual Town Report.

Building Code Board of Appeals

To see if the Town will designate the Zoning Board of Adjustment as the board of appeal for variances involving regulations for the construction, remodeling and maintenance of buildings (that is, building codes and ordinances adopted by Town Meeting). The designation of the Zoning Board of Adjustment as the appeal board is authorized by Revised Statutes Annotated Chapter 156, Section 40b; without such designation, the Board of Selectmen is the variance board for building regulation and there is no requirement of a public hearing and notification of abutters for each variance request, as required by the Zoning Board of Adjustment statutes.

Article 23 of the Annual Town Meeting of March 13, 1979, was voted, seconded and passed. See pages 44 and 45 of the Annual Town Report.

Appointment of Building Inspector

Shall the Town of Hampton vote to rescind Section 3 of Article VI of the 1948 Town Meeting that requires the Board of Selectmen to annually appoint the Building Inspector, and to provide that the appointment, supervision, and removal of the Building Inspector shall be under the authority of the Town Manager or his designee?

Buck Amendment Final Wording "To see if the Town of Hampton will vote to change the hiring, annual appointments and supervision of the Building Inspector from the Board of Selectmen to the status of a department head under the direct supervision of the Town Manager."

Results of balloting on March 14, 2000: Yes 2,586, No 863. Article 33 passed.

Chapter 69

CABLE TELEVISION

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Licensing Authority

To see if the Town will vote to authorize the Board of Selectmen to grant one or more franchises to operate a cable television system in this Town, said authorization to encompass the setting of such conditions as the Board shall deem appropriate. Said conditions may include the setting of subscription or service rates to citizens and franchising fees to the Town to the extent that they are not inconsistent with N.H. RSA Chapter 53-C and the Rules and Regulations of the Federal Communication Commission.

The article was amended, "strike the period at the end and add 'and shall include the stipulation that the cable television service is to be made available, at uniform rates, to all dwelling units within Town bounds within six months of the granting of any such franchise.'" Motion to amend was passed.

Article 26 of the Warrant for the Annual Town Meeting of March 11, 1980, was passed. See pages 58 and 59 of the Annual Town Report.

Use of Revenues

Shall we adopt the provisions of RSA 31:95-c to restrict 100% of revenues from Cable TV local origination franchise agreement funds to expenditures for the purpose of providing local public, educational, and government access broadcasts in compliance with franchise agreements and/or future assigns? Such revenues and expenditures shall be accounted for in a special revenue fund to be known as the Hampton Cable TV Local Origination Fund, separate from the general fund. Any surplus in said fund shall not be deemed part of the general fund accumulated surplus and shall be expended only after a vote by the legislative body to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund or source of the revenue. This fund will be under the jurisdiction of the Board of Selectmen.

Results of balloting on March 14, 2000: Yes 2,156, No 1,290. Article 21 passed.

Cable TV Local Origination Fund

Shall the Town of Hampton vote:

To rescind the provisions of RSA 31:95-c as to the Hampton Cable TV Local Origination Fund, a Special Revenue Fund created under Article 21 of the March 14, 2000 Town Meeting and funded with revenues generated from the Cable TV Franchise Agreement Franchise Fee, and adopted "to restrict 100% of the revenues from the Cable TV local origination franchise agreement funds to expenditures for the purpose of providing local public, educational, and governmental access broadcasts in compliance with franchise agreements and/or future assigns? Such revenues and expenditures shall be accounted for in a special revenue fund to be known as the Hampton Cable TV Local Origination Special Revenue Fund, separate from the general fund. Any surplus in said fund shall not be deemed part of the general fund accumulated surplus and shall be expended only after a vote by the legislative body to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund or source of revenue?";

And

To transfer any surplus remaining in said Fund up to the sum of $78,771.47 into, and to establish, a Hampton Cable TV Local Revolving Fund pursuant to RSA 31:95-h, into which Revolving Fund there shall be deposited 25% of the funds that are received from the Franchise Fees, and shall be allowed to accumulate from year to year, and shall not be considered to be part of the Town's general fund unassigned fund balance. The Treasurer shall have custody of all monies in the fund, and shall pay out the same only upon order of the Board of Selectmen (no future Town Meeting approval required). These funds may be expended only for the purpose of providing cable access for public, educational, or governmental use in compliance with the franchise agreement, and no expenditure shall be made in such a way as to require the expenditure of other town funds which have not been appropriated for that purpose. The balance of the Franchise Fees received by the Town under that Cable TV Franchise Agreement are to be deposited in the general fund unassigned fund balance as revenues to reduce taxes. Pursuant to RSA 31:95-d, II, the effective date of this article, if passed by the Town, shall be retroactive to January 1, 2013; defeat of this Article 16 will leave in place the existing Hampton Cable TV Local Origination Fund and whatever action is taken by this Town Meeting on the following Article 17? (Majority vote required.)

Results of balloting on March 12, 2013: Yes 1889, No 339. Article 16 passed.

Appropriation of Revenues

Shall the Town of Hampton vote to raise and appropriate the sum of $100,000 from revenues generated from the Hampton Cable TV Local Origination Fund, a special revenue fund created under Article 21 of the 2000 Annual Town Meeting and funded by 25% of the franchise fee revenues generated from the Cable TV local origination franchise agreement, to upgrade, expand and enhance the development of local origination channels, but if the preceding Article 16 in this warrant passes to rescind the Hampton Cable TV Local Origination Fund then this Article 17 is null and void? (Majority vote required)

Results of balloting on March 12, 2013: Yes 1863, No 375. Article 17 passed.

Change purpose of Cable TV Local Origination Fund

Shall the Town of Hampton vote to change the purpose of the Hampton Cable TV Local Origination Fund, a special revenue fund created under Article 21 of the 2000 Annual Town Meeting so as to clarify that regardless of how the existing or prospective cable TV franchise agreement is worded, only 25% of the franchise fee revenues generated from said franchise agreement are to go into said Hampton Cable TV Local Origination Fund to upgrade, expand and enhance the development of local origination channels, with the remaining 75% of said revenues to go to the general fund unassigned fund balance so as to reduce taxes, but if the preceding Article 16 in this warrant passes to rescind the Hampton Cable TV Local Origination Fund then this Article 18 is null and void? (2/3 vote required)

Results of balloting on March 12, 2013: Yes 1867, No 356. Article 18 passed.

Chapter 74

CAPITAL RESERVE FUNDS

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Land Acquisition

To see if the Town will vote to establish the land acquisition capital reserve fund as authorized in RSA 35:1, IIIa, for the purpose of acquiring conservation land or interests in land for permanent conservation use, etc.

Article 34 of the March 8, 1988, Annual Town Meeting was moved, seconded and passed. See page 22 of the Annual Town Report.

Fire-Fighting Apparatus

To see if the Town will vote to establish a Capital Reserve Fund pursuant to RSA Chapter 35, for the purpose of funding the periodic replacement of fire-fighting apparatus (Pumpers, Engines, Ladders, Tankers, etc.) and to raise and appropriate the sum of $45,000 and to place such sums in said account designating the Board of Selectmen as the agents to expend the account.

Article 29 was moved and seconded. Motion to amend to insert after apparatus the words "other Fire Rescue Vehicles and equipment," seconded. Motion to amend passed in the affirmative. Motion to amend by removing the words "designating the Board of Selectmen as agents to expend the account" was seconded. The amendment failed.

Article 29 of the warrant for the Annual Town Meeting of March 18, 1995, was voted in the affirmative as amended. See page 35 of the Annual Town Report.

Computer System

To see if the Town will vote to establish a Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of replacing, upgrading, and modifying our existing computer system and to raise and appropriate the sum of thirty thousand dollars ($30,000) to be placed in said fund. Upon passage of this article an MIS (Management Information Systems) committee will be set up to recommend future withdrawals from this fund.

Article 27 of the Warrant of the Annual Town Meeting of April 8, 1997, was voted by ballot, Yes 1814, No 1386. See page 42 of the Annual Town Report.

Road Improvements

To see if the Town will vote to establish a Capital Reserve Fund under the provisions of RSA 35:1 for the maintenance and/or reconstruction of streets and raise and appropriate $350,000 to go into the fund; use of said funds to be approved by a majority vote of Town Meeting.

Article 16 of the warrant for the Annual Town Meeting of March 10, 1998, was voted by ballot, Yes 1525, No 1521. See pages 34 and 34 of the Annual Town Report.

Road Improvement Capital Reserve Fund

Shall the Town raise and appropriate the sum of $350,000 to contribute to the Road Improvement Capital Reserve Fund established by Article 16 of the 1998 Town meeting pursuant to the provisions of RSA 35:1 and to appropriate $700,000 for use as the Town's 20% match on the Route 1 reconstruction project and other contingencies related to the Route 1 reconstruction?

Article 9 of the warrant for the Annual Town Meeting of March 9, 1999, was voted by ballot, Yes 1841, No 1265. See page 24 of the Annual Town Report.

Department of Public Works Equipment

Shall the Town of Hampton vote to create a Department of Public Works Equipment Capital Reserve Fund in accordance with the provisions of RSA 35 and to raise and appropriate the sum of $340,000 to be placed in said fund, and to name the Board of Selectmen as Agents for said fund.

Article 23 of the Warrant for the Annual Town Meeting of March 11, 2008, was voted by ballot, Yes 1861, No 1273. See page 154 of the Annual Town Report.

Chapter 80

CEMETERY

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Committee Created

Vote that a cemetery committee of three be appointed by the moderator to take up the matter of caring for and improving the cemetery and report to the next annual meeting. B. Franklin Perkins, Christopher G. Toppan and John W. Dearborn were appointed as members of said committee.

Motion was passed at the Annual Town Meeting of March 13, 1906. See page 6 of the Annual Town Report.

Committee Continued

Voted that the Cemetery Committee be continued during the coming year, and be constituted a committee to expend the appropriation for the improvement of the cemetery.

Motion was passed at the Annual Town Meeting of March 12, 1907. See page 8 of the Annual Town Report.

Committee Report and Recommendations

The report of the Cemetery Committee was given, which made the following recommendations:

1st. That the work of painting and repairing the fence be completed.

2nd. That in case the gravestones which need resetting are not attended to by December first, 1908, by the owners of the lots, the Town undertake the work.

3rd. We renew the recommendation of last year, that the avenues be graveled to the level of the lots, this work to be done in the course of six years.

4th. We repeat and enlarge the sixth recommendation of last year, that in all future sale of lots, the Town reserve the right, by a distinct clause in each deed, (1) to decide what trees or shrubs shall be planted on said lots, (2) to require the owners of said lots to keep them in good condition, and (3) in case the lots are neglected, to enter upon said lots and keep them in good condition.

5th. That a sum not exceeding two hundred dollars be raised and appropriated to complete the work above recommended.

Voted that the first, second, fourth and fifth recommendations be adopted. Passed at the Annual Town Meeting of March 10, 1908. See page 7 of the Annual Town Report.

Hampton Cemetery Association Maintenance

Voted that the Town pay to Hampton Cemetery Association, from funds held in trust by the Town for the care of Cemetery Lots, the accrued interest or such part of said interest as will put the lots of the devisors of said funds in proper condition.

Passed at the Annual Town Meeting of March 9, 1909. See page 7 of the Annual Town Report.

Hampton Cemetery Association to Care for Cemeteries

Voted that the several Town Cemeteries be put under the care of the Hampton Cemetery Association and that the sum of one hundred dollars ($100) be raised and appropriated for the care of the same.

Passed at the Annual Town Meeting of March 9, 1909. See page 7 of the Annual Town Report.

Town Hearse

Voted that the Selectmen be instructed to procure a suitable hearse for the use of the Town.

Passed at the Annual Town Meeting of March 14, 1911. See page 7 of the Annual Town Report.

Enlarge Cemetery

Voted that the Selectmen be authorized to purchase a piece of land, not to exceed five acres, for the purpose of enlarging the cemetery.

Passed at the Annual Town Meeting of March 12, 1912. See page 9 of the Annual Town Report.

CEMETERY

Lot Layout in New Cemetery Land

Voted that the sum of two hundred dollars each be raised and appropriated for the Hampton Cemetery Association and for laying out lots in the new addition to the cemetery.

Passed at the Annual Town Meeting of March 11, 1913. See page 7 of the Annual Town Report.

Bequest of A.C. Marie Currier

Voted that the bequests of the late A.C. Marie Currier to the Town of Hampton for care of Cemetery Lot and for Library Fund be accepted. It was also voted that a committee of three be appointed to draw up suitable resolutions to be forwarded to the executors of the estate of the late Mrs. Currier and through them to the relatives of the deceased.

The Moderator appointed Rev. John A. Ross, Lewis Perkins and Herbert L. Tobey to draw up the above mentioned resolutions. The committee submitted the following:

Whereas, The will of the late A.C. Marie Currier contains the following clauses:

1. "To the Town of Hampton, Rockingham County, State of New Hampshire, my private library, two black walnut bookcases, and the sum of Two Thousand Dollars ($2,000.00) to be used in the construction and fitting of a room in the Public Library in said Town of Hampton, the said room to be known as and called the 'Dearborn Room.'
2. "I direct that my Executors here in named pay to the Town of Hampton, Rockingham County, State of New Hampshire, the sum of One Thousand Dollars ($1,000.00). The income of which is to used and applied in the care of the 'Dearborn monument' and the lot in which monument is placed in the cemetery in the said Town of Hampton."

And Whereas, At a Town Meeting held in the Town Hall of the said Town of Hampton on Saturday, November 11, 1916, it was voted to accept the said bequests of the late A.C. Marie Currier.

Be it hereby Resolved, That the Chairman of the Board of Selectmen be instructed to communicate with the Executors of the estate of the late Mrs. Currier and through them to the relatives of the deceased, and express the appreciation of the people of the Town of Hampton for these generous gifts.

Voted that the report of the Committee be accepted and adopted. Passed at the Annual Town Meeting of March 14, 1916. See pages 8 and 9 of the Annual Town Report.

Purchase Cemetery Land

To see if the Town will give the Selectmen power to purchase land for cemetery purposes and raise and appropriate money for same.

Article 11 of the Annual Town Meeting of March 12, 1935, was voted. See pages 6 and 23 of the Annual Town Report.

Purchase Cemetery Land

To see if the Town will vote to authorize the Selectmen to purchase land for cemetery purposes.

Article 13 of the Annual Town Meeting of March 14, 1944, was voted. See pages 6 and 19 of the Annual Town Report.

Resolution — Committee to Study Old Cemeteries

Be it resolved that this meeting authorize and the Moderator appoint a committee of five (5) or more citizens of this Town to make a full and complete study and investigation of all old cemeteries both private and public within the Town, and report to the Town Meeting of 1951, of conditions found and recommendations and cost of such needed to restore and preserve these landmarks which have such a great place in the history of Hampton.

The Resolution was voted under Article 26 of the Annual Town Meeting of March 14, 1950. See pages 10 and 26 of the Annual Town Report.

Care and Maintenance of Deserted and Abandoned Cemeteries

On Petition of Roland W. Paige and eighteen other legal voters to see if the Town will vote to raise and appropriate the sum of three hundred dollars ($300.00) for the care and maintenance of deserted and abandoned cemeteries in the Town of Hampton.

Article 13 of the Annual Town Meeting of March 13, 1951, was voted. See pages 7 and 23 of the Annual Town Report.

Care and Maintenance of Deserted and Abandoned Cemeteries

On petition of Roland W. Paige and fourteen other legal voters to see if the Town will vote to raise and appropriate the sum of $300.00 for the care and maintenance of deserted and abandoned cemeteries in the Town of Hampton.

Article 13 of the warrant for the Annual Town Meeting of March 11, 1952, was voted. See pages 6, 7 and 26 of the Annual Town Report.

Care and Maintenance of Deserted and Abandoned Cemeteries

On petition of Roland W. Paige and eleven other legal voters of the Town of Hampton to see if the Town will vote to raise and appropriate the sum of $300.00 for the care and maintenance of deserted and abandoned cemeteries in the Town of Hampton.

Article 11 of the warrant for the Annual Town Meeting of March 10, 1953, was voted. See pages 7 and 29 of the Annual Town Report.

CEMETERY

Care and Maintenance of Deserted and Abandoned Cemeteries

On petition of Roland W. Paige and fourteen other legal voters of the Town of Hampton, to see if the Town will vote to raise and appropriate the sum of $100 for the care and maintenance of deserted and abandoned cemeteries in the Town of Hampton.

Article 31 of the warrant for the Annual Town Meeting of March 8, 1955, was voted. See pages 11 and 35 of the Annual Town Report.

Land Dedicated to Memorial Day and other Memorial Exercises

On petition of Robert Webber, Commander of Hamptons' Post No. 35 and twenty other legal voters of the Town of Hampton, to see if the Town will vote to raise and appropriate the sum of $750 to partially fill and grade a plot of land in the High Street Cemetery approximately 140 feet by 160 feet, and located northeasterly of the Tool House, to be used for Memorial Day and other Memorial exercises.

The article was moved and seconded. An amendment was made by striking out the remainder of the present article beginning with the words "approximately 140 feet by 160 feet," and substituting the following: "approximately 145 feet by 125 feet, the location to be determined by the Board of Selectmen and the Cemetery Association" to be used for Memorial Day and other Memorial Exercises."

The amendment was seconded and passed and the amended main motion under Article 28 of the warrant for the Annual Town Meeting of March 12, 1957, was voted. See pages 13, 33, 34, and 35 of the Annual Town Report.

Following the passage of the article a letter was read as follows:

Dear Mr. Moderator:

WHEREAS, The Hamptons' Post 35, American Legion, Department of New Hampshire, have respectfully requested, and now would like to recommend that your Town meeting raise and appropriate the sum of money necessary for a memorial lot which will be both suitable and can accommodate our Memorial Day assembly for years to come.

AND WHEREAS: Post No. 35 would like to contribute to such a worthwhile project, we hereby obligate our Post to erect a speakers platform and a flag pole. Signed Robert S. Webber, Post Commander, Elmer E. Eldredge, Post Adjutant.

John Perkins moved that the offer of Legion Post No. 35 to erect a speaker's platform and flagpole at the Cemetery be accepted, and that a letter of thanks be sent to the Legion, and action placed on record, Seconded, So voted.

Transfer Land to Cemetery Association

To see if the Town will vote to authorize the Board of Selectmen to transfer the land located on Tax Map 13, Lot #22 to the Hampton Cemetery Association for their purposes and uses.

Article 9 of the warrant for the Annual Town Meeting of March 12, 1968, was voted in the affirmative. See page 12 of the Annual Town Report.

Cemetery Land to Advent Christian Church

On Petition of Mabel D. Hobbs and nineteen other legal voters of the Town of Hampton, to see if the Town will vote to authorize the Hampton Cemetery Association to quit-claim to the Advent Christian Church of Hampton, for such price as the Cemetery Association may deem reasonable, a portion of land described by Tax Map 13, Lot #22, not to exceed 17,500 square feet, provided that the Cemetery Association finds that such portion of the land is not needed for its uses and purposes.

Article 10 of the Annual Town Meeting of March 12, 1968, was voted by a hand vote in the affirmative. See page 12 of the Annual Town Report.

Cemetery Land Purchase

To see if the Town will vote to buy from Wesley Davis for the sum of $2,500 a certain tract of land adjacent to the east side of the High Street Cemetery with a forty-foot entrance from Mill Road, containing approximately 55,000 square feet, said tract to be used for cemetery purposes as a part of the High Street Cemetery, and to raise and appropriate the sum of $2,500 therefor.

Motion and second to approve the article. An amendment was moved and seconded to delete the words "with a 40-foot entrance from Mill Road." The amendment passed.

Article 17 of the warrant for the Annual Town Meeting of March 11, 1969, was voted in the affirmative as amended. See pages 32 and 33 of the Annual Town Report.

Develop Back Half of Memorial Lot

On petition of John J. Chernesky, Commander of Hampton's Post #35 American Legion, and ten other legal voters of the Town of Hampton, New Hampshire to see if the Town will vote to raise and appropriate the sum of $400 to develop the back half of the Memorial Lot in the High Street Cemetery. Said back part of this lot, approximately 125 feet by 145 feet, this part of the lot by vote of a previous Town meeting was reserved for this purpose.

Article 18 of the warrant for the Annual Town Meeting of March 11, 1969, was vote in the affirmative. See pages 6A and 33 of the Annual Town Report.

Exchange of Land to Straighten High Street Cemetery Line

To if the Town will vote to convey to Mrs. E. Ruth Perkins of Dearborn Avenue, Hampton the following described tract of land: A certain parcel of land situate in the Town of Hampton, County of Rockingham, State of New Hampshire, and located about 925 feet Southerly from Ann's Lane and about 375 feet Easterly from Dearborn Avenue but not abutting on either of the above mentioned ways. This parcel is more particularly described as follows:

Beginning at the Southeasterly corner of the parcel being conveyed said corner being also the Northwesterly corner of a certain parcel of land being conveyed at this time from the Grantee to the Grantor. Thence along the following courses and abutters:

Northwesterly 84 feet, more or less, along a continuation in the same direction as the Northeasterly boundary of aforementioned land being conveyed from the Grantee to the Grantor and along other land of the Grantor. Northeasterly 27 feet, more or less, along other land of the Grantee, Southeasterly 74 feet, more or less, along other land of the Grantee, Southerly 26 feet, more or less, along other land of the Grantee to the point of beginning.

All to be as shown on a certain Drawing entitled "Sketch of land in Hampton, New Hampshire, E. Ruth Perkins and Town of Hampton", dated March 1971 to be filed herewith.

The said E. Ruth Perkins, to convey to the Town of Hampton the following described tract of land:

A certain parcel of land situated in the Town of Hampton, County of Rockingham, State of New Hampshire and located about 950 feet Southerly from Ann's Lane and about 425 feet Easterly from Dearborn Avenue but not abutting on either of the above mentioned ways. This parcel is more particularly described as follows:

Beginning at the Easterly corner of the parcel being conveyed said corner being also the Southwest corner of land now or formerly of Robert W. Fitz, et al, thence along the following courses and abutters:

Westerly 80 feet, more or less, along other land of the Grantor, Northerly 51 feet, more or less, along other land of the Grantor, Southeasterly 79 feet, more or less, along other land of the Grantor to the point of beginning.

All to be shown on a certain drawing entitled "Sketch of land in Hampton, New Hampshire, E. Ruth Perkins and Town of Hampton" dated March 1971 to be filed herewith.

The purpose of the two above conveyances is to straighten out the northerly end of High Street Cemetery line and the two tracts containing exactly the same, 1,960 square feet. A plan showing the two tracts is on file in the Hampton Town Offices.

Article 18 of the warrant of the March 9, 1971, Annual Town Meeting was moved, seconded and passed in the affirmative. See pages 30, 71, 72, and 73 of the Annual Town Report.

Board of Cemetery Trustees Established

To see if the Town will vote to establish a board of three (3) trustees to hold and expend at its direction funds for the benefit of the Town cemeteries and to supervise all such cemeteries to the end that the said funds may be so expended as best to serve the purposes for which they are raised, said board of trustees to be separate and distinct from the Board of Trustee of Trust Funds, said trustees to be elected by ballot at the 1980 Annual Town Meeting, for terms of 3 years, 2 years and 1 year, respectfully, and one (1) trustee to be elected by ballot at each annual meeting thereafter for a term of 3 years, pursuant to R.S.A. 280:7.

Article 1 of the warrant of the Special Town Meeting of November 1, 1979, was moved, seconded and voted in the affirmative. See page 47 of the Annual Town Report.

Sale of Cemetery Lots

To see if the Town will vote to authorize the Selectmen to accept funds, with the interest accumulated thereon, which have been transferred to the Town for the perpetual care of cemetery lots and to authorize the Selectmen to continue with the present sales arrangements relating to the sale of cemetery lots subject only to price increases in subsequent years, but not in 1984.

Article 25 of the warrant of the Annual Town Meeting of March 13, 1984, was moved, seconded and passed in the affirmative. See page 26 of the Annual Town Report.

Name Veterans' Section of High Street Cemetery

On petition of George F. Hardardt and 54 other legal voters of the Town of Hampton, to see if the Town will vote to name the so-called High Street Cemetery the "Roland W. Paige" Cemetery in honor of Roland W. Paige who had honorably served as its dedicated Superintendent of Cemeteries for over 33 years, and that the Trustees of the Cemeteries budget and supply an adequate sign at the entrance of said cemetery. The article was moved and seconded and an amendment was offered "to name the Veterans section the Roland W. Paige Memorial Section of the so-called High Street Cemetery and an appropriate plaque be placed on the permanent platform." And deleting "and that the Trustees of the Cemeteries budget and supply an adequate sign at the entrance of said cemetery."

Article 52 of the warrant of the Annual Town Meeting of March 16, 1991, as amended was voted in the affirmative. See page 28 of the Annual Town Report.

Discontinue 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)

A motion was made and seconded to state at the end "passage of this article will result in an increase in the tax rate." Amendment withdrawn.

A motion was made and seconded to strike all the language. The amendment failed.

Results of balloting on March 9, 2010: Yes 1099, No 1637, Article 38 failed.

Chapter 84

CHARTER COMMISSION

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Committee to Study Town Government Organization

To see if the Town will instruct the Board of Selectmen to appoint a study committee for the purpose of preparing a charter that will better meet the organizational needs of the Town by consolidating the governmental activities between the Town and the Precinct.

Amended to read "instruct the Board of Selectmen to appoint a study committee consisting of 12 people, including the Precinct Commissioners, and the remainder to be appointed by the Board of Selectmen."

Article 8 of the Annual Town Meeting of March 12, 1968, was adopted in the affirmative as amended. See pages 11 and 12 of the Annual Town Report.

Charter Commission

Shall a charter commission be established for the purpose of revising the municipal charter or establishing a new municipal charter?

Article 3 of the Annual Town Election of March 10, 1987, vote by ballot: Yes 942, No 369. See page 13 of the Annual Town Report and page 14 for results of the election of Charter Commissioners.

Charter Commission

To see if the Town is in favor of starting a Charter Commission to look into possible revisions in the structure of Town government.

Article 33 of the warrant for the Annual Town Meeting of March 12, 1994, was voted indefinite postponement. See page 33 of the Annual Town Report.

Chapter 87

CIVIL DEFENSE

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes

[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

On petition of Mrs. Robert Maloney and nine other legal voters of the Town of Hampton to see if the Town will vote to authorize the construction of a permanent aircraft spotting station equipped with electricity, heat, telephone, and other necessary services for the purpose of civilian defense and to raise and appropriate the necessary sums of money therefor. Article 27 was moved and seconded. Amendment to raise and appropriate $500 for the construction of the station was moved, seconded and passed in the affirmative. Amendment that said funds be left to the discretion of the Chief of Civil Defense was moved, seconded and passed in the affirmative.

Article 27 of the warrant of the Annual Town Meeting of March 9, 1954 as amended was voted in the affirmative. See pages 9, 33 and 34 of the Annual Town Report.

Chapter 95

COAST GUARD STATION

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Land for Coast Guard Station

Upon the petition of George Ashworth and forty-nine other legal voters of the Town of Hampton:

To see if the Town will vote to authorize the Selectmen to execute a Quitclaim Deed to the United States of America, granting to said United States of America the right to use and occupancy for coast guard purposes of a certain tract or parcel of land located in said Hampton, said use and occupancy to include the right to construct, erect and maintain thereon a life-saving or life-boat station and other structures incidental to and necessary for said use and occupancy, together with the said right to remove the same during said occupancy or within a reasonable time thereafter, said tract of land being a certain triangular tract, bounded and described as follows:

"All that tract or parcel of land in Hampton Beach, County of Rockingham, and State of New Hampshire described as follows: beginning at appoint in the southwesterly side of Dover Avenue, which point is distant approximately two hundred forty-one (241) feet southeasterly from the intersection of the southwesterly side of Dover Avenue with the southeasterly side of River Avenue and is likewise located north fifty-two degrees (52°) fifty-four minutes (54') fifty-five seconds (55") East approximately two hundred thirty-eight (238) feet from a concrete bound state marker; thence, from the point of beginning so found, North fifty-two degrees (52°) fifty-four minutes (54') fifty-five seconds (55") East a distance of approximately one hundred forty-two (142) feet to a concrete bound state marker; thence at an interior angle of forty-four degrees (44°) eleven minutes (11') no seconds from the last mentioned course, and running South nine degrees (9°) forty-three minutes (43') fifty-five seconds (55") West a distance of two hundred ninety-five and eighteen one-hundredths (295.18) feet to a point; thence, at an interior angle of eighty-five degrees (85°) fifty-six minutes (56') no seconds from the last mentioned course, and running North seventy-six degrees (76°) twelve minutes (12') five seconds (05") West a distance of two hundred sixty and thirty-six one hundredths (260.36) feet to a concrete bound state marker, which last mentioned point likewise bears North seventy-two degrees (72°) eighteen minutes (18') fifty-five seconds (55") East a distance of five hundred twelve and thirty-seven one-hundredths (512.37) feet from another concrete bound state marker; thence at an interior angle of fifty degrees (50°) fifty-three minutes (53') no seconds from the third course, and running North fifty-two degrees (52°) fifty-four minutes (54') fifty-five seconds (55") East a distance of approximately two hundred thirty-eight (238) feet to the point or place of beginning; as shown by "Survey of Proposed Site for Hampton Beach Station," dated August 6, 1938, made by United States Coast Guard, Office of Division Civil Engineer, Boston, Massachusetts; together with there improvements thereon."

Said Quitclaim deed to contain a clause to the effect that in giving said deed the Town of Hampton in no way releases any of the conditions or restrictions set forth in the aforesaid deed from the Town of Hampton to the State of New Hampshire in so far as the remaining tracts of land contained in said deed are concerned or to this particular tract in the event of its abandonment by the United States of America for coast guard purposes and this deed shall be effective only so long as it does not set as a release of said conditions or restrictions.

Article 1 of the Special Town Meeting of September 1, 1938 was moved, seconded and vote in the affirmative. See pages 24, 25, 26 and 27 of the Annual Town Report.

Purchase of Coast Guard Station

To see if the Town will vote to raise and appropriate the sum of $3,000 to purchase from the United States of America the Hampton Beach Coast Guard Station Building; together with the appurtenances thereto and to authorize the Selectmen to lease, rent or sell for such consideration as the Selectmen may deem advisable, said building together with part or all of the land on which said building is situated as described in a certain deed from the Town of Hampton to the United States of America, dated May 27, 1898 and recorded in Rockingham Records, Book 562, Page 470.

Said lease, or deed to be given by the Selectmen to such lessee or buyer as the Selectmen shall deem for the best interests of the Town; if leased, to provide that all repairs and improvements during the life of the lease shall be made at the expense of the lessee subject to the approval of the Selectmen, and all repairs and improvements shall revert to the Town of Hampton at the expiration of said lease.

Article 16 of the warrant for the Annual Town Meeting of March 11, 1969 was moved and seconded. Amendment to delete the word "deed" from the second paragraph, and "rent and sell." After the word "lease" add "not less than five years and not more than town" (second part of the paragraph). This amendment was not approved.

Amendment "That a committee of seven voting members consisting of the three Selectmen and four others to be appointed by the Moderator today, immediately after adoption of said article, plus three non-voting members (the Town Manager, Chairman of the Budget Committee and the Town Counsel). The purpose of said committee is to study every suggestion, idea, and offer, for said land and building and to report said information to a special town meeting to be held no later than October 1, 1969, called for the purpose of determining the use of said land and building. The final decision as to use of land and buildings shall be made by the voters of Hampton at the special meeting. Amendment passed.

Amendment that authority be granted the Selectmen by this town meeting to rent the Coast Guard Property on a month to month basis, with one month's notice, until the Special Committee reports and the town votes on what disposition is to be made. Amendment passed.

Article 16 of the warrant of the Annual Town Meeting of March 11, 1969 was passed as amended. See pages 5-A, 6-A, 31 and 32 of the Annual Town Report.

Coast Guard Study Committee

Motion to accept Article 1 as read, Amendment to substitute the following for Article 1:

To see if the Town will vote to instruct the Board of Selectmen to hold, keep and to protect, for the use of the Town of Hampton, land previously leased by the Town of Hampton to the U.S. Treasury Department for the use and erection of a Coast Guard Station and now abandoned and released by this government agency to the Town of Hampton; and furthermore,

To authorize the Selectmen of the Town of Hampton and other citizens or citizen groups to bring before the next Annual Town Meeting, and other annual Town Meetings thereafter, if necessary, to arrive at a majority opinion of the voters. This amendment was further amended as follows: By adding the words "with buildings thereon" between the words "land" and "previously." Amendments passed.

Article 1 of the Special Town Meeting of October 1, 1969 was voted as amended by counted vote, yes 185, no 62. See pages 43, 44, 45 and 46 of the Annual Town Report.

Coast Guard Station Study Committee

Motion made to indefinitely postpone Article 3 of the warrant for the Special Town Meeting of June 12, 1972. Motion was voted in the affirmative.

Chapter 100

CONSERVATION

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Lamprey/Leavitt Town property — See Ch. 653.

Conservation Commission rules of procedure — See Ch. 840.

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Conservation Commission Created

On petition of John Pierce Batchelder and ten other legal voters of the Town of Hampton: to see if the town will vote to establish a Town Conservation Commission as set forth in the New Hampshire Revised Statutes Annotated 36-A.

Motion was made and seconded. The main motion was amended so that the motion read: To see if the town will vote to establish a town Conservation Commission consisting of 7 members, as set forth in the New Hampshire Revised Statutes Annotated 36-A.

Article 14 of the warrant of the Annual Town Meeting of March 9, 1965, was voted in the affirmative as amended. See pages 4A, 26 and 27 of the Annual Town Report.

Land Conservation Investment Program Funding Grants

To see if the Town will vote to authorize the Selectmen to apply for, and accept the State matching funds under the New Hampshire Conservation Investment Program for the purpose of acquisition of the fee or lessor interest in conservation land under the provisions of RSA 221-A.

Article 42 of the March 18, 1989, Annual Town Meeting was moved, seconded and voted. See page 36 of the Annual Town Report.

Current Use Penalties to Conservation Commission

To see if the Town of Hampton will vote to allocate 100% of the Current Use Penalty fees collected by the Town, up to an annual maximum of $10,000, be turned over to the Conservation Commission for use in purchasing conservation land.

Article 28 of the warrant of the Annual Town Meeting of March 18, 1995, was voted in the affirmative. See page 35 of the Annual Town Report.

Chapter 105

COURT

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Police Court

Voted under an article in the warrant for the Annual Town Meeting of March 9, 1915 to establish a Police court in accordance with new law passed by the present Legislature. See page 9 of the Annual Town Report.

Chapter 118

DEED RESTRICTIONS

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Tax Map 296, Lot 157

On a petition of twenty-five or more legal voters of the Town of Hampton to see if the Town will vote to remove the deed restriction number four for property owned by Nana Beach Realty Trust, Andrew Guthrie, Trustee, located at 30, 34 and 36 River Avenue, Hampton, New Hampshire, Tax Map 296, Lot 157 in order to allow the construction of a duplex within seven feet of any boundary line to replace two freestanding dwellings which were destroyed by fire in February 2007. The proposed duplex has been approved by the Zoning Board of Adjustment and is subject to receiving Planning Board approval. Further to authorize and direct the Selectmen to execute, deliver and record notice of this vote at the Rockingham County Registry of Deeds. This lot was conveyed by deed of the Town of Hampton on May 13, 1985. All costs for the recording will be at no cost to the Town and paid by the Petitioner.

Article 53 of the warrant of March 11, 2008, was voted by ballot: Yes 1896, No 1187. See page 2166 of the Annual Town Report.

Tax Map 104, Lot 256

(As Petitioned) Building permit for:

8 River Avenue: To see if the Town will vote to remove deed restriction #4 relating to erecting a building within seven feet of boundary line, so as to permit the owner of 8 River Avenue, Map 104, Lot 256 to remove old roof on home which currently needs repairs and contains a large sleeping loft and replace with a gambrel roof and separate bedrooms and bath. New roof will remain in current footprint of the home, height will be within the Towns height limit. Number of sleeping beds will be decreased from what is currently there. Renovation will not result in any change in the footprint of the structure.

Tax Map 104, Lot 256

Article 62 of the warrant for the March 11, 2008, Annual Town Meeting was voted by ballot: Yes 1947, No 1057. See page 168 of the Annual Town Report.

725 Ocean Boulevard

(As Petitioned) On Petition of Sandra and William Lally and twenty-five or more registered voters of the Town of Hampton: to see if the Town will remove the following deed restrictions on parcel locate at 725 Ocean Boulevard registered in book 3948 page 0996 — that no fences may be erected upon said premises other than ornamental fences of no more than a three-foot height and that the Grantee will not erect any buildings upon the premises within (7) feet of any boundary line, nor shall the premises be subdivided. All outbuildings and shed, other than stables or garages, shall be connected with and attached to the dwelling house, stable or garage on the lot.

Article 70 of the warrant for the Annual Town Meeting of March 11, 2008, was voted by ballot: Yes 1384, No 1652. See page 170 of the Annual Town Report.

7 James Street

(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)

Results of the balloting on March 9, 2010: Yes 2266, No 457. Article 40 passed.

725 Ocean Boulevard

By Petition of Sandra M. Lally and more than 25 other legal voters of the Town...

To remove deed restriction number 4 at the premises located on Hampton tax map, lot 223, map 101, in order to allow replacement of a separate cottage that use to exist behind the main home, and to allow subdivision of the lot as others have done. Deed restriction #4 reads as follows: "The grantee shall not erect any buildings upon the premises within seven feet of any boundary line, nor shall the premises be subdivided. All outbuildings and sheds, other than stables and garages, shall be connected to the dwelling house." Further, to authorize and direct the Board of 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)

Motion made and seconded to amend Article 32 as follows:

DEED RESTRICTIONS

By Petition of Sandra M. Lally and more than 25 other legal voters of the Town... To release and remove deed restriction number 4 as to the premises located at 725 Ocean Boulevard (Tax Map 223, Lot 101) owned by William and Sandra Lally, in order to allow replacement of a separate cottage that used to exist behind the main home, and to allow subvdivision of the lot as others have done. Deed restriction #4 reads as follows: "The grantee shall not erect any buildings upon the premises within seven feet of any boundary line, nor shall the premises be subdivided. All outbuildings and sheds, other than stables and garages, shall be connected to the dwelling house, stable or garage on the lot."; and further, to authorize and direct the Town Clerk to execute and deliver to the lot owners for recording a notice of this vote at the Rockingham County Registry of Deeds, at no cost to the Town? (Majority vote required)

Motion passed.

Motion made and seconded to restrict reconsideration of Articles 30-32. Motion passed.

Results of the balloting on March 8, 2011: Yes 1594, No 1270. Article 32 passed.

5 13th Street and 125 Kings Highway

On Petition of Pearly G. Deneault and 25 or more registered voters. Shall the Town of Hampton vote:

To remove and release a portion of deed restrictions under #4 as to the following premises located at 5 13th Street and 125 Kings Highway (Tax Map 183, Lot 45 and Tax Map 183, Lot 52) and owned by Pearly G. Deneault and Jane P. Deneault, in order to allow for a minor lot line adjustment between the properties at 5 13th Street and 125 Kings Highway to provide 125 Kings Highway with adequate on-site parking.

The portion of the deed restriction #4 to be released and removed reads as follows: "nor shall the premises be subdivided"; and further, to authorize and direct the Town Clerk to execute and deliver to the owner of said lots for recording a notice of this vote at the Rockingham County Registry of Deeds, at no cost to the Town? (Majority vote required)

Results of the balloting on March 13, 2012: Yes 1610, No 1432. Article 40 passed.

8 Sixth Street

By petition of Albert J. Bellemore Jr. and Zoes J. Dimos, and more than twenty-five other legal voters of the Town. To release and remove deed restriction #3 (BK. 2534 PG 1449 to 1452) as to the premises located at #8 Six Street (Tax Map 210 Lot # 11) owned by Albert J. Bellemore and Zoes J. Dimos in order to allow the installation of a higher fence, no more than six feet high. Deed restriction #3 reads as follows, "No fences may be erected upon said premises other than ornamental fences of no more than a three foot height." Further to authorize and direct the Town Clerk to execute and deliver to the lot owners for recording a notice of this vote at the Rockingham Registry of Deeds, at no cost to the Town? (Majority vote required)

Motion made and seconded to amend Article 42 by removing "By petition of Albert J. Bellemore, Jr and Zoes J. Dimos and more than twenty five other legal voters of the Town. To" and adding in its place: "We the undersigned residents of Hampton, Petition the Town of Hampton to place on the warrant the request to see if the Town will vote to." Motion passed.

Motion made and seconded to amend Article 42 by changing the maximum height to five feet from six feet and to insert after installation "ornamental" after the word "higher". Motion Passed.

Results of the balloting on March 11, 2014: Yes 2054, No 728. Article 42 passed.

14, 16-20, 22 and 26 North Street

Upon Petition of at least twenty-five (25) legal voters of the Town of Hampton, New Hampshire, to see if the Town will vote to modify restriction #3 in those deeds recorded at Book 2579, Page 2377, Book 2591, Page 1378, Book 4721, Page 2612, and Book 4721, Page 2616 to permit fencing no higher than six (6) feet on that property located at 14, 16-20, 22 and 26 N Street shown as Lots 114, 115, 116 and 117 on Tax Map 293.

Results of balloting on March 10, 2015: Yes 1,586, No 587. Article 49 passed.

Chapter 123

DEVELOPMENT COUNCIL

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

On petition of John P. Dunfey and fourteen other legal voters of the Town of Hampton, to see if the Town will vote to authorize the Moderator to appoint a committee of eleven citizens to be known as the Hampton Development Council. The purpose of this committee shall be to ascertain if it is possible to attract small and diversified industries to this community — industries which will fit into and not conflict with the economy of a residential-recreational Town such as Hampton. This committee shall consist of six business men, one Selectman, the Town Manager, one professional man, one civil engineer, and one citizen who shall have had a background of experience as an industrial executive. The committee shall be empowered to seek assistance from the local Planning Board; to ask cooperation of state, regional and national industrial promotion groups; to obtain accounts of the experiences of other communities which may be engaged in seeking suitable industries to locate within their confines and to take such other action as may be deemed necessary to achieve its purpose.

Article 31 of the warrant of the Annual Town Meeting of March 13, 1956, was moved, seconded and voted in the affirmative. See pages 11 and 38 of the Annual Town Report.

Chapter 134

DRUG PARAPHERNALIA

§ 134-1. Definitions.
§ 134-2. Violations and penalties.
§ 134-3. Severability.

[HISTORY: Adopted by the Town Meeting of the Town of Hampton 3-14-1981 by Art. 27 (Ch. 10 of the Code of Ordinances). Amendments noted where applicable.]

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§ 134-1. Definitions.

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

DRUG PARAPHERNALIA — All equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing in the human body a controlled substance in violation of RSA 318-B.

A. It includes but is not limited to:

(1) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.

(2) Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.

(3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.

(4) Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.

(5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.

(6) Dilutents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances.

(7) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana.

(8) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances.

(9) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.

(10) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances in the human body.

(11) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

(a) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, permanent screens, hashish heads, or punctured metal bowls.

(b) Water pipes.

(c) Carburetion tubes and devices.

(d) Smoking and carburetion masks.

(e) Roach clips, meaning objects used to hold burning materials, such as a marijuana cigarette, that have become to small or too short to be held in the hand.

(f) Miniature cocaine spoons and cocaine vials.

(g) Chamber pipes.

(h) Carburetor pipes.

(i) Electric pipes.

(j) Air-driven pipes.

(k) Chillums.

(l) Bongs, ice pipes or chillers.

B. In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

(1) Statements by an owner or by anyone in control of the object concerning its use.

(2) Prior convictions, if any, of an owner or of anyone in control of the object under any state or federal law relating to any controlled substances.

(3) The proximity of the object, in time and space, to a direct violation of RSA 318-B.

(4) The proximity of the object to controlled substances.

(5) The existence of any residue of controlled substances on the object.

(6) Direct or circumstantial evidence of the intent of the owner, or of anyone in control of the object, to deliver it to persons who he knows, or should reasonably know, intend to use the object to facilitate a violation of RSA 318-B. The

innocence of an owner, or of anyone in control of the object, as to a direct violation of RSA 318-B should not prevent a finding that the object is intended for use or designed for use as drug paraphernalia.

(7) Instructions, oral or written, provided with the object concerning its use.

(8) Descriptive materials accompanying the object which explain or depict its use.

(9) National or local advertising concerning its use.

(10) The manner in which the object is displayed for sale.

(11) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.

(12) The existence and scope of legitimate uses for the object in the community.

(13) Expert testimony concerning its use.

§ 134-2. Violations and penalties.

A. Possession of drug paraphernalia. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of RSA 318-B. Any person violating this subsection shall be guilty of a violation and shall be subject to a fine of $100, no portion of which may be suspended.

B. Manufacture or delivery of drug paraphernalia. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of RSA 318-B. Any person violating this subsection shall be guilty of a violation and shall be subject to a fine of $100, no portion of which may be suspended.

C. Delivery of drug paraphernalia to a minor. Any person 18 years of age or over who violates Subsection B by delivering drug paraphernalia to a person under 18 years of age who is at least three years his junior shall be guilty of a special violation and shall be subject to a fine of $100, no portion of which may be suspended.

D. Advertising of drug paraphernalia. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication an advertisement knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person violating this subsection shall be guilty of a violation and shall be subject to a fine of $100, no portion of which may be suspended.

§ 134-3. Severability.

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

Chapter 149

ENTERTAINMENT ACTIVITIES

§ 149-1. Authority.

§ 149-2. Purpose.

§ 149-3. Definitions.

§ 149-4. Regulation of entertainment licenses.

§ 149-5. License required.

§ 149-6. Issuance of license.

§ 149-7. License period.

§ 149-8. Hours of operation.

§ 149-9. Hours restricted.

§ 149-10. Fees.

§ 149-11. Application for renewal of license.

§ 149-12. Transfer of license.

§ 149-13. Complaints; additional restrictions or conditions.

§ 149-14. Nuisances relating to licensed activities.

§ 149-15. Noise standards applied.

§ 149-16. Police attendance.

§ 149-17. Power of enforcement.

§ 149-18. Suspension or revocation of license.

§ 149-19. Violations and penalties.

§ 149-20. Severability.

§ 149-21. When effective; repealer.

[HISTORY: Adopted by the Town Meeting of the Town of Hampton 3-9-2010 by Art. 29; ballot vote: Yes 1895, No 877. Amendments noted where applicable.]

GENERAL REFERENCES

Amusement devices — See Ch. 14.
Noise — See Ch. 328.
Billiard tables, pool tables and bowling alleys — See Ch. 554.

§ 149-1. Authority.

In accordance with the provisions of RSA 31:39, I(h), (k) and (n), authorizing the Town of Hampton to enact bylaws, the following chapter for the regulation of entertainment activities is adopted by the Town of Hampton by the Annual Town Meeting assembled.

§ 149-2. 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.

A. For the purposes of this Chapter, the words "entertainment" and "entertainment activity" shall mean to include the activity of "outside entertainment activity." **[Added by 3-11-2014 ATM, Art. 33, ballot vote: Yes 2356, No 544]**

§ 149-3. Definitions.

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

BUILDING — A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of the land or water. **[Amended by 3-11-2014 ATM, Art. 33, ballot vote: Yes 2356, No 544]**

DANCE HALL — Any establishment or place defined as "dance hall" that requires an annual dance hall permit from the Town under Chapter 278, Article II, of the Hampton Town Code and those defined as "nightclub" by Article I, Section 1.6, of the Town of Hampton Zoning and Building Ordinances.

ENTERTAINMENT ACTIVITY — Includes, but is not 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. **[Amended 3-11-2014 ATM, Art. 33, ballot vote: Yes 2356, No 544]**

ENTERTAINMENT LICENSE — 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.

ESTABLISHMENT or PLACE — Includes, but is not limited to, bars, cafes, discotheques, nightclubs, performing arts centers, motion-picture theaters, theaters, dance halls, music halls, lecture halls, halls, restaurants or any other establishment, or similar place of public assembly, which regularly provides entertainment for its 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 area, and shall include any area on the property of the licensed establishment where an outside entertainment activity is proposed to occur. **[Amended by 3-11-2014 ATM, Art. 33, ballot vote: Yes 2356, No 544]**

LICENSEE — Any person who has been issued an entertainment license or a temporary entertainment license by the Board of Selectmen.

OUTSIDE ENTERTAINMENT ACTIVITY — Includes, but is not limited to, any live band, musician, performer, entertainer, disc jockey, comedian, person, concert, jukebox, karaoke equipment, record player, sound device, and/or any type of mechanical music device for the purpose of entertaining patrons in a location on the premises of the licensed establishment, other than a fully enclosed building capable of containing noise emissions, that results in noise emissions that are audible beyond the property line of the premises. **[Added by 3-11-2014 ATM, Art. 33, ballot vote: Yes 2356, No 544]**

PERSON — Any person, individual, employee, business, firm, or corporation, partnership, association, owner or operator, and/or any other legal entity.

PREMISES — A lot of record or a vessel on the water. **[Amended by 3-11-2014 ATM, Art. 33, ballot vote: Yes 2356, No 544]**

TEMPORARY ENTERTAINMENT LICENSE — 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.

§ 149-4. Regulation of entertainment licenses.

The Board of Selectmen of the Town of Hampton shall regulate and issue entertainment licenses.

§ 149-5. License required.

It shall be unlawful for any person operating an establishment to conduct, operate, hold, and/or host any entertainment activity within any building or premises 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.

§ 149-6. Issuance of license.

No person shall engage in or provide an entertainment activity in any building or premises without first having obtained an entertainment license from the Board of Selectmen. Any person who complies with the requirements of this chapter 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 Chief, or his designee, that the premises in which the entertainment activity shall be held holds a valid assembly permit and a dance hall permit. **[Amended by 3-11-2014 ATM, Art. 33, ballot vote: Yes 2356, No 544]**

(4) Written notification from the Building Inspector, or his 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 Chief, or his designee. **[Amended by 3-11-2014 ATM, Art. 33, ballot vote: Yes 2356, No 544]**

(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 15 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 and 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 noon 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.

§ 149-7. 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 chapter shall continue and remain in full force and effect for a period from the first day of April each year until 12:00 midnight on the 31st day of March of the following year.

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

§ 149-8. 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).

§ 149-9. 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 noon on any day of the week.

A. Outside Entertainment Activity shall only be allowed between the hours of 12:00 noon and 11:59 p.m. or earlier if specified by the Board of Selectmen. **[Added by 3-11-2014 ATM, Art. 33, ballot vote: Yes 2356, No 544]**

§ 149-10. Fees.

A. The license fee shall be $365 for each licensed establishment or place, paid in advance of issuance of the license.

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

§ 149-11. Application for renewal of license.

All applications for renewals of licenses shall be in accordance with § 149-5 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. The Board may issue renewal licenses at any time thereafter.

§ 149-12. 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 § 149-5A(1) and (2) of this chapter.

(3) The application for the transfer shall contain the names and addresses of all persons involved in the transfer. A change in principals shall be deemed a transfer of license.

(4) The Board shall, in accordance with the terms of this chapter, 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 $365 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 § 149-5A(3) and (4) of this chapter.

(3) The Board shall, in accordance with the terms of this chapter, 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 $365 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.

§ 149-13. Complaints; additional restrictions or conditions.

A. Should the entertainment activity give rise to complaints from abutters and from any of the following departments 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: the Health Department, the Building Department, the Police Department, or the Fire Department and/or their designees. Complaints made to the Police Department may be made verbally and or in writing. Complaints to the Board of Selectman shall be brought by written form only and shall contain the location of the entertainment or place concerned in the complaint and the name(s), address(es) and phone number(s) of the person(s) filing said complaint. The complaint shall be in detail and contain the date of, time of and the type or cause of the complaint and/or incident. **[Amended by 3-11-2014 ATM, Art. 33, ballot vote: Yes 2356, No 544]**

B. As a condition of the entertainment 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 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: the Health Department, the Building Department, the Police Department, or the Fire Department and/or their designees. 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.

§ 149-14. Nuisances relating 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.

§ 149-15. Noise standards applied. [Amended by 3-13-2012 ATM, Art. 35, ballot vote: Yes 1788, No 1283; 3-11-2014 ATM, Art. 33, ballot vote: Yes 2356, No 544]

The using, operating, or permitting of an entertainment activity on any premises 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 is prohibited and is governed by all of the following provisions:

A. Noise Levels.

It shall be unlawful for any licensee to emit or cause to be emitted any noise beyond the boundaries of his/her/its premises in excess of the noise levels established in these regulations.

Noise Level Standards.

Sound from any entertainment source controlled by this ordinance shall not exceed the following limits at the nearest lot line of the "receiving" private or public property:

Sound Pressure Limits

[Decibel levels (dB) measured in the A Scale]

Day/Night	**Late Night**
12:00 Noon - 11:00 p.m.*	11:00 p.m. - 1:00 a.m.*
75 dB	50 dB

*Because the Decibel level A Scale [dB(A) Scale] responds most closely to the range of sounds audible to the human ear, the dB(A) Scale shall be used for all sound pressure measurements; and a violation of the standards of this Section that exceeds 30 seconds in duration shall be deemed to constitute a violation of this Ordinance.

The Board of Selectmen may waive the noise level standards for events sponsored by the Town, the Hampton Beach Village District, or the State of New Hampshire including, but not limited to, parades, special events, occasional public concerts, and fireworks displays.

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.

§ 149-16. 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. Payment for services of these personnel shall be borne by the licensee at current wage rates, plus 30%.

§ 149-17. Power of enforcement.

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

A. To enter upon any premises as licensed under this chapter, at reasonable times, to ascertain the manner in which the license is exercised under this chapter;

B. 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 chapter;

C. To revoke licenses of a temporary character at any time without notice in his discretion; and

D. To issue citations for the violation of any of the provisions of this chapter.

§ 149-18. Suspension or revocation of license.

A. At any time after a license has been issued under this chapter to any person, it may be suspended or 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 or 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 therefor. 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 its discretion.

C. Licenses 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 $1 per day up until the annual expiration date of license.

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

§ 149-19. Violations and penalties.

Any person or persons violating the provisions of this chapter 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.

§ 149-20. Severability.

If any provision, word, clause, section, paragraph, phrase or sentence of this chapter 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 chapter, provided that the purposes of this chapter can still be achieved in the absence of the invalid provisions.

§ 149-21. When effective; repealer.

This chapter 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.

Chapter 159

FEES

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Payment of Fees by Credit Card

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

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

Results of balloting on March 10, 2009: Yes 2191, No 415. Article 45 passed.

Chapter 163

FIRE DEPARTMENT AND AMBULANCE SERVICE

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Hampton Falls Fire Dispatch — See Ch. 212.
Fire prevention — See Chs. 167 and 602.
Alarm systems — See Ch. 542.
Mutual aid — See Ch. 686.

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Committee — Chemical Engine

Voted that the moderator appoint a committee of five to investigate the Badger Chemical Engine and other like machines and also the subject of a village fire district, and report back to the annual meeting in March.

The moderator appointed the following to the above committee: Irving Powers, George A. Johnson, Lewis Perkins, Joseph B. Brown and Howell M. Lamprey.

Voted under the warrant for the Special Town Meeting of June 6, 1908. See pages 11 and 12 of the Annual Town Report.

Appropriation for Fire Apparatus

The Committee to whom was referred the matter of better fire protection submitted their Report when it was:

Voted — That one thousand dollars ($1,000) be raised and appropriated for fire apparatus and as soon as possible to establish a fire precinct which shall contain all of the territory of the Town except that part included in the Hampton Beach Fire Precinct and that the said Committee be continued with power to carry this vote into effect.

Voted under the warrant for the Annual Town Meeting of March 9, 1909. See page 6 of the Annual Town Report.

Housing the Chemical Wagon and Fire Apparatus

Voted — That the question of housing the chemical wagon and fire apparatus, both at the centre of the Town and at the Beach, be left with the Selectmen and that the sum of twelve hundred dollars be raised and appropriated for that purpose.

Vote under the warrant for the Annual Town Meeting of March 11, 1913. See page 9 of the Annual Town Report.

Chief Fireward

Voted — That we proceed to ballot for a Chief Fireward. Chose — Uri Lamprey Chief Fireward for the ensuing year. Voted — That the Chief Fireward be authorized to establish a fire company in the Town of Hampton consisting of not more than twenty men.

Voted under the warrant for the Annual Town Meeting of March 10, 1914. See page 6 of the Annual Town Report.

Authorization to Send Fire Apparatus Out Of Town

To see if the Town will vote to authorize the fire chief to send fire apparatus out of Town and receive fire apparatus from other Towns in accordance with the provisions of the New Hampshire Revise Statutes Annotated, Chapter 154 Section 24 through 30 inclusive, as amended, such authority to be subject to the supervision and control of the Town Manager and Board of Selectmen.

Article 11 of the warrant for the Annual Town Meeting of March 11, 1969, was moved, seconded and voted in the affirmative. See pages 3A, 4A and 23 of the Annual Town Report

Committee to Investigate Ambulance Service

On petition of Gretchen B. Baillargeon and 18 other legal voters of the Town of Hampton: to see if the Town will vote to appoint a committee to investigate and procure adequate ambulance service for the Town: The Committee to include the Chief of Police, the Fire Chief, The Selectmen, and former Corp Members. This Committee to report to the Selectmen in a month their findings. Article 17 was moved and seconded. An amendment was moved and seconded to add after "Corp Member" and an existing Corp Member, the committee to report to the Selectmen in a month with their findings. The Selectmen to be empowered to make the final decision on this matter of public concern. The word "Procure" to be deleted. The amendment was voted in the affirmative. An amendment was moved, seconded to add after the word "Selectmen" and a former corp member and a current corp member appointed by the Moderator. The amendment was voted in the affirmative.

Article 17 of the warrant of the Annual Town Meeting of March 11, 1972, was moved, seconded and voted in the affirmative as amended See pages 74 and 75 of the Annual Town Report.

FIRE DEPARTMENT AND AMBULANCE SERVICE

Committee to Investigate and Procure Adequate Ambulance Service

To see if the Town will vote to appoint a committee to investigate and procure adequate ambulance service for the Town: This committee to include the Chief of Police, the Fire Chief, the Selectmen, and former Corp members. Article 2 was moved and seconded. An amendment was offered deleting the word "procure" and "That the Selectmen be empowered to make the final decision on this matter of public concern."

Article 2 of the warrant of the Special Town Meeting of June 12, 1972, was passed in the affirmative. See pages 78 and 79 of the Annual Town Report.

Ambulance Dispatched to Other Communities

To transact any other business that may legally come before this meeting.

Motion — "Resolved that the Town will vote to authorize the Fire Department to dispatch the ambulance to communities currently participating in the Fire Mutual Aid Agreement, seconded, motion was voted in the affirmative.

Article 54 of the warrant for the March 17, 1990, Annual Town Meeting. See pages 27 and 28 of the Annual Town Report.

Lease of Fire Station on Ashworth Avenue

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

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

Results of balloting on March 10, 2009: Yes 2387, No 258. Article 42 passed.

Discontinue Firefighting Apparatus Capital Reserve Fund

Shall the Town of Hampton vote to discontinue the Firefighting Apparatus Capital Reserve Fund established under Article 29 of the 1995 Annual Town Meeting in accordance with the provisions of RSA 35:16-a, in which case the Trustees of the Trust Fund holding the account for said fund shall pay all the monies in such fund to the Town's general fund unassigned fund balance. (Majority vote required)

Results of balloting March 11, 2014: Yes 2386, No 407. Article 35 passed.

Motion made and seconded Restrict Reconsideration of Articles 33-35. Motion passed.

Chapter 167

FIRE PREVENTION

ARTICLE I
Town Meeting Votes

ARTICLE II
Fire Prevention Code

§ 167-1. Adoption of Fire Prevention Code.
§ 167-2. Bureau of Fire Prevention.
§ 167-3. Word usage.
§ 167-4. Storage of explosives and blasting agents.
§ 167-5. Storage of flammable liquids in outside aboveground tanks.
§ 167-6. Bulk storage of liquefied petroleum gas.
§ 167-7. Modifications.
§ 167-8. Appeals.
§ 167-9. New materials, processes or occupancies which require permits.
§ 167-10. Violations and penalties.
§ 167-11. Repealer.
§ 167-12. Severability.
§ 167-13. When effective.

ARTICLE III
Fire Detection/Suppression System; Sprinkler/Standpipe Systems

§ 167-14. Application to be submitted.
§ 167-15. General requirements.
§ 167-16. Master box.
§ 167-17. Internal wiring.
§ 167-18. External wiring.
§ 167-19. Grounding.
§ 167-20. Box light.
§ 167-21. Control panel.
§ 167-22. Local energy system.
§ 167-23. Compatibility.
§ 167-24. Electrical boxes.
§ 167-25. Pull stations.
§ 167-26. Detectors.
§ 167-27. Annunciator.
§ 167-28. Graphic annunciator.
§ 167-29. Audio/visual devices.
§ 167-30. Mini horns.
§ 167-31. Waterflow devices.
§ 167-32. Tamper devices.
§ 167-33. Connection to municipal circuit.
§ 167-34. Security.
§ 167-35. Testing.
§ 167-36. Responsibility.
§ 167-37. Sprinkler/standpipe systems.
§ 167-38. Violations and penalties.

ARTICLE IV
Lock Boxes

§ 167-39. Lock box required.
§ 167-40. Violations and penalties.

ARTICLE V
Licensed Fire Protection Engineer

§ 167-41. Review of plans or construction.

ARTICLE VI
Gasoline Dispensing Nozzles

§ 167-42. Self-service dispensing nozzles.
§ 167-43. Marine service station.
§ 167-44. Violations and penalties.

ARTICLE VII
Automatic Telephone Dialers/Fire Alarm

§ 167-45. Definitions.
§ 167-46. Prohibited devices.
§ 167-47. Permissible unfounded emergency calls.
§ 167-48. Service charge.
§ 167-49. Violations and penalties.

ARTICLE VIII
Fireworks

§ 167-50. Sale, possession or display of fireworks.

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Fire Department — See Ch. 163.
Hampton Falls Fire Dispatch — See Ch. 212.
Alarm systems — See Ch. 542.
Fire prevention — See Ch. 602.

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Firewards to Establish

Voted that the firewards be directed to establish proper regulations respecting the prevention of fires and the removal of combustibles from any building or place, and provide penalties for any breach thereof.

Voted under the warrant for the Special Town Meeting of July 18, 1921. See pages 13 and 14 of the Annual Town Report.

Regulations Established

To see what action the Town will take on the following items:

A. Authority to enter premises. The Chief of the Fire Department or any member of the fire department designated by him as an inspector may, at all reasonable hours, enter any building or premises for the purpose of making any inspection.

B. Whenever any such officer or member shall find in any building or upon any premises or other place, combustible or explosive matter or dangerous accumulation of rubbish or unnecessary accumulation of waste paper, boxes, shavings, or other highly flammable materials, and so situated as to endanger property, or shall find obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operation of the fire department, or egress of the occupants, in case of fire, he shall order the same to be removed or remedied.

C. Chimneys shall extend at least three feet above the highest point at which they come in contact with a roof of the building and at least two feet higher than any ridge within ten feet of such chimney. They shall be properly capped.

D. Smoke pipes. Smoke pipes shall enter the side of chimneys through a fire clay or metal thimble or flue-ring of masonry. No smoke pipe shall pass through a floor, nor through a roof unless such roof is of fireproof construction or of semi-fireproof construction.

E. Fireworks. A permit from the Chief of the Fire Department is required for the sale and storage of fireworks. Definition. The term "fireworks" as used in the article refers to firecrackers, rockets, torpedoes, roman candles, toy pistols, toy cannons, detonating canes, blank cartridges and other devices designated and intended for pyrotechnic display.

F. Bonfires. No person shall burn or cause to be burned any trash, lumber, leaves, straw or any other combustible material in any street, alley, or vacant lot, without a permit from the Chief of the Fire Department, when such burning shall be done in screened metallic receptacles approved by him and under such proper safeguards as he may direct.

Article 20 of the warrant for the Annual Town Meeting of March 12, 1935, was moved and seconded. Amendment was voted to retract A and B and substitute "That inspections be for fire nuisances and fire hazards only." Amendment was voted to include all public buildings, hotels and places of amusement. Amendment was voted to have Item C come under the building code and to be added to that ordinance. Motion was voted under Item D to adopt this item and have it inserted in the Town ordinances. Amendment was made to Item D To have this item agreeable and satisfactory to fire inspector. The original motion was then voted. Item E motion to adopt was voted. Item F motion to adopt this item and have inserted "When feasible." was voted. See pages 8, 9, 24 and 25 of the Annual Town Report.

Fire Prevention Code Adopted

To place the following question before the voters as provided in RSA Chapter 156-A "Are you in favor of the adoption of the Fire Prevention Code (1970 Edition) as proposed by the Planning Board?"

Article 21 of the warrant for the Annual Town Meeting was voted by ballot: Yes 1192, No 310. See pages 31 and 73 of the Annual Town Report.

Master Fire Alarm Box Fees

Shall the Town of Hampton impose a one-time connection fee of $200 for a new installation of a master fire alarm box and impose an annual fee of $125 for maintaining a master fire alarm box, which is connected to the Hampton Municipal Fire Alarm System? The Board of Selectmen shall be authorized to adjust the rates annually based upon the recommendation of the Fire Chief.

Results of Balloting on March 12, 2002: Yes 1,863, No 599. Article 36 passed.

ARTICLE II
Fire Prevention Code
[Adopted 3-9-1971 (Ch. 6, Art. 1, of the Code of Ordinances)]

§ 167-1. Adoption of Fire Prevention Code. [Amended 3-12-1988; March 1992]

There is hereby adopted by the Town of Hampton, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the "Fire Prevention Code" recommended by the BOCA National Fire Prevention Code, thereof and the whole thereof, of which code not fewer than three copies have been and now are filed in the office of the Clerk of the Town of Hampton, and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this article shall take effect, the provisions thereof shall be controlling within the limits of the Town of Hampton.

§ 167-2. Bureau of Fire Prevention.

A. The Fire Prevention Code and the Life Safety Code shall be enforced by the Bureau of Fire Prevention in the Fire Department of the Town of Hampton which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department, who shall appoint the head of the Bureau to be known as the "Fire Prevention Officer." **[Amended 3-18-1989 by Art. 32]**

B. The Chief of the Fire Department may detail such members of the Fire Department as inspectors as shall from time to time be necessary.

C. A report of the Bureau of Fire Prevention shall be made annually and transmitted to the Chief of the Fire Department; it shall contain all proceedings under this code, with such statistics as the Chief of the Fire Department may wish to include therein; the Chief of the Fire Department shall also recommend any amendments to the code which, in his judgment, shall be desirable.

§ 167-3. Word usage.

A. Wherever the word "Municipality" is used in the Fire Prevention Code, it shall be held to mean the Town of Hampton.

B. Wherever the term "Corporation Counsel" is used in the Fire Prevention Code, it shall be held to mean the Attorney for the Town of Hampton.

C. Wherever the words "Chief of the Bureau of Fire Prevention" are used in the Fire Prevention Code, they shall be held to mean the Fire Prevention Officer. **[Amended 3-18-1989 by Art. 32]**

§ 167-4. Storage of explosives and blasting agents.

The limits referred to in the Fire Prevention Code in which storage of explosives and blasting agents is prohibited are hereby established as follows: all of the Town of Hampton except those areas referred to in the Zoning Ordinance as General District and Industrial District.

§ 167-5. Storage of flammable liquids in outside aboveground tanks.

The limits referred to in the Fire Prevention Code in which storage of flammable liquids in outside aboveground tanks is prohibited are hereby established as follows: all of the Town of Hampton except those areas referred to in the Zoning Ordinance as General District and Industrial District.

§ 167-6. Bulk storage of liquefied petroleum gas.

The limits referred to in the Fire Prevention Code in which bulk storage of liquefied petroleum gas is restricted are hereby established as follows: all of the Town of Hampton except those areas referred to in the Zoning Ordinance as General District and Industrial District.

§ 167-7. Modifications. [Amended 3-18-1989 by Art. 32]

The Chief of the Fire Department shall have power to modify any of the provisions of the Fire Prevention Code or the Life Safety Code upon application in writing by the owner or lessee, or his duly appointed agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the Department and a signed copy shall be furnished the applicant.

§ 167-8. Appeals.

Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the Town Manager within 30 days from the date of the decision appealed.

§ 167-9. New materials, processes or occupancies which require permits.

The Town Manager and the Chief of the Fire Department shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new

materials, processes or occupancies which shall require permits, in addition to those now enumerated in said code. The Chief of the Fire Department shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.

§ 167-10. Violations and penalties.

A. Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Town Manager or by a court of competent jurisdiction within the time fixed herein, shall severally for each and every such violation and noncompliance respectively be guilty of a misdemeanor, punishable by a fine of not less than $50. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

§ 167-11. Repealer.

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this article or of the code hereby adopted are hereby repealed.

§ 167-12. Severability.

The Town of Hampton hereby declares that should any section, paragraph, sentence, or word of this article or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the Town of Hampton that it would have passed all other portions of this article independent of the elimination herefrom of any such portion as may be declared invalid.

§ 167-13. When effective.

This article shall take effect and be in force from and after its approval as required by law.

ARTICLE III
Fire Detection/Suppression System; Sprinkler/Standpipe Systems
[Adopted 3-18-1989 by Art. 35 (Ch. 6, Art. 5, of the Code of Ordinances)]

Minimum requirements for the installation of a master fire alarm box, automatic fire alarm detection system or auxiliary system in the Town of Hampton.

§ 167-14. Application to be submitted.

A fire alarm application form (FP89/01AA) and a copy of fire system layout, riser diagram, point to point diagram, battery calculations and cut sheets on all devices and equipment as well as a floor plan showing all alarm devices, location of master box, panel and annunciator(s) must be submitted to the Fire Department for acceptance and a permit shall be obtained prior to the start of the installation. Additions and modifications to existing systems will require a new application and submittal.

§ 167-15. General requirements.

A. The entire installation, including all material to be connected to the municipal fire alarm circuit, shall be new, furnished and installed by the owner of the property, fully maintained by the owner for as long as the equipment is connected to the municipal fire alarm circuit, and installed in accordance with NFPA 1221, 13A, 70, 72A, B, C, D, E, F, G and H, 90A, 101 and BOCA.

B. In the event that trouble or faults develop in any part of the private system, it shall be the prerogative of the Fire Department to disconnect any part or all of the private system from the municipal circuit. In the event such action has to be taken, the owner or agents of the property shall be immediately notified, provided that they have furnished the Fire Department with proper names, addresses and telephone numbers where they can be reached.

§ 167-16. Master box.

A. The master box shall have the following features: new, local energy type, located outside of the protected building, in a location that is easily accessible, Hampton type lock with brass key or Gamewell lock and key No. 25460, one-half-second timing, Code wheel/Gamewell brass or stainless steel.

B. Master box location shall be approved by the Fire Prevention Officer or Superintendent of Fire Alarm.

C. The box shall be kept covered or "bagged" at all times until the final test is made and it is connected to the municipal circuit.

D. Master boxes shall not activate internal alarm systems.

§ 167-17. Internal wiring.

A. Wiring shall conform to the requirements of the National Electrical Code NFPA 70 Standard Nos. 72 and 1221.

B. Wiring from the control panel to the master box shall be solid copper, minimum No. 14 AWG, rated at 600 volts and installed in conduit or approved tubing.

C. All wiring beyond the control panel shall be of the approved Standard 105 C minimum No. 16/2 solid copper. Any wiring that may be subject to physical damage after installation shall be enclosed in conduit or approved tubing.

D. Wiring for tamper switches, flow switches or other related devices for sprinkler systems and subject to physical damage shall be enclosed in conduit or approved tubing.

E. Flow or pressure devices shall not be connected on the same zone as control valves.

F. Under no condition shall low-voltage wiring be run in the same conduit as high-voltage wiring.

G. Wire installation shall be inspected by the Superintendent of Fire Alarm during construction.

§ 167-18. External wiring.

A. Aerial.

(1) The contractor shall bring two No. 14 AWG solid copper wires from the master box to a point on the outside of the building designated by the Fire Alarm Superintendent.

(2) Wires shall be enclosed in rigid conduit and shall be brought 16 feet above ground level through an appropriate weatherhead.

(3) Three feet of wire shall be left extending from weatherhead.

(4) A standoff shall be securely fastened to the building next to the weatherhead.

B. Underground.

(1) Conduit, galvanized or PUC, of no less than one inch in diameter shall be installed from the master box to the nearest utility pole at point of entry.

(2) Conduit shall be buried at a minimum depth of 18 inches.

(3) Conduit shall be brought up the pole from ground level to a minimum height of two feet above telephone and shall terminate with an appropriate weatherhead.

(4) A four-conductor No. 14 AWG solid copper IMSA duct cable shall be pulled through the conduit and extend three feet past the weatherhead.

§ 167-19. Grounding.

A. The master box shall be grounded to a copperhead ground rod, not less than 1/2 inch in diameter, and driven eight feet into the soil.

B. A box connecting rod or a No. 12 AWG solid copper wire, enclosed in conduit, shall be used to connect the ground terminal of the master box to the ground rod.

C. Resistance of a ground connection shall not exceed 25 ohms 100.

§ 167-20. Box light.

A box light (red globe — clear bulb) shall be mounted above the master box in an approved weathertight receptacle. This light shall not be on a switch unless it is connected to a night light circuit timer that is automatically turned on at night for all night.

§ 167-21. Control panel.

A. Control panel shall be installed in compliance with the requirements set forth by NFPA Standard No. 72 A, B, C, D and/or E. Location shall be approved by the Fire Prevention Officer or Superintendent of Fire Alarm.

B. Primary power for the panel shall be provided by its own separate circuit. Circuit shall be clearly marked in red as "Fire Alarm" next to the breaker and the breaker shall be equipped with a lock to prevent accidental shutoff.

C. Panel shall not be installed in an area where the temperature could drop below 40° F. unless a heat source is provided.

D. All zones shall be equipped with a "zone disconnect" switch. When zone is disconnected, it shall not prevent the resounding of subsequent alarms if another zone should alarm (ring back feature).

E. All zones shall be equipped with "Alarm verification" feature.

F. Fire alarm zones shall protect a maximum of 10,000 square feet.

G. Each zone shall be clearly marked, on an engraved plate securely fastened to the panel, showing the location of the originating signal.

H. Panel "city box disconnect" shall be rendered nonfunctional.

I. Panel lock shall accept Gamewell, Simplex or FCI key.

§ 167-22. Local energy system.

A. The system shall be so designed that accidental loss of operating current will not operate the tripping mechanism of the master box.

B. Backup batteries shall be the secondary storage type battery and provide 60 hours of secondary power.

C. System shall have built in provisions for trickle-charge and fast-charge on the battery cabinet.

D. Use of primary or dry cell batteries is not acceptable.

§ 167-23. Compatibility.

All auxiliary and/or alarm initiating devices utilized in the system shall be approved and recommended (compatible) for use with the installed control panel.

§ 167-24. Electrical boxes.

All devices shall be installed in an approved electrical box.

§ 167-25. Pull stations.

A. Pull stations installed within the protected premises and attached to the automatic fire alarm system shall be:

(1) Double action type.

(2) Of an approved type and bear the label of Underwriters' Laboratories, Inc.

(3) Installed and spaced in accordance with Standard No. 72 of the NFPA and the recommendations of the Hampton Fire Department.

(4) Painted red and have the instructions for operation clearly shown on the face of the station.

B. No pull station shall be considered as acceptable if it requires the replacement of a frangible disc, glass rod or any other such device upon which the station is dependent for resetting. This is not meant to rule out the use of glass rods or other attachments to the station with the intent of deterring false alarms. All glass rods shall be in place before the final acceptance test.

C. Pull stations shall be arranged in a manner that allows access to the interior of the station, for testing or resetting purposes, by use of a screwdriver, key or allen wrench. A sufficient number of such keys or allen wrenches shall be provided to the Fire Department to be kept in the FACP prior to acceptance of the system.

§ 167-26. Detectors.

A. All detection devices shall be approved and labeled "Underwriters' Lab." They shall be installed and spaced according to the recommendations of the manufacturer and NFPA Standard No. 72E.

B. "Combination/rate of rise" as well as "fixed temperature" heat detectors are both approved for use, depending on the occupancy. The Fire Department shall make recommendations as plans are submitted.

C. The use of smoke detectors is both acceptable and desirable in some occupancies. Smoke detectors shall display an alarm light when activated and light must stay lit until panel has been reset. The Fire Department shall make recommendations as plans are submitted.

D. No smoke detectors shall be installed in an area where construction is still in progress or in an area where dust could present a problem unless said detectors are properly covered and protected.

E. Remote test/reset for duct smoke detectors is required and shall be located in the fire alarm control panel and properly labeled.

F. A duct smoke detector shall be on its own zone.

§ 167-27. Annunciator.

A remote annunciator shall:

A. Be installed at a location designated by the Fire Department.

B. Be of the "backlit" type with sufficient brilliance to be seen in normal direct sunlight (no LEDs).

C. Be predominantly painted red.

D. Have the zones clearly labeled, in plain English, indicating the location of the alarm (no zone numbers).

E. Have acceptable annunciator labelling (backlit painted window letters; no dymo labels).

F. Be equipped with a visible and audible system trouble. The trouble silence switch shall be in the fire alarm control panel only.

§ 167-28. Graphic annunciator.

A. A graphic annunciator shall:

(1) Be required on all buildings of unusual design or with floor space in excess of 20,000 square feet or all multi-building systems.

(2) Show the building(s) in phase with the viewer and shall indicate in red to the viewer "You Are Here."

(3) Have building outlines shown in "triple thick" black. Building rooms, corridors, etc., shall be shown "double thick"; doors and windows shall be shown "single thick." Extraneous building details shall be eliminated to provide a clear and concise plan of the building layout depicting only relevant details.

(4) Have all main corridors and points of egress clearly indicated.

(5) Have all fire alarm and Fire Department control devices and locations shown with red symbols and identification.

(6) Have zone boundaries shown, if applicable, using a red dashline.

(7) Have permanent "hazard materials" storage locations noted in red.

B. Annunciator panel detail plan and drawing shall be submitted to the Fire Department for approval before installation.

§ 167-29. Audio/visual devices.

A. All A/V devices shall be installed to provide proper decibel output for that occupancy. Decibel readings shall be a minimum of 15 decibels above ambient noise.

B. All A/V devices shall be of the "slow whoop speaker" type, be painted red and labeled "Fire."

§ 167-30. Mini horns.

A. All residential units shall be equipped with a mini horn.

B. Mini horns shall have the word "Fire" on an engraved plate securely fastened to it. The engraved plate shall have white letters on a red background.

C. Mini horns shall be installed to provide approximately 75 decibels of sound in each sleeping area.

§ 167-31. Waterflow devices.

Waterflow devices must have an approved retard device to prevent false signals to the master box. They shall be set so alarm will sound 30 seconds after the activation of the sprinkler system.

§ 167-32. Tamper devices.

A. All tamper devices shall be tied in to the alarm side of the control panel unless other arrangements have been made by the Fire Alarm Superintendent or Fire Prevention Officer.

B. Tamper switches shall have their own zone.

§ 167-33. Connection to municipal circuit.

The Fire Alarm Division of the Hampton Fire Department shall make all connections to the municipal circuit. All costs for material and labor shall be billed to the owner by the Town of Hampton.

§ 167-34. Security.

In order to provide a reasonable level of security to the master box and control panel, the owner must surrender all keys for the system to the Hampton Fire Department upon completion of installation. The Hampton Fire Department maintains a Knox-Box depository system. Details will be made available by the Bureau of Fire Prevention.

§ 167-35. Testing.

A. A fire alarm system certification and description (Form 2-L) must be filled out and presented to the Hampton Fire Department upon completion of the installation and prior to acceptance test.

B. Approval and acceptance of the system is based on a complete 100% test performed by the installer in the presence of a fire official. The installer shall also provide all test equipment required to fully test each device on the system.

C. The fire alarm system shall be 100% ready before notification is given to the Fire Department. Should any part of the system fail, testing will cease and a new test will have to be rescheduled. After installation, the master box shall be tested no less than twice each year by the Hampton Fire Department.

§ 167-36. Responsibility.

A. The master box and internal system shall remain the owner's responsibility for upkeep, maintenance and repair.

B. As required by BOCA/NFPC, the owner or his representative shall have all fire protection systems inspected and tested at least once each year. (See Form 2-M.)

C. The Hampton Fire Department reserves the right to disconnect service to the master box at any time for noncompliance with Hampton Fire Department rules and regulations.

D. The Hampton Fire Department will have personnel available on a normal workday to plug out and reset the master box during system maintenance and/or testing periods, provided that the Department is notified 24 hours in advance.

§ 167-37. Sprinkler/standpipe systems.

Minimum requirements for the installation of an automatic sprinkler and/or standpipe system in the Town of Hampton.

A. Application. A sprinkler application form (FP89/01SA) shall be submitted along with all information as outlined on the application form. Additions and modifications to existing systems will require a new application and submittal.

B. General. A set of hydraulic calculations, floor plans and specification sheet on all control valves (os&y), alarm valves, Fire Department connection, pressure alarm switch, water flow switch, tamper switch and backflow preventers must be submitted with the application. Permit fees in accordance with fees set by the Board of Selectmen following a public hearing in accordance with the provisions of RSA 41:9-a as previously accepted by the Town Meeting, payable to the Town of Hampton, must be submitted with the application. All sprinklered buildings shall conform to Town of Hampton's Zoning Ordinance, Article XI, Section 11.4. **[Amended 3-10-2015 by Art. 31, ballot vote: Yes 1,944, No 440]**

C. Fire Department connection.

(1) Hampton Fire Department connection (two 2 1/2 connections) must be supplied with all standpipe and sprinkler systems. In buildings over 30,000 square feet, a four-inch connection shall be added.

(2) Connection shall be unobstructed for a minimum of five feet in all directions.

(3) Connection must be in front of the building within 25 feet of fire apparatus access and shown on the site plan.

(4) Connection threads must be National Standard.

D. Water control valves.

(1) All control valves shall be listed and of the indicating type.

(2) Control valves shall be electrically supervised (tamper switch).

(3) No shutoff valves on alarm devices.

(4) Main sprinkler riser and control valve shall be directly accessible through an exterior door.

(5) PIV or a wall indicator valve shall be used if building construction does not allow direct access to the control valve.

(6) All valves and controls in the sprinkler system shall have permanent tags indicating their purpose.

E. Standpipes.

(1) All standpipe systems must be installed to a minimum of 500 gpm for the first standpipe plus 250 gpm for each additional standpipe.

(2) Standpipes must have 65 psi residual pressure at the top with 500 gpm.

(3) All standpipe hose outlets must have a two-and-one-half-inch National Standard thread by one-and-one-half-inch iron pipe thread reducer with cap and chain.

F. Devices.

(1) All sprinkler and standpipe risers shall have retarded water flow and/or water pressure devices capable of being set to thirty-second retard and connected to the fire alarm system.

(2) Tamper switches shall be connected to the fire alarm system.

(3) A dry system air compressor shall be connected to its own breaker switch and the breaker switch shall be equipped with a lock.

G. Testing.

(1) A contractor's material and test certificate for aboveground piping (Form 2-J) and for underground piping (Form 2-L) must be presented to the Bureau of Fire Prevention prior to inspection.

(2) The fire alarm, standpipe and sprinkler systems shall be 100% complete and no work shall be ongoing at the time of the inspection. The 100% inspection certificate shall be available to the fire official before the inspection/test starts.

(3) A minimum of two persons from the installing companies shall be present to perform the equipment tests. At least one of the persons shall have been directly involved with the installation and familiar with the system.

(4) If the building is occupied at the time of inspection, all occupants shall be notified of the inspection prior to the arrival of the Fire Department.

(5) All wet systems shall be hydrostatically tested as outlined by NFPA 13. Hydrostatic test shall be witnessed by a fire official.

(6) All dry systems shall be both hydrostatically and air tested. Tests shall be witnessed by a fire official.

(7) Sprinklers, standpipes and pumps must be tested by the installer with the Hampton Fire Department representative present at the time of inspection of the fire alarm system. All necessary equipment for the testing of the systems shall be provided by the installer.

§ 167-38. Violations and penalties.

Any person, owner or company violating any of the provisions of this article or failing to comply with any order issued pursuant to any section thereunder or any certificate or permit issued thereunder shall be charged with a violation and upon conviction thereof shall be liable to a penalty of not more than $100 as provided in the appropriate court for each offense. Each day that the violation continues, after a notice of violation is issued, shall be deemed a separate offense.

ARTICLE IV
Lock Boxes
[Adopted 3-18-1989 by Art. 33 (Ch. 6, Art. 6, of the Code of Ordinances)]

§ 167-39. Lock box required.

All buildings of assembly, mercantile, business, educational, storage, health care, industrial and multi-residential buildings with common exits which are protected by an automatic fire detection and/or suppression system shall have a key depository lock box installed and paid for by the property owner. Type and location shall be approved by the code official.

§ 167-40. Violations and penalties.

Any person, owner or management violating the provisions of this article or failing to comply with any order issued pursuant to this article shall be charged with a violation and upon conviction thereof shall be liable to a penalty of not more than $100 as provided in the

appropriate court for each offense. Each day that the violation continues, after a notice of violation is issued, shall be deemed a separate offense.

ARTICLE V
Licensed Fire Protection Engineer
[Added 3-18-1989 by Art. 34 (Ch. 6, Art. 7, of the Code of Ordinances)]

§ 167-41. Review of plans or construction.

When in his opinion it is deemed necessary, the head of the Bureau of Fire Prevention may require that:

A. Proposed building construction plans bear the seal of a licensed fire protection engineer indicating that a total life safety and fire protection system design has been incorporated into the proposed building; or

B. A licensed fire protection engineer of the Town's choosing be hired to review all construction aspects pertaining to life safety and fire protection. All costs incurred for these services shall be reimbursed to the Town by the property owner.

ARTICLE VI
Gasoline Dispensing Nozzles
[Adopted 3-17-1990 by Art. 35 (Ch. 6, Art. 8, of the Code of Ordinances)]

§ 167-42. Self-service dispensing nozzles.

A hose nozzle valve used for dispensing Class I or Class II liquids, as defined in the Fire Prevention Code, from a self-service dispenser shall be manually held open without a latch-open device during the dispensing operation.

§ 167-43. Marine service station.

Dispensing nozzle used at marine service stations for the dispensing of said Class I or Class II liquids shall be of the automatic-closing type without a latch-open device. This shall apply to self-service and attendant-operated dispensers.

§ 167-44. Violations and penalties.

Any person, owner or company violating any of the provisions of this article or failing to comply with any order issued pursuant to any section thereunder or any certificate or permit issued thereunder shall be charged with a violation and upon conviction thereof shall be liable to a penalty of not more than $100 as provided in the appropriate court for each offense. Each day that the violations continue, after a notice of violation is issued, shall be deemed a separate offense.

ARTICLE VII

Automatic Telephone Dialers/Fire Alarm

[Adopted 3-21-1992 by Art. 43 (Ch. 6, Art. 2, of the Code of Ordinances)]

§ 167-45. Definitions.

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

AUTOMATIC TELEPHONE DIALER — Private fire protection/alarm equipment arranged to automatically transmit a signal to the Fire Department over commercial telephone facilities.

FIRE PROTECTION/ALARM SYSTEM — Any assembly of equipment and/or devices which, with or without human involvement, is reasonably calculated to notify either police or fire officials and lead them to believe that there is a situation requiring their urgent attention.

MECHANICAL PROTECTION DEVICE — An electrically operated instrument composed of sensory apparatus and related hardware which automatically sends over regular telephone lines, by direct communication or otherwise, a prerecorded voice alarm upon receipt of a stimulus from the sensory apparatus that has detected a condition inherently characteristic of a fire or do not take any other action in this manner.

OWNER — Any person who, alone or jointly or severally with others, shall have legal title to any building, structure or premises with or without accompanying actual possession thereof.

UNFOUNDED EMERGENCY CALL — Any response by police or fire officials to the activation of a fire protection/alarm system when no objective indication of a situation requiring their urgent attention is found by the responding police or fire officials.

§ 167-46. Prohibited devices.

It shall be unlawful to install a mechanical protection device that is automatically keyed to and/or activates the telephone (numbers) lines controlled by and/or listed to the Hampton Fire Department. All such existing devices installed prior to the effective date of this article shall be removed within 60 days from the date of passage of this article.

§ 167-47. Permissible unfounded emergency calls.

The owner of any premises served by a fire protection/alarm system shall be permitted the following number of unfounded emergency calls prior to the imposition of a service charge:

A. Unfounded emergency calls to the fire official if the alarm system has been properly inspected/serviced within one year of the alarms and a copy of the inspection report has been filed with the Fire Department by the owner: two calls per six-calendar-month period (January to June, July to December, inclusive).

B. Unfounded emergency calls to the fire official if the alarm system has not been properly inspected/serviced or filed with the Fire Department by the owner within one year of the alarms: one call per six-month period (January to June or July to December, inclusive).

§ 167-48. Service charge.

The owner of any premises served by a fire protection/alarm system shall be obligated to pay a service charge to the Town of Hampton for all unfounded emergency calls to that premises in excess of the number of calls permitted by this article. This service charge shall be in the amount of $25 per unfounded emergency call to the fire officials as outlined in § 167-47A or the amount of $150 per unfounded emergency call to fire officials as outlined in § 167-47B. Said charge is to be paid within 30 days of billing. Payment shall be made to the Town of Hampton.

§ 167-49. Violations and penalties.

Any person, firm or corporation violating the provisions of this article shall be liable to a penalty of not more than $100 for each offense. Each day of violation shall be considered a separate offense.

ARTICLE VIII
Fireworks
[Adopted 3-21-1992 by Art. 44; amended 3-20-1993 by Art. 30 (Ch. 6, Art. 9, of the Code of Ordinances)]

§ 167-50. Sale, possession or display of fireworks.

The sale, possession or display of fireworks is prohibited in the Town of Hampton, except for display as permitted under RSA 160-B:7.

Chapter 172

FISH HOUSES

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Determine Ownership of Land

To see if the Town will vote to authorize the Selectmen to take legal action to determine the ownership of and the rights of the Town in the land at North Beach just north of the Coast Guard station and known as the fish houses.

Article 9 of the warrant for the Annual Town Meeting of March 11, 1947, was moved, seconded and voted in the affirmative. See pages 17 and 43 of the Annual Town Report.

Disposition of the Land Known as the Fish Houses

To see what action the Town will take relative to the land owned by the Town of Hampton located just north of the Coast Guard Station and east of the Ocean Boulevard known as the Fish House area; that is whether said area shall be divided into lots and leased or handled in some other manner.

Article 11 of the warrant for the Annual Town Meeting of March 14, 1950, was moved and seconded:

To authorize the selectmen to keep and maintain as free public property forever that area known as "the fish house area." In order to make effective this motion all buildings shall be removed within six months of this date except those used by fishermen whose principal means of livelihood is fishing from the waters in front of said buildings. And further, nothing in this motion shall be construed as to prohibit the use of this property for the purpose of fishing. No private buildings shall be placed or allow to remain on this property for the purpose of living quarters.

Amendment to the main motion was made and seconded as follows:

I move that the land owned by the Town of Hampton located just north of the Coast Guard Station, south of the Nason property and east of Ocean Boulevard be divided into equal lots and that present owners of the fish houses or other buildings now in the area be permitted to lease the lot on which their buildings stand and that a 40 foot graveled roadway be constructed through said area for public access to the beach, all division into lots, leasing and other use to be subject to the control of the Selectmen and all leasing to be on such terms and rental as the Selectmen shall determine.

Following a long debate it was moved to stop any further debate which was voted in the affirmative.

Vote on the amendment was Yes 55, No 132.

Vote on the main motion was Yes 124, No 49.

The un-amended main motion was voted in the affirmative. See pages 6, 23 and 24 of the Annual Town Report.

Petition to Repeal 1950 Action

On petition of Ernest R. Underwood and ten other legal voters to see if the town will vote to rescind the motion passed at the last annual town meeting with regard to the property known as the fish house area.

Article 18 of the warrant for the Annual Town Meeting of March 13, 1951, was moved and seconded to indefinitely postpone. It was voted to lay aside the article indefinitely. See pages 8, 9 and 24 of the Annual Town Report.

Lease of Fish House Lots

To see if the town will vote to authorize the Selectmen to lease the "Fish House" lots, so-called, to the present occupants or others upon such terms and conditions as, in the opinion of the Selectmen, will best protect and preserve their historical beauty and promote the interests of the town, and rescind any prior votes of the town inconsistent with the foregoing.

Article 11 of the warrant for the Annual Town Meeting of March 11, 1958, was moved to indefinitely postpone and so voted. See page 189 of the Town Records of 1955-1960.

Erect Fence at Fish House Lot

On petition of Ruth C. Stimson and one hundred other legal voters of the Town of Hampton to see if the Town will vote to raise and appropriate the sum of eight hundred dollars ($800) to erect a wooden fence with iron chain links. (Similar to U.S. Coast Guard fence), on the west boundary of the "Fish House Area" by May 30, 1960. Such fence, approximately 440 feet in length, would start even with the boundary of the Coast Guard property and run north to the boundary of the Alfred K. Nason estate, with provision for a ten foot opening adjacent to the northwest corner of the Coast Guard property. This opening would provide access to the beach.

The purpose of the fence would be to identify and to maintain as free public property forever that area known as "The Fish House Area," according to Article 11 passed at the 1950 Town Meeting. Be it resolved that this scenic and historic area become a recreational, non-commercial, non-parking part of Hampton Town Park System, and be maintained in a clean condition, and eventually beautified.

Article 20 of the warrant for the Annual Town Meeting of March 8, 1960, was moved, seconded and voted in the affirmative. See pages 21, 31 and 32 of the Annual Town Report.

Fish House Court Case

To consider and decide whether the defendants in the bill in equity brought by the Town to establish title to and recover possession of the Fish House Area, so-called, shall be held accountable for the rents and profits derived by them from their use and occupation of the Fish House Area from September 14, 1950, as of which they were notified by the Town to remove their buildings, until such time as the buildings were removed, as proposed by said bill in equity.

Article 17 of the warrant for the Annual Town Meeting of March 14, 1961 was moved indefinitely postponed. After consultation with Town Counsel the same person made the following motion: that the Selectmen be instructed that no further action be taken to hold the defendants accountable for rents or profits. The motion was seconded and voted in the affirmative. See pages 20 and 57 of the Annual Town Report.

Restoration of Fish Houses

To see if the Town will raise and appropriate the sum of $2,000.00 for the restoration of the fish houses at Stimson Park.

Article 23 of the warrant for the Annual Town Meeting of March 18, 1989 was moved, seconded and voted in the affirmative. See page 20 of the Annual Town Report.

Retain Mace Fish House on Town Property

Shall the Town of Hampton vote to allow the historical Mace Fish House, already owned by the Town, to remain on the Town Property at Ruth Stimson Park even though it is no longer being "used by fishermen whose principal means of livelihood is fishing from the waters in front of said buildings," as previously required by the vote of the Town on Article 11 at the March 14, 1950 Town Meeting? The March 12, 1988 Town Meeting had voted to raise and appropriate money to restore the fish houses at Ruth Stimson Park for the Town's 350th anniversary celebration. According to the article in the 1960 Town Warrant, the purpose of the Hampton Seashore Park is "to maintain as free public property forever that area known as the Fish House area. This scenic and historic area is a recreational, non-commercial, non-parking part of the Hampton Park system."

Article 29 of the warrant for the Annual Town Meeting of March 11, 2008 was voted by ballot: Yes 2755, No 427. See page 200 of the Annual Town Report.

Purchase Replica of Doggett Fish House

Shall the Town of Hampton vote to raise and appropriate the sum of $22,700 to purchase from David Cooper the replica of the Doggett Fish House that he has built at Ruth Stimson Park and to allow this replica fish house to remain on the Town Property at Ruth Stimson Park even though it is no longer "used by fishermen whose principal means of livelihood is fishing from the waters in front of said buildings," as previously required by the vote of the Town under Article 11 at the March 14, 1950 Town Meeting? The March 12, 1988 Town Meeting had voted to raise and appropriate money to restore the fish houses at Ruth Stimson Park from the Town's 350th anniversary celebration. Mr. Cooper has agreed to sell this fish house to the Town for the above sum if this article passes.

Article 30 of the warrant for the Annual Town Meeting of March 11, 2008 was voted by ballot: Yes 1143, No 2129. See page 201, 202 and 203 of the Annual Town Report.

Doggett Fish House To Remain Under Private Ownership

On petition of David Cooper and twenty-five (25) registered voters, shall the Town of Hampton, vote, if warrant article number 30 is defeated that would have appropriated funds to purchase from David Cooper the replica of the Doggett Fish House, nevertheless to allow that replica fish house to remain on the Town property at Ruth Stimson Park even though it is no longer being "used by fishermen whose principal means of livelihood is fishing from the waters in front of said buildings," as long as this fish house is used for storage only and not for any commercial purposes? Should warrant article number 30 fail, but this article passes, Mr. Cooper has agreed that he will not transfer this fish house to anyone other than the Town, and upon his death, would bequeath this fish house to the Town as part of his estate.

Article 31 of the warrant of the Annual Town Meeting of March 11, 2008 was voted by ballot: Yes 2625, No 613. See pages 203, 204, and 205 of the Annual Town Report.

Chapter 177

FLAG, OFFICIAL TOWN

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Official Town Flag

On petition of the Meeting House Green Memorial and Historical Association and Post #35 The American Legion, signed by Roland W. Paige and eleven other legal voters of the Town of Hampton: To see if the Town will vote to adopt as the official Town Flag the flag, now in the possession of Post #35 The American Legion.

Article 16 of the warrant for the Annual Town Meeting of March 9, 1965 was moved and seconded: An amendment was offered to have the Article read as follows: On petition of the Meeting House Green Memorial and Historical Association and Post #35 The American Legion, to see if the Town will vote to adopt as the official Town Flag, the flag, now in the possession of Post #35 The American Legion and that the history of both the flag and the Town seal be kept on file in the Town office. Amended was seconded and passed. The Article as amended was voted in the affirmative. See pages 5A and 28 of the Annual Town Report.

Purchased Town Flag

To see if the Town will vote to authorize the withdrawal from Revenue Sharing fund established under the provisions of the State and Local Assistance Act of 1972, the sum of $171,200 for the following priority purposes and in amounts indicated:

Appropriation	**Amount**
New Equipment (Rubbish Packer)	$20,000
Public Works – Operating Budget	$50,000
Police Department – Operating Budget	$50,000

Appropriation	**Amount**
Fire Department – Operating Budget	$50,000
Purchase a Town and U.S. Ceremonial Flag	$1,200

Article 6 of the warrant for the Annual Town Meeting of March 8, 1975 was moved, seconded and vote in the affirmative. See pages 3A, 34 and 35 of the Annual Town Report.

Adopt Official Town Flag

To see if the Town will vote to adopt the flag with the Town Seal, which was purchased by vote of the 1975 Annual Town Meeting as the Official Town Flag, and to authorize notice of said action to be inserted in the Town records.

Article 14 of the warrant for the Annual Town Meeting of March 12, 1977 was moved, seconded and voted in the affirmative. See Pages A6 and 14 of the Annual Town Report.

Chapter 182

FLOOD INSURANCE

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Resolution Adopted

To see if the Town will vote to adopt the following resolutions as a pre-requisite for the Town in submitting an application for participation in the National Flood Insurance Program:

Resolution A.

Whereas, certain areas of the Town of Hampton are subject to periodic flooding (and/or mudslides) from streams, rivers and oceans, causing serious damages to properties within these areas; and

Whereas, relief is available in the form of Federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1963; and

Whereas, it is the intent of this Town Meeting to require recognition and evaluation of flood and/or mudslide hazards in all official actions relating to land use in the flood plain (and/or mudslide) areas having special flood (and/or mudslide) hazards; and

Whereas, this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to New Hampshire Revised Statutes Annotated Chapter 31.

NOW, THEREFORE, BE IT RESOLVED that this Town Meeting hereby:

1. Assures the Federal Insurance Administration that it will enact as necessary, and maintain in force for those areas having a flood or mudslide hazards, adequate land use and control measures with effective provisions consistent with the Criteria set forth in Section 1910 of the National Flood Insurance Program Regulations; and
2. Vest the Hampton Planning Board with the responsibility, authority, and means to:
   (a) Delineate or assist the Administrator, at his request, in delineating the limits of the areas having special flood (and/or mudslide) hazards on available local maps of sufficient scale to identify the location of building sites.

(b) Provide such information as the Administrator may request concerning present uses and occupancy of the flood plain (and/or mudslide area).

(c) Cooperate with Federal, State, and local agencies and private firms which undertake to study, survey, map, and identify flood plain or mudslide areas, and cooperate with neighboring communities with respect to management of adjoining flood plains and/or mudslide areas in order to prevent aggravation of existing hazards.

(d) Submit in the anniversary date of the community's initial eligibility an annual report to the Administrator on the progress made during the past year within the community in the development and implementation of flood plain (and/or mudslide area) management measures.

3. Appoints the Building Inspector to maintain for public inspection and to furnish upon request a record of elevations (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures located in the special flood hazard areas. If the lowest floor is below grade on one or more sides, the elevation of the floor immediately above must be recorded.

4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

Resolution B

Whereas, the Town of Hampton has adopted and is enforcing the National Building Code, 1967 as amended, and

Whereas, Section 102.1 of the aforementioned prohibits any person, firm or corporation from erecting, constructing, enlarging, altering, repairing, improving, moving or demolishing any building or structure without first obtaining a separate building permit for each building or structure from the Building Inspector, and

Whereas, the Building Inspector must examine all plans and specifications for the proposed construction when application is made to him for a building permit.

NOW, THEREFORE, BE IT RESOLVED by the Town Meeting of the Town of Hampton as follows:

1. That the Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must (i) be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, (ii) use construction materials and utility equipment that are resistant to flood damage, and (iii) use construction methods and practices that will minimize flood damage; and

2. That the Hampton Planning Board shall review subdivision proposals and other proposed developments to assure that (i) all such proposals are consistent with the need to minimize flood damage, (ii) all public utilities and facilities such as sewer, gas, electrical and water systems are located, elevated, and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided so as to reduce exposure to flood hazards; and

3. That the Building Inspector shall require new or replacement water supply systems and/or sanitary sewer systems to be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

Article 18 of the warrant for the Annual Town Meeting of March 9, 1974 was moved, seconded and votes in the affirmative. See page 41 of the Annual Town Report.

Chapter 207

HAMPTON BEACH IMPROVEMENT COMPANY

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Annul or Break Lease

Voted that the Selectmen be and are hereby instructed to take measures to annul or break the lease of the Hampton Beach Improvement Company.

See the Annual Town Meeting of March 11, 1913, on page 8 of the Annual Town Report.

Extended Leases

On the Petition of Robert F. Preston and 14 other legal voters of the Town of Hampton: to see if the Town will vote to authorize the Moderator to appoint a Committee to consider whether the Town and the Hampton Beach Improvement Company could agree upon a plan by which persons holding lots under the Improvement Company might acquire rights extended beyond the term of the Town lease to the Improvement Company; and to report to the next Annual Town Meeting, with or without recommendations.

Article 20 of the Annual Town Meeting of March 10, 1970, was voted on the ballot: Yes 828, No 510. See the Annual Town Report pages 7-A and 59.

Sell Property to Leases

On Petition of Robert F. Preston and 13 other legal voters of the Town of Hampton: to see if the Town will vote to give the Selectmen power to sell to the lessees thereof, at any time, any lot or lots of land now being let by the Town, except the land let to the Hampton Beach Improvement Company, at the value put on such lot or lots by the 1958 re-valuation of the Town.

Article 21 of the Annual Town Meeting of March 10, 1970, was voted on the ballot: Yes 776, No 571. See the Annual Town Report pages 7-a and 59.

Amend Lease With Improvement Company
Sale of Malt Beverages When

On petition of Paul I. Surpenant and nineteen other legal voters of the Town of Hampton to see if the Town of Hampton will vote to amend its lease with the Hampton Beach Improvement Company, Inc. to allow malt beverages (beer) to be sold in grocery stores after said stores have complied with the regulations of the State of New Hampshire Liquor Commission and have been duly approved and licensed by the State of New Hampshire Liquor Commission.

Article 28 of the Annual Town Meeting of March 9, 1971, was voted on the ballot: Yes 982, No 688. See page 32 of the Annual Town Report.

Amend Lease With Improvement Company
Sale of Alcohol in Restaurants

On petition of George S. Downer and 19 other legal voters of the Town of Hampton: to see if the Town will vote to amend its lease with the Hampton Beach Improvement Company, Inc. to allow alcoholic beverages to be sold in first-class restaurants after said restaurants have complied with the regulations of the State of New Hampshire Liquor Commission and have been duly licensed by the State of New Hampshire Liquor Commission.

Article 27 of the Annual Town Meeting of March 9, 1971, was voted on the ballot: Yes 1109, No 560. See page 32 of the Annual Town Report.

Selectmen Power to Sell Leased Lots

To see if the Town will give the Selectmen power to sell to the lessees thereof, at any time, any lot or lots of land now being let by the Town, except land let to the Hampton Beach Improvement Company, at the assessed valuation adjusted to current market value of said lot or lots.

Article 15 of the Annual Town Meeting of March 11, 1972, was moved, seconded and voted in the affirmative. See page 73 of the Annual Town Report.

HAMPTON BEACH IMPROVEMENT COMPANY

Selectmen Power to Sell Certain Lots

To see if the Town will vote to authorize the Selectmen to convey certain lots originally included in the lease from Hampton to the Hampton Beach Improvement Company, Inc. dated April 1, 1898, said lots being more particularly described as follows: Block L, Lots, 3, 4, 5, 6, 7, 8, 9, 10; Block M, Lots 2, 3, 4, 5, 13, 14, 15, 16, 17, 18, 19, 23; Block N, Lots 1, 2, 3, 4, 5, 15, 16; Block O, Lots 1, 2, 12, 15, as shown as Plan of Lots belonging to Hampton Beach Improvement Company from I to Q Streets prepared by W. T. Ross dated October 19, 1929 and recorded in the Rockingham County Registry of Deeds, to persons claiming said lots under certain deeds from the Hampton Beach Improvement Company, or their successors, heirs, and assigns; provided such persons or their successors, heirs, and assigns shall pay all taxes assessed on said lots for the tax years commencing April 1, 1970 and each year thereafter until the expiration of said lease on April 1, 1997, said conveyance to be made by quitclaim deed by the Selectmen to said persons or their successors, heirs and assigns at the expiration of said lease.

Article 16 of the Annual Town Meeting of March 11, 1972, was moved, seconded and voted in the affirmative. See page 73 of the Annual Town Report.

Town to Lease Revisionary Interests

To see if the Town will vote to lease its revisionary interests in the land now subject to a 99 year lease with the Hampton Beach Improvement Company (date of expiration, March 31, 1997) to the present lessees of the Improvement Company (or their successors in title) said leases between the Town and sub-lessees to commence on April 1, 1977 at such rentals, for such terms and on such conditions as the Selectmen believe to be in the best interests of the Town; to authorize the Selectmen to execute and deliver in the name of the Town all such agreements and leases as may be necessary and proper for this purpose; and to take any other action relating thereto (this land is part of that now leased to the Hampton Beach Improvement Company, bounded on the north by Island Path, on the east by Ocean Boulevard, on the west by Ashworth Avenue and on the south by the northerly line of the Bridge Lots, so-called.) The word revisionary was changed to reversionary.

Article 18 of the Annual Town Meeting of March 18, 1978, was moved, seconded and passed in the affirmative. See page 51 of the Annual Town Report.

Selectmen to Sell Leases

To see if the Town will give to the Selectmen the power to sell to the lessee thereof, within ten years, or term of the lease, whichever comes first, any lot or lots of land now being leased by the Town, except lots leased to the Hampton Beach Improvement Co., Inc., at the assessed valuation adjusted to the current market value of said lot or lots; and, further, that the proceeds of sale of such lots shall be paid over to the Town's Trustees of Trust Funds to be invested and reinvested by them; that the income thereof shall be paid annually or more often into the Town's general fund; and that the principal, or portions thereof, may from time to time, when authorized by any regular meeting of the Town be used for the purchase, construction, or improvement of real estate for the Town.

Selectmen to Sell Leases

Article 21 of the Annual Town Meeting of March 14, 1981, was moved and seconded. The article was amended to read as follows: to see if the Town will instruct the Moderator to appoint a 7 member committee to study the implications of the Town leased land program, both as pertains to the Hampton Beach Improvement Co. lease and to the other Town owned leased land. Such committee to report to the Town in the 1981 Town report for appropriate action at the 1982 Town Meeting. The amendment was passed and the amended article was passed in the affirmative. See page 46 of the Annual Town Report

Selectmen to Lease the Reversion of Lots Under the Improvement Company

To see if the Town will vote to authorize the Selectmen to lease the reversion of lot or lots presently under lease to the Hampton Beach Improvement Co., Inc., which lease expires on or about March 30, 1977.

Motion to indefinitely postpone failed. Motion to withdraw Article 22 was withdrawn on advice of Counsel. Motion to amend by adding the words "no lease of the reversion to extend beyond March 30, 2002 was passed. Motion to amend by adding "such lease of the reversion to be to the tenants of the Hampton Beach Improvement Co., Inc.". The amendment passed. The article as amended "To see if the Town will authorize the Selectmen to lease the reversion of lot or lots presently under lease to the Hampton Beach Improvement Co., Inc., which will expire on or about March 30, 1997, no lease of the reversion to extend beyond March 30, 2002, such lease of the reversion to be to the tenants of the Hampton Beach Improvement Co., Inc."

Article 22 of the Annual Town Meeting of March 14, 1981, was passed in the affirmative as amended. See page 47 of the Annual Town Report.

Selectmen to Lease Reversion of Lots Under the Improvement Company

To see if the Town will vote to authorize the Selectmen to lease the reversion of lot or lots presently under lease to Hampton Beach Improvement Company, Inc., which lease expires on or about March 30, 1997, no lease of the reversion to extend beyond 25 years from date of signing of the lease agreement, such lease of the reversion to be the tenants of the Hampton Beach Improvement Company, Inc. It being the clear intention of the Town of Hampton that the Town shall not lease to the Hampton Beach Improvement Company, Inc., beyond the term of the present lease. This intention has been expressed at the previous Special Town Meeting of May 11, 1982, and is hereby reaffirmed.

Article 45 of the Annual Town Meeting of March 16, 1985, was moved, seconded and voted in the affirmative. See page 39 of the Annual Town Report.

HAMPTON BEACH IMPROVEMENT COMPANY

Amend May 11, 1982 Vote

On petition of D. Malcolm Hamilton and 13 (thirteen) other voters of the Town of Hampton, to see if the Town will vote to amend Section 1 adopted by the Special Town Meeting of May 11, 1982, by deleting the following language from Section 1: "Sale of parcels involving the Hampton Beach Improvement Company would necessitate the addition of a third appraiser to the equation." So the article, as amended, will read as follows:

Section 1. Appraisal

All lots shall be evaluated at the time of a proposed sale. The manner in which this would occur would involve the proposed purchaser hiring an appraiser and who would fix a fair market value on the lot in question, and the Town would hire an appraiser who would also determine the fair market value of the lot in question. These figures would then be averaged, and the resulting figure would be the basis for the purchase price. In the event that the appraiser's valuation varied by greater than 10%, any aggrieved party could appeal to the Real Estate Commission for arbitration and an absolute determination of the value of the lot in question. The cost of the appraisals shall be borne equally by the parties.

Article 51 of the Annual Town Meeting of March 16, 1985, was moved, seconded and passed in the affirmative. See pages 42 and 43 of the Annual Town Report.

Leased Land Sales Conditions

To see if the Town will vote to have all sales agreements executed after March 15, 1986 Town Meeting, with respect to leased land between the Town of Hampton and current leaseholders and current Hampton Beach Improvement Company sub-leaseholders shall have an expiration date of 90 days after signing and payment of the $100 deposit fee. A new fair market value for the land shall be established each time a new sales agreement is executed. The intent of this article is to put in place a continuing procedure for implementing the lease land sales program.

This article shall be in effect until the beginning of the first session of the Annual Town Meeting of March, 1987.

The article was moved and seconded. An amendment was made to add after the last sentence. "All other terms and conditions of previous Town votes regarding the sale of Town-owned lands shall remain in full force and effect." The amendment passed The main motion as amended under Article 27 of the 1986 Annual Town Meeting was adopted. See page 34 of the Annual Town Report.

Suspension of Sales

We, the undersigned, being legal voters in the Town of Hampton, hereby petition the Hampton Board of Selectmen to place the following Article on the Hampton Town Warrant for the Annual Town Meeting to be held in March, 1986.

Suspension of Sales

All sales of all remaining or unsold leased land and/or lots coming under the Hampton Beach Improvement Company's master lease shall be suspended until April 2, 1997. Transactions currently in progress may be completed. The intent is to assure that all prospective buyers, who are currently sub-lessees of the Hampton Beach Improvement Company, shall have equal access to the Town's land under the Leased Land Sales Program. All transactions affected by this Article shall be governed by the terms and conditions of sale in effect on April 2, 1997.

The article was moved and seconded and did not pass.

Article 29 of the Annual Town Meeting of March 11, 1986, was moved and seconded again and was voted: Yes 64, No 63. Article 29 passed.

Reconsidered: 7 voters requested reconsideration in writing. Voted: Yes 84, No 67. Article 29 passed. See page 36 of the Annual Town Report.

Rescind Article 29 of March 11, 1986

To see if the Town will vote to rescind the adoption of Article 29 of the Town Warrant for the Town Meeting of March 11, 1986, which suspended sales of Town leased land under the Hampton Beach Improvement Company lease until April 2, 1997, and to reinstate completely and in full the article adopted at the Special Town Meeting on May 11, 1982, as amended by Article 51 of the Town Warrant for the Town Meeting of March 12, 1985, and as amended by Article 27 of the Town Warrant for the Town Meeting of March 11, 1986, which provided for the sale of Town leased land. Article 35 of the Annual Town Meeting of March 8, 1988 was moved and seconded.

An amendment to raise the percentage of fair market value to 60% was defeated. The original article was adopted. See page 22 of the Annual Town Report.

Chapter 212

HAMPTON FALLS FIRE DISPATCH

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Fire Department — See Ch. 163.

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

To see if the Town will vote to authorize the Selectmen to enter into an agreement with the Hampton Falls Volunteer Fire Department for emergency dispatching services to be provided by the Hampton Fire Department. Such services to be provided for an annual fee which will be set each year by the Board of Selectmen.

Article 33 of the warrant for the Annual Town Meeting of March 17, 1990 was moved, seconded and voted in the affirmative. See page 22 of the Annual Town Report.

MEMORANDUM OF AGREEMENT
Between
The Town of Hampton
And
The Town of Hampton Falls
Regarding
FIRE DISPATCH SERVICES

Pursuant to the contract between the Town of Hampton, the Town of Hampton Falls, and the Hampton Falls Volunteer Fire Department, and a letter from Town Manager James Barrington to Town Administrator Eric Small of February 24, 2006 concerning a five-year agreement with annual increases based upon on the Boston area Consumer Price Index, this MOA is to memorialize and clarify that agreement.

In 2005, the Town of Hampton received $20,000 from the Town of Hampton Falls for emergency dispatching services. Page 2 of the attached Consumer Price Index from the Bureau of Labor Statistics web site, indicates that the increase in the CPI between January 2005 and January 2006 was 4.4%. That would generate a bill of $20,880 for 2006.

For future years of this five-year agreement, the computations shall be based on the Department of Labor's web site posting Consumer Price Indexes for September of each year. The percentage change from one September to the next September shall be the percentage adjustment for the immediately following calendar year for the payment rate for fire dispatching services

It is acceptable to the Town of Hampton that payment be made by the Town of Hampton Falls in May (when tax bills go out and payments come in).

Noted and agreed

Signed by the Town of Hampton and Hampton Falls Selectmen

Chapter 218

HEALTH, BOARD OF

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes

Voted to leave the appointment of the Board of Health with the Selectmen.

Voted under the warrant for the Annual Town Meeting of March 14, 1911. See page 6 of the Annual Town Report.

Chapter 220

HERITAGE COMMISSION

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes

[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Abolishing Heritage Commission

Are you in favor of abolishing the Heritage Commission as proposed by the Board of Selectmen"? (Majority vote required)

Results of balloting on March 10, 2015: Yes 1,529, No 651. Article 35 passed.

Chapter 224

HIGHWAYS

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Town Map — See Ch. 300.
Master Plan — See Ch. 306.
Vehicles and traffic — See Chs. 495 and 805.
Address numbers — See Ch. 535.
Parades and public gatherings — See Ch. 706.
Streets, sidewalks and public places — See Ch. 769.

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Land between Causeway and North Hampton

Voted that the Selectmen be authorized and instructed to protect the rights of the Town in the tract of land lying between the Causeway and North Hampton Town line; also that they be instructed and lay out said land into lots and streets before the first day of August 1909.

Voted under the warrant for the Annual Town Meeting of March 9, 1909. See pages 7 and 8 of the Annual Town Report.

Build New State Highway

Voted that the Town appropriate the sum of two thousand dollars ($2,000), for the purpose of repairing and building the new State road, five hundred dollars of which is to be raised by taxation the coming year.

Voted under the warrant for the Annual Town Meeting of March 8, 1910, See page 7 of the Annual Town Report.

Survey and Mark Highway from Whittier's to the Mouth of the Hampton River

Voted that the sum of one hundred dollars be raised and appropriated to survey and mark the courses of the highway leading from Whittier's to the mouth of Hampton River.

Voted under the warrant for the Annual Town Meeting of March 12, 1912. See page 7 of the Annual Town Report.

Ledge Removal

Voted that the sum of five hundred dollars be appropriated from the contingent fund for the purpose of removing a sufficient part of the top of the ledge near the residence of Oscar Jenkins so as to be safe for the traveling public.

Voted under the warrant for the Annual Town Meeting of March 12, 1912. See page 7 of the Annual Town Report.

Widening Highway Near Leavitt's Corner

Voted that the matter of widening the highway near Leavitt's Corner be left to the Selectmen.

Voted under the warrant of the Annual Town Meeting of March 12, 1912. See page 7 of the Annual Town Report.

Oiling Roads

Voted that the sum of one thousand dollars be raised and appropriated for oiling roads.

Voted under the warrant for the Annual Town Meeting of March 11, 1913. See page 7 of the Annual Town Report.

Committee on Highways

Voted that a committee of three be appointed by the chair to take all matters in relation to the government of the highways of the Town and report to the Town as soon as possible. The moderator appointed the selectmen as the above committee.

Voted under the warrant for the Annual Town Meeting of March 10, 1914. See page 6 of the Annual Town Report.

Abutters to Keep Concrete Sidewalks Free of Ice and Snow

Voted that where concrete sidewalks are built the abutters keep said sidewalks clear of snow and ice.

Voted under the warrant for the Annual Town Meeting of March 9, 1915. See page 8 of the Annual Town Report.

HIGHWAYS

Widen Main Road Near the Depot

To see if the Town will take action to widen the main road near the depot and make the square more safe. Voted that the Town appropriate the sum of Five Hundred Dollars ($500) to carry this article into effect, leaving the details to the Selectmen.

Article 12 under the warrant for the Annual Town Meeting of March 14, 1916. See pages 6 and 7 of the Annual Town Report.

Old System of Highway Repair

Voted that we go back to the old system of repair and maintenance of highways under the Highway Law of 1899.

Vote under the warrant for the Annual Town Meeting of March 13, 1917. See Town Clerk's Records in the Annual Town Report.

Work on Island Path Road

Voted that we appropriate from the amount already appropriated for Highway Five Hundred Dollars ($500) for use on Island Path Road.

Voted under the warrant for the Annual Town Meeting of March 13, 1917. See page 7 of the Annual Town Report.

Clear Old Pathway — Great Boars Head

Voted that the Selectmen be instructed to remove all fences obstructing the old pathway on the south side of Great Boars Head and a walk be constructed for foot passengers.

Voted under the warrant for the Annual Town Meeting of March 13, 1917. See page 7 of the Annual Town Report.

Island Path Road to be Opened to its Full Width

Voted that Island Path Road be opened up to its full width.

Voted under the warrant for the Annual Town Meeting of March 13, 1917. See page 7 of the Annual Town Report.

Purchase Gravel Pits

Voted that the Selectmen be instructed to purchase any Gravel Pits that they deem advisable to buy.

Voted under the warrant for the Annual Town Meeting of March 8, 1921. See page 10 of the Annual Town Report.

Construct Concrete Sidewalk

Voted that we raise and appropriate the sum of Five Hundred Dollars ($500) for Concrete Sidewalk from the Post-Office to connect with the sidewalk in front of L.C. Ring's cottages, and it shall be required that abutters pay one-half the expense of said construction.

Voted under the warrant for the Annual Town Meeting of March 8, 1921. See page 10 of the Annual Town Report.

Extend the New Road to Winnacunnet Road

To see if the Town will vote to extend a street leading from the New Road to Winnacunnet Road across land of Sarah B. Betchelder and appropriate money to grade the same.

Article 11 of the warrant for the Annual Town Meeting of March 8, 1921 was voted to leave Article Eleven to the judgment of the Selectmen. See pages 6 and 11 of the Annual Town Report.

Further Construction of Island Path

To see if the Town will appropriate the sum of One thousand dollars to be applied to the further construction of Island Path at Hampton Beach and the maintenance thereof.

Article 12 of the warrant for the Annual Town Meeting of March 8, 1921 was voted to leave Article Twelve to the judgment of the Selectmen with the power to act. See pages 6 and 11 of the Annual Town Report.

Island Path Road Obstruction

Voted that the Selectmen be instructed to take the matter of the road obstruction on Island Path and other places with the County Solicitor.

Voted under the warrant for the Annual Town Meeting of March 8, 1921. See page 11 of the Annual Town Report.

Accept Highland Avenue

To see if the Town will vote to take over the street known as Highland Path.

Article 7 of the warrant for the Annual Town Meeting of March 10, 1925 was voted that the Town accept as its property Highland Avenue, so-called. See pages 6 and 9 of the Annual Town Report.

HIGHWAYS

Accept Highway on Boars Head

On a petition of Charles E. Greenman and ten other legal voters of the Town: To see if the Town will vote to accept the highway on "Boars Head" as laid out by the Scruton Survey and improve the same.

Article 9 of the warrant for the Annual Town Meeting of March 8, 1932, was moved, seconded and voted in the affirmative. See pages 6 and 20 of the Annual Town Report.

Accept Streets in Surfside Park

To see if the Town will vote to accept the streets in "Surfside Park."

Article 12 of the warrant for the Annual Town Meeting of March 8, 1932, was moved and seconded that the Town accept street and raise and appropriate $500 to repair the worst places. The motion was voted in the affirmative. See pages 6 and 21 of the Annual Town Report.

Accept Street Between Towle and Winnacunnet Roads

To see if the Town will vote to accept from the Hampton Associates, Inc., a deed to and maintain as a highway a certain tract of land 49.5 feet wide running from the southerly end of Towle Avenue to the Winnacunnet Road, provided the Hampton Associates, Inc., first build a road over said land.

Article 8 of the warrant for the Annual Town Meeting of March 8, 1938, was moved, seconded and voted in the affirmative. See pages 6 and 20 of the Annual Town Report.

Accept Moulton Road

To see if the Town will vote to accept from the owners and abutters thereof, lay out and maintain as a highway Moulton Road, so called, staked at 50 feet wide; running from Winnacunnet Road at Young's Corner, 1800 feet to High Street.

Article 11 of the warrant for the Annual Town Meeting of March 8, 1938, was moved, seconded and voted in the affirmative. See pages 6, 7 and 20 of the Annual Town Report.

Accept Street Between High Street and Mace Road

On petition of Theda T. Hobbs and twelve other legal voters to see if the Town will vote to accept from the Estate of Warren H. Hobbs a deed to and maintain as a highway a certain tract of land fifty feet wide running from the northerly side of High Street to the Mace Road, providing the Estate of Warren H. Hobbs first builds a road over the said land.

Article 10 of the warrant for the Annual Town Meeting of March 11, 1941, was moved, seconded and voted to accept road as read in Article 10. See pages 5 and 18 of the Annual Town Report.

Accept All Roads in Norseman's Rest

On petition of Harlan Teague and seventeen other legal voters to see if the Town will vote to take over and maintain all roads in Norseman's Rest.

Article 12 of the warrant for the Annual Town Meeting of March 13, 1945, was moved, seconded and voted in the affirmative. See pages 6 and 18 of the Annual Town Report.

Accept Brown Street

To see if the Town will vote to accept a deed from Arthur W. Brown and Louis B. Janvrin of a certain tract of land to be used as a public way, said tract being 25 feet wide and commonly known as Brown Street and extending eastward from the Lafayette Road 366 feet.

Article 16 of the warrant for the Annual Town Meeting of March 12, 1946, was voted to accept this article as read. It was understood the dimension was 25 feet by 200 feet. See pages 8 and 21 of the Annual Town Report.

Accept Ann's Terrace

On petition of Victor A. Bogrett, Jr., and ten other legal voters to see if the Town will vote to accept a deed from Douglass E. Hunter of a certain tract of land to be used as a public way, said tract being — feet wide and commonly known as Ann's Terrace and extending southerly from Ann's Lane 600 feet.

Article 12 of the warrant for the Annual Town Meeting of March 8, 1949, was moved, seconded and voted in the affirmative. See pages 6 and 20 of the Annual Town Report.

Accept Norton Road

Upon petition of Myron J. Norton and nine other legal voters of the Town of Hampton, to see if the Town will vote to accept Norton Road, so called, in said Town of Hampton.

Article 17 of the warrant for the Annual Town Meeting of March 8, 1949, was moved, seconded and voted in the affirmative. See pages 7 and 20 of the Annual Town Report.

Accept Extension of Kershaw Avenue

On petition of Charles E. Greenman and nine other legal voters to see if the Town will vote to accept a deed from Arthur W. Brown and Charles E. Greenman of an extension of Kershaw Avenue, to be used as a public way, the same being 40 feet wide and extending easterly for a distance of 175 feet.

Article 14 of the warrant for the Annual Town Meeting of March 14, 1950, was moved, seconded and voted to accept this article as read if it meets with the approval of the Selectmen. See pages 7 and 24 of the Annual Town Report.

HIGHWAYS

Accept King Avenue

On petition of Elmer King and sixteen other legal voters to see if the Town will vote to accept a deed from Elmer King of a certain tract of land to be used as a public way, said tract being 193 feet long and 38 feet wide and commonly known as King Avenue and extending northerly from Ann's Lane, so called.

Article 15 of the warrant for the Annual Town Meeting of March 14, 1950, was moved, seconded and voted to accept this article as read with an amendment "If it meets with the approval of the Selectmen." See pages 7 and 24 of the Annual Town Report.

Accept Boar's Head Terrace

On petition of Frank B. Robinson and ten other legal voters to see if the Town will vote to accept the street known as Boar's Head Terrace, located on section known as Boar's Head, at Hampton Beach as an accepted street.

Article 21 of the warrant for the Annual Town Meeting of March 14, 1950, was moved, seconded and voted in the affirmative. See pages 8 and 25 of the Annual Town Report.

Accept Fairfield Drive and Ruths Lane

On petition of Douglas E. Hunter and ten other legal voters to see if the Town will accept the streets in Fairfield Park known as Fairfield Drive and Ruths Lane.

Article 25 of the warrant for the Annual Town Meeting for March 14, 1950, was moved, seconded and voted to accept this article as read with the approval of the Selectmen. See pages 9 and 25 of the Annual Town Report.

Accept Moore Avenue

On petition of Thomas O. Moore and eleven other legal voters to see if the Town will vote to accept the road leading off from Dearborn Ave., sometimes called Moore Ave., continuation of Kershaw Ave.

Article 22 of the warrant for the Annual Town Meeting of March 13, 1951, was moved, seconded and voted to adopt this article, if and when it meets the approval of the Selectmen. See pages 9 and 25 of the Annual Town Report.

Accept Locke Lane

On petition of William J. Thompson and twelve other legal voters to see if the Town will accept the street known as Locke Lane in the Town of Hampton.

Article 23 of the warrant for the Annual Town Meeting of March 13, 1951, was moved, seconded and voted to adopt this article if it meets the approval of Selectmen. See pages 9 and 25 of the Annual Town Report.

Accept Rice Terrace

On petition of Laurice Brown and twelve other legal voters to see if the Town will vote to accept from Ida P. Rice a deed of a certain tract of land to be used as a public highway. Said tract being forty feet wide and extending Southeasterly from Lafayette Road for a distance of 444 feet then Northeasterly 219 1/2 feet and commonly known as Rice Terrace.

Article 24 of the warrant for the Annual Town Meeting of March 13, 1951, was moved, seconded and voted to accept these Articles 24-25-26 if approved by the Selectmen. See pages 9, 10 and 25 of the Annual Town Report.

Accept Hackett's Lane

On petition of J. Walter Hollis and eleven other legal voters to see if the Town will accept the street known as Hackett's Lane in the Town of Hampton.

Article 25 of the warrant for the Annual Town Meeting of March 13, 1951, was moved, seconded and voted to accept these Articles 24-25-26 if approved by the Selectmen. See pages 10 and 25 of the Annual Town Report.

Accept the Streets in the Great Lots

On petition of J. Walter Hollis and eleven other legal voters to see if the Town will vote to accept the streets in the section east of Moulton Road known as the Great Lots, as public convenience will require.

Article 26 of the warrant for the Annual Town Meeting of March 13, 1951, was moved, seconded and voted to accept these Articles 24-25-216 if approved by the Selectmen. See pages 10 and 25 of the Annual Town Report.

Accept Street Between Ann's Lane and Mill Road

On petition of Richard R. Grenier and nine other legal voters of the Town of Hampton to see if the Town will vote to accept a street, as laid out by Richard Grenier, running from Ann's Lane to Mill Road as soon as the street has been constructed and approved by the Selectmen.

Article 22 of the warrant for the Annual Town Meeting of March 11, 1952, was moved, seconded and voted with an amendment to read constructed by Richard Grenier. See pages 8 and 27 of the Annual Town Report.

Rename Marsh Avenue

On petition of William Boudreau and twenty-six other legal voters of the Town of Hampton to see if the Town will vote to change the name of Marsh Avenue to Sunset Boulevard. This article to take effect on its passage.

Article 31 of the warrant for the Annual Town Meeting of March 11, 1952, was moved, seconded and defeated. See pages 11 and 28 of the Annual Town Report.

HIGHWAYS

Accept Street Running Through Ross Acres

On petition of Kenneth N. Ross and eleven other legal voters of the Town of Hampton to see if the Town will vote to accept the street running northwesterly from Ocean Boulevard through Ross Acres, so called.

Article 26 of the warrant for the Annual Town Meeting of March 10, 1953, was moved, seconded and voted in the affirmative. See pages 13 and 32 of the Annual Town Report.

Accept George Avenue and Emery Lane

On petition of William M. Emery and eleven other legal voters of the Town of Hampton to see if the Town will vote to accept as public highways the streets now known as George Avenue and Emery Lane.

Article 27 of the warrant for the Annual Town Meeting of March 10, 1953, was moved, seconded and voted if this article conforms with the Selectmen we leave it in their hands. See pages 13 and 32 of the Annual Town Report.

Continuance of King's Avenue

On petition of Philip W. Howe and nine other legal voters of the Town of Hampton to see if the Town will vote to accept a street as a continuance of King's Avenue as approved by the Selectmen.

Article 28 of the warrant for the Annual Town Meeting of March 10, 1953, was moved, seconded and vote if this article conforms with the Selectmen we leave it their hands. See pages 13 and 32 of the Annual Town Report.

Accept Cedar Lane

On petition of Forest Littlefield and eleven other legal voters of the Town of Hampton to see if the Town will accept the street known as Cedar Lane in the Town of Hampton after approval by the Board of Selectmen.

Article 29 of the warrant for the Annual Town Meeting of March 10, 1953, was moved, seconded and voted if this article conforms to the Selectmen we leave it in their hands. See pages 13 and 32 of the Annual Town Report.

Street Name Changes

On petition of Roland W. Paige and sixteen other legal voters of the Town of Hampton:

A. To see if the Town will vote to change the name of Cedar Lane to Blake Lane, in memory of Richard W. Blake, World War II.

B. To see if the Town will vote to name the road on the upper side of Five Corners Green running from Mace Road to Little River Road, Parr Street, in memory of Harry A. Parr, Jr., World War II.

C. To see if the Town will vote to name the street often referred to as Jonty's Lane running easterly from Mill Road to Black Swamp Road, White's Lane, in memory of Robert K. White, World War II.

D. To see if the Town will raise and appropriate the sum of $375.00 (three hundred seventy-five dollars) for appropriate bronze signs to be erected at the entrances of above names streets.

Article 28 of the warrant of the Annual Town Meeting of March 9, 1954, was moved, seconded and voted in the affirmative. See pages 10, 34 and 35 of the Annual Town Report.

Accept Sunset Road and Meadow Pond Road

On petition of Kenneth D. Riley and sixteen other legal voters of the Town of Hampton to see if the Town will accept the streets known as Sunset Road and Meadow Pond Road in the Town of Hampton after approval by the Board of Selectmen.

Article 29 of the warrant for the Annual Town Meeting of March 9, 1954, was moved, seconded and voted in the affirmative. See pages 10 and 35 of the Annual Town Report.

Marsh Highway Between Glade Path and Island Path

To see if the Town will vote to raise and appropriate the sum, of $8,500 to construct a road from Glade Path to Island Path, said sum to be put in a separate fund to be called the Marsh Highway Fund, and to authorize the Selectmen to take the necessary steps to acquire the land for the road as provided in the Revised Laws of New Hampshire, 1942, as amended.

Article 24 of the warrant for the Annual Town Meeting of March 8, 1955, was moved, seconded and voted in the affirmative. See pages 9, 10, 31 and 32 of the Annual Town Report.

Accept Sea View Avenue

On petition of Ernest W. Letourneau and eleven other legal voters of the Town of Hampton, to see if the Town will vote to accept the Street known as "Sea View Avenue" in the Town of Hampton, after approval by the Board of Selectmen.

Article 25 of the warrant for the Annual Town Meeting of March 8, 1955, was moved, seconded and voted in the affirmative. See pages 10 and 32 of the Annual Town Report.

HIGHWAYS

Accept Sunsurf Avenue

On petition of Joseph A. Lynch and twelve other legal voters of the Town of Hampton, to see if the Town will vote to accept the street known as "Sunsurf Avenue."

Article 26 of the warrant for the Annual Town Meeting of March 8, 1955, was moved, seconded and voted with an amendment adding the words "after approval by the Board of Selectmen." See pages 10 and 33 of the Annual Town Report.

Accept Leary Lane

To see if the Town will vote to accept the street known as "Leary Lane."

Article 27 of the warrant for the Annual Town Meeting of March 8, 1955, was moved, seconded. Amendment was passed to add "after approval by the Board of Selectmen." See pages 10 and 33 of the Annual Town Report.

Dedication of Dearborn Avenue

On petition of Roland W. Paige and fifteen other legal voters of the Town of Hampton, to see if the Town will vote to dedicate the present Dearborn Avenue in memory of Norman M. Dearborn who gave his life for his country in World War II, and to raise and appropriate the sum of $125 for an appropriate bronze sign to be erected at the High Street entrance of the above named street.

Article 32 of the warrant for the Annual Town Meeting of March 8, 1955, was moved, seconded and voted in the affirmative. See pages 11 and 35 of the Annual Town Report.

Accept Street Northerly Side of Rice Terrace

On petition of Richard Rice and eleven other legal voters of the Town of Hampton, to see if the Town will vote to accept a street on the northerly side of Rice Terrace and running parallel with Lafayette Road.

Article 9 of the warrant for the Annual Town Meeting of March 13, 1956, was moved, seconded and voted to accept when the street meets the approval of the Board of Selectmen. See pages 6 and 30 of the Annual Town Report.

Accept Belmont Circle

On petition of Charles W.H. Whitcomb and ten other legal voters of the Town of Hampton, to see if the Town will vote to accept as a public way the street known as Belmont Circle.

Article 15 of the warrant for the Annual Town Meeting of March 13, 1956, was moved, seconded and voted "subject to approval of the Board of Selectmen." See pages 7 and 32 of the Annual Town Report.

Accept Locke Lane Extension

On petition of Ivan R. Lund and twenty-one other legal voters of the Town of Hampton, to see if the Town will vote to accept and improve the Locke Lane extension as part of Locke Lane.

Article 20 of the warrant for the Annual Town Meeting of March 13, 1956, was moved, seconded and voted subject to the approval of the Selectmen. See pages 8 and 34 of the Annual Town Report.

Future Extension of Marsh Highway

To see if the Town will vote to authorize the Selectmen to obtain by purchase or by eminent domain proceedings, a strip of land fifty feet in width extending ten feet on each side of the sewer easement from Island Path to Dustin Avenue for the purpose of future extension of the "Marsh Highway".

Article 36 of the warrant for the Annual Town Meeting of March 13, 1956, was moved, seconded and amended to read "To see if the Town will vote to authorize the Selectmen to obtain by purchase or by eminent domain proceedings, a strip of land 75 ft. in width including the sewer easement, from Island Path to Dustin Ave. for the purpose of future expansion of "Marsh Highway." And to increase the amount allowed in the budget to $7500.00. The amended article passed. See pages 12 and 39 of the Annual Town Report.

Accept Thomsen Road

On petition of Bernard A. Barteau and eleven other legal voters of the Town of Hampton, to see if the Town will vote to accept the street known as Thomsen Road running parallel with Hobbs Road from High Street to Mace Road.

Article 11 of the warrant for the Annual Town Meeting of March 12, 1957, was moved, seconded and voted with the addition "when the condition of the road meets the specifications of the Selectmen." See pages 7 and 25 of the Annual Town Report.

Rename Marsh Avenue

On petition of Beatrice Boudreau and 27 other legal voters of the Town of Hampton, to see if the Town will vote to change the present name of Marsh Avenue at Hampton Beach to Sunset Boulevard.

Article 12 of the warrant for the Annual Town Meeting of March 12, 1957, was moved and seconded. Amendment to "cross out Sunset Road and substitute Ashworth Avenue," this is a suggestion to the Selectmen if voted. The amended article passed. See pages 7, 25 and 26 of the Annual Town Report.

HIGHWAYS

Purchase Drain Easement King's Avenue

To see if the Town will vote to authorize the Selectmen to obtain by purchase or by eminent domain proceedings, an easement 10 feet in width for the purpose of a drainage line from King's Avenue to Mill Road.

Article 14 of the warrant for the Annual Town Meeting of March 12, 1957, was moved, seconded and voted in the affirmative. See pages 10, 11 and 30 of the Annual Town Report

Purchase Drainage Easement Bonair Avenue

To see if the Town will vote to authorize the Selectmen to obtain by purchase or by eminent domain proceedings, an easement 10 feet in width for the purpose of a drainage line from Bonaire Avenue to the Marsh.

Article 15 of the warrant for the Annual Town Meeting of March 12, 1957, was moved, seconded and voted in the affirmative. See pages 11 and 30 of the Annual Town Report.

Purchase Right-of-Way for Marsh Highway

To see if the Town will vote to authorize the Selectmen to obtain by purchase or by eminent domain proceedings, a right-of-way 75 feet in width from the so-called Tide Mill to a point on Glade Path opposite the present Marsh Highway for the purpose of a future roadway.

Article 16 of the warrant for the Annual Town Meeting of March 12, 1957, was moved, seconded and voted in the affirmative. See pages 11 and 30 of the Annual Town Report.

Accept Toby Street and Gray Avenue

On petition of George J. Enwright and 12 other legal voters of the Town of Hampton, to see if the Town will vote to accept Tobey Street and Gray Avenue, according to Plan of Waverly Park approved by the Planning Board.

Article 18 of the warrant for the Annual Town Meeting of March 12, 1957, was moved, seconded and voted with the addition of "when they meet the approval of the Selectmen." See pages 12 and 32 of the Annual Town Report.

Mapping of Marsh

To see if the Town will vote to raise and appropriate the sum of Two Thousand ($2,000.00) Dollars for the purpose of mapping the marsh area southerly from Island Path in order that streets and lots may be developed in an orderly fashion.

Article 19 of the warrant for the Annual Town Meeting of March 12, 1957, was moved, seconded and voted in the affirmative. See pages 12 and 32 of the Annual Town Report.

Accept Palmer Street, Sicard Street and Biery Street

On petition of Leon L. Sicard and 13 other legal voters of the Town of Hampton, to see if the Town will vote to accept Palmer Street, Sicard Street and Biery Street as located on Plan of Better Built Homes.

Article 20 of the warrant for the Annual Town Meeting of March 12, 1957, was moved, seconded and voted with the following addition "when said streets meet with the approval of the Selectmen." See pages 12 and 32 of the Annual Town Report.

Accept Homestead Circle

On petition of Alexander H. Finan and ten other legal voters of the Town of Hampton, to see if the Town will vote to accept a street known as Homestead Circle on the westerly side of Mill Road.

Article 23 of the warrant for the Annual Town Meeting of March 12, 1957, was moved, seconded and voted with the addition of "subject to the approval of the Selectmen." See pages 13 and 32 of the Annual Town Report.

Accept Lamson Lane

To see if the Town will vote to accept a street known as Lamson Lane.

Article 25 of the warrant for the Annual Town Meeting of March 12, 1957, was moved, seconded and voted with the following addition "subject to the approval of the Selectmen." See pages 13 and 33 of the Annual Town Report.

Accept Tower Drive

To see if the Town will vote to accept a street known as Tower Drive.

Article 26 of the warrant for the Annual Town Meeting of March 12, 1957, was moved, seconded and voted with the following addition "subject to the approval of the Selectmen." See pages 13 and 33 of the Annual Town Report.

Accept Josephine Drive and Bourn Avenue

On petition of Charles Hadges and eleven other legal voters of the Town of Hampton, to see if the Town will vote to accept Josephine Drive and Bourn Avenue according to Plan of Brookfield as approved by the Planning Board.

Article 27 of the warrant for the Annual Town Meeting of March 12, 1957, was moved, seconded and voted with the following addition "upon approval of the Selectmen." See pages 13 and 33 of the Annual Town Report.

Bronze Plaques for Tobey and Gray Streets

On petition of Roland W. Paige and thirteen other legal voters of the Town of Hampton, to see if the Town will vote to raise and appropriate the sum of $150 for appropriate bronze signs to be erected at the entrances of street named in memory of Edward W. Tobey and Roland M. Gray, World War II.

Article 29 of the warrant for the Annual Town Meeting of March 12, 1957, was moved, seconded and voted in the affirmative. See pages 13, 14 and 35 of the Annual Town Report.

Storm Drainage on Hobbs Road

On petition of Harry G. Zitrick and thirty-four other legal voters of the Town of Hampton, to see if the Town will vote to raise and appropriate the sum of three thousand dollars ($3,000.00) for the installation of approximately 400 feet of storm drainage and fixtures on Hobbs Road.

Article 16 of the Annual Town Meeting of March 11, 1958, was so voted. See page 190 of the Town Records of 1955-1960.

Accept Pine Road and Birch Road

On petition of Noel W. Salomon and ten other legal voters of the Town of Hampton, to see if the Town will vote to accept the streets known as Pine Road and Birch Road, subject to approval of the Selectmen.

Article 18 of the Annual Town Meeting of March 11, 1958, was so voted. See page 190 of the Town Records of 1955-1960.

Accept Dustin Avenue

On petition of Robert J. Dunfey and ten other legal voters of the Town of Hampton, to see if the town will vote to accept the street known as Dustin Avenue, running from Ashworth Avenue to Whitten Avenue, subject to approval of the Selectmen.

Article 19 of the Annual Town Meeting of March 11, 1958, was so voted. See page 190 of the Town Records of 1955-1960.

Power to Change Duplicate or Similar Street Names

To see if the Town will vote to give the Selectmen power to change the name of any street in case of duplication or similarity of names, as prescribed in Chapter 109, Section 5, Revised Laws of N. H.

Motion made to amend to add: "However, under no circumstances shall this power be exercised except with the expressed approval of at least two-thirds (2/3) of the legal resident voters, of said street in question, assembled at a public hearing. Said voters shall be given at least ten days prior notice in writing as to the time and place of said hearing." Another motion was made that the word "majority" be substituted for "two-thirds" in the amendment. Seconded and so voted. A statement was made that "Chapter 251, Section 1" is the correct reference in Article 20.

Article 20 of the Annual Town Meeting of March 11, 1958, was so voted. See page 190 of the Town Records of 1955-1960.

Accept Mooring Drive

To see if the Town will vote to accept the street known as Mooring Drive, subject to the approval of the Selectmen.

Article 22 of the warrant for the Annual Town Meeting of March 10, 1959, was moved and seconded and was voted in the affirmative. See pages 19 and 33 of the Annual Town Report.

Accept Hobson Avenue

To see if the Town will vote to accept the street known as Hobson Avenue, subject to approval of the Selectmen.

Article 23 of the warrant for the Annual Town Meeting of March 10, 1959, was moved, seconded and voted in the affirmative. See pages 19 and 34 of the Annual Town Report.

Acceptance of Naves Road

To see if the Town will vote to accept the street known as Naves Road, subject to approval by the Selectmen.

Article 24 of the warrant for the Annual Town Meeting of March 10, 1959, was moved, seconded and voted in the affirmative. See pages 19 and 34 of the Annual Town Report.

Accept Red Coat Lane

To see if the Town will vote to accept the street known as Red Coat Lane, subject to the approval of the Selectmen.

Article 25 of the warrant for the Annual Town Meeting of March 10, 1959, was moved, seconded and voted in the affirmative. See pages 19 and 34 of the Annual Town Report.

HIGHWAYS

Accept Quinlan Lane

To see if the Town will vote to accept the street known as Quinlan Lane, subject to approval of the Selectmen.

Article 26 of the warrant for the Annual Town Meeting of March 10, 1959, was moved, seconded and voted in the affirmative. See pages 20 and 34 of the Annual Town Report.

Accept Hobson Avenue

On petition of Ralph T. Harris and ten (10) other legal voters of the Town of Hampton, to see if the Town will vote to accept the Street known as Hobson Avenue, running West from Ashworth Avenue to the River, subject to the approval of the Selectmen.

Article 9 of the warrant for the Annual Town Meeting of March 8, 1960, was moved, seconded and voted in the affirmative. See pages 15, 27 and 28 of the Annual Town Report.

Acceptance of Mooring Drive

On petition of Ralph T. Harris and ten (10) other legal voters of the Town of Hampton, to see if the Town will vote to accept the Street known as Mooring Drive, running west from Ashworth Avenue to the River, subject to the approval of the Selectmen

Article 10 of the warrant for the Annual Town Meeting of March 8, 1960, was moved, seconded and voted in the affirmative. See pages 16 and 28 of the Annual Town Report.

Accept Auburn Street

On petition of Karlena Vangel and ten other legal voters of Hampton, N.H. to see if the Town will vote to accept the Street known as Auburn Avenue, subject to the approval of the Selectmen.

Article 11 of the warrant for the Annual Town Meeting of March 14, 1961, was moved, seconded and voted in the affirmative. See pages 16, 17 and 53 of the Annual Town Report.

Purchase Right-of-Way Seabrook Beach

To see if the Town will vote to raise and appropriate the sum of $500.00 for the purpose of purchasing a right-of-way from Ocean Drive to Seabrook Beach.

Article 11 of the warrant for the Annual Town Meeting of March 13, 1962, was moved, seconded and voted in the affirmative. See pages 15 and 33 of the Annual Town Report.

Naming of Streets by Selectmen

To see if the Town will vote to authorize the Board of Selectmen to name streets in accordance with the authority granted in Chapter 251:1 of the New Hampshire Revised Statutes Annotated 1955, and to rescind the vote taken on Article 20 of the 1958 Town Meeting requiring the selectmen (A) to obtain approval by a majority of the legal resident voters of the street and, (B) requiring a public hearing to be held before changing a street name.

Article 14 of the warrant for the Annual Town Meeting of March 13, 1962, was moved, seconded and voted in the affirmative. See pages 16, 17 and 34 of the Annual Town Report.

Marsh Highway

To see if the Town will vote to raise and appropriate the sum of $150,000, for the purpose of paying land and property damages for the acquisition of a strip of land approximately 100-110 feet wide running from Glade Path to Ocean Boulevard near the Hampton River Bridge for the purpose of a public highway; said highway to be generally as shown on the plan dated June 20, 1962 and prepared by Anderson Nichols, Inc., and filed in the Hampton Town Offices but subject to such revisions of said plan as may be made by the Selectmen of the Town of Hampton at the time said highway is laid out and to authorize the Selectmen of the Town of Hampton to acquire said land by purchase or condemnation, or otherwise, and to proceed to lay out said highway in accordance with the Revised Statutes Annotated as amended and to determine how and such appropriation shall be raised, from taxation, transfer of available funds, by borrowing or otherwise, and if by borrowing, to authorize the issuance and sale of bonds and notes of the Town of Hampton under the Municipal Finance Statute or any other enabling authority; and to take any other action incidental to or connected with the foregoing matters or any of them.

Article 8 of the warrant for the Annual Town Meeting of March 16, 1963, was moved, seconded and following debate and amendment attempts the Article was defeated. See pages A-4 and 27 of the Annual Town Report.

Use No Funds for Sewers on Unaccepted Streets

On petition of Richard A. Stebbins and 42 other legal voters of the Town of Hampton; to see if the voters of the Town of Hampton assembled here, will direct the selectmen that no funds shall be used or authorized to be used or expended for installation of sewer facilities, including trenching, pipe laying, fittings, appurtenances, back filling, or grading on any unaccepted street, highway, alley, lane or avenue existing and/or proposed or extension thereof.

Article 25 of the warrant for the Annual Town Meeting of March 10, 1964, was moved and seconded. The article was amended to insert the word "new" after the word "unaccepted." The article passed as amended. See pages A-10 and 26 of the Annual Town Report.

Convey Strip of Land in Glen Hill

On petition of Fred J. Schaake and ten other legal voters of the Town of Hampton: to see if the Town will vote to convey all their right, title and interest in and unto a certain ten foot strip of land running parallel with the northerly side-line of Lot No. 20, Subdivision Plan of Glen Hill, Hampton, N.H. said ten foot strip being a part of an existing fifty foot right of way between Lots No. 20 and No. 19 on said plan.

Article 34 of the warrant for the Annual Town Meeting of March 10, 1964, was moved, seconded and voted in the affirmative. See pages A-14, 27 and 28 of the Annual Town Report.

Correction, Land Not Used as Dedicated Road

On petition of Fred J. Schaake and ten other legal voters of the Town of Hampton to see if the Town will vote to convey all their right, title and interest and to remove the dedication of a street as shown on Subdivision Plan of Section C, Glen Hill, Hampton, N.H. described as follows:

Beginning at a point on the northerly side of Exeter Road at land of Maps and running a depth of 300 feet to Burgundy Drive and a width of 40 feet between land of Maps and April on said Exeter Road; said dedication being inadvertently included on the above entitled recorded plan but not being used as a road now or planned on in the future.

Article 35 of the warrant for the Annual Town Meeting of March 10, 1964, was moved, seconded and voted in the affirmative. See pages A-14 and 28 of the Annual Town Report.

Street Lights, Hydrants and Other Facilities of Public and Private Streets

On petition of Ralph T. Harris and ten registered voters of the Town of Hampton to see if the Town will vote to authorize the Board of Selectmen in the interests of the protection of persons and property to take such action as may be necessary to cause the installation of fire hydrants, street lighting and such other facilities as may be necessary on accepted or unaccepted ways within the Town of Hampton.

Article 37 of the warrant for the Annual Town Meeting of March 10, 1964, was voted indefinite postponement. See pages A-15 and 28 of the Annual Town Report.

Extend Brown Avenue

On petition of John D. Long and thirteen other legal voters of the Town of Hampton, to see: If the Town will vote to raise and appropriate the sum of Eighty-five Hundred Dollars ($8,500) to extend Brown Avenue, so-called, to the Town of Hampton Parking Lot on Ashworth Avenue, so-called, to the existing Police Station, said appropriation to include the asphalt surfacing of Brown Avenue from Island Path to said Town of Hampton Parking Lot situated on Ashworth Avenue, said appropriation to include, without limiting the generality of the foregoing description, culvert pipe, fill, asphalt, together with barriers and/or required fencing.

Article 15 of the warrant for the Annual Town Meeting of March 9, 1965, was moved and seconded. Amendment added the following at the end "but that no portion of said sum of $8,500.00 shall be expended for the purposes set forth unless and until all property owners whose property may be affected by said extension shall have conveyed for the sum of $1.00, by sufficient deed to the Town, the necessary land required to complete the extension. The article as amended was voted in the affirmative. See pages 4A, 5A, 27 and 28 of the Annual Town Report.

Boundary Change Winnacunnet and Lafayette Roads

On petition of Philip M. Toppan and 11 legal voters of the Town of Hampton: To permit the Selectmen of the Town of Hampton to execute a deed to the Hampton Plaza Corporation conveying any and all of the Town's right, title and interest in and to any land lying situated between Lafayette Road and Winnacunnet Road and/or Highways, So-called, and said Hampton Plaza Corporation Lot which is located on the corner of said Lafayette Road and Winnacunnet Road; and further to permit the Selectmen of the Town of Hampton to execute a deed to Philip M. Toppan conveying any and all of the Town's right, title and interest in and to any land lying and situated between the land of Philip M. Toppan, said Toppan land abutting the Southeast end of land of the Hampton Plaza Corporation, so as to clear any title question that may arise and allow for the orderly development of said properties in keeping with the best interests of the Town's growth and increased property tax assessments and valuation.

Article 16 of the warrant for the Annual Town Meeting of March 8, 1966, was voted indefinite postponement. See pages A-5, 16, 17 and 18 of the Annual Town Report.

Accept Birch Road

On petition of (Mrs.) Elaine A. Manix and twenty-three other legal voters of the Town of Hampton, to see if the Town will vote to raise and appropriate the sum of $4,500.00 to improve Birch Road in accordance with Town Standards so that it may be accepted as a public way.

Article 13 of the warrant for the Annual Town Meeting of March 12, 1968, was voted to indefinitely postpone. See pages 12 of the Annual Town Report.

HIGHWAYS

Accept Birch Road

To see if the Town will vote to raise and appropriate the sum of $4,500 to improve Birch Road in accordance with Town standards so that it may be accepted as a public way.

Article 7 of the warrant for the Annual Town Meeting of March 11, 1969, was moved and seconded. A motion of indefinite postponement was defeated. The main motion to accept was voted in the affirmative. See pages 3-A and 27 of the Annual Town Report.

Easement of Johnson Land for Access to Public Works

To see if the Town will vote to raise and appropriate the sum of $1,000 for the purpose of procuring an easement across land owned by Mr. Homer Johnson, for an access road to the Public Works and Waste Water Treatment Plant sites as described on a plan prepared by Chester Leach, C.E.

Article 10 of the warrant for the Annual Town Meeting of March 11, 1969, was moved, seconded and voted by counted vote: Yes 89, No 94. See pages 3-A and 28 of the Annual Town Report.

Accept Walnut Avenue

On petition of Philip H. Palmer and thirty-six other legal voters of the Town of Hampton, to see if the Town of Hampton will vote to accept and pave Walnut Avenue, which is located in Surfside Park.

Article 24 of the warrant for the Annual Town Meeting of March 11, 1969, was moved, seconded and voted in the affirmative. See pages 7-A and 34 of the Annual Town Report.

Caution Light at Five Corners

On petition of Daniel H. Bryant and 13 other legal voters to see if the Town will vote to raise and appropriate the sum of $1,200 for the purpose of installing a blinking caution light at the intersection of High Street known as Five Corners.

Article 12 of the warrant for the Annual Town Meeting of March 9, 1971, was moved, seconded and after discussion and several amendments the article was indefinitely postponed. See page 69 of the Annual Town Report

Right-of-Way from Academy Avenue to Bank

To see if the Town will vote to authorize the Board of Selectmen to convey a right-of-way from Academy Avenue over Town land north of the Lane Memorial Library, for the purpose of ingress and egress to land occupied by the Hampton National Bank. (No expenditure for the construction of said right-of-way will be required by the Town, and the right-of-way will terminate in the event the land is required for any future Town use as determined by the Board of Selectmen.)

Article 23 of the warrant for the Annual Town Meeting of March 9, 1971, was voted by ballot: Yes 1094, No 525. See pages 31 and 74 of the Annual Town Report.

Convey Driftway Between Winnacunnet Road and High Street

To see if the Town will vote to convey and transfer all right, title and interest that the Town may have, if any, in and unto a certain driftway, so-called, running between Winnacunnet Road and High Street, and a small parcel of land designated as Parcel B, all as shown on plan of "Driftway and related parcels" as prepared by Town Engineer Chester E. Leach, a copy of said plan being on file in the office of the Town Clerk and to authorize the Selectmen to execute an appropriate quit claim deed or deeds upon such terms and conditions as they deem in the best interests of the Town.

Article 12 of the warrant for the Annual Town Meeting of March 9, 1974, was moved and seconded. Amendment "if this land is to be abandoned to the abutting property owners that the abutters assume all legal costs that may be involved." Amendment was passed. The main motion as amended was voted in the affirmative. See page 39 of the Annual Town Report.

Discontinue a Portion of Landing Road Subject to Gates and Bars

On petition of the Winnacunnet Cooperative High School District and ten or more legal voters of the Town of Hampton, to see if the Town will vote to discontinue and allow to be made subject to gates and bars by the Winnacunnet Cooperative High School District, in accordance with RSA 238, that portion of Landing Road, running southerly from Park Avenue to the Exeter-Hampton Expressway right-of-way, which portion is approximately 423 feet in length and is bounded on the East and West by land of said School District and lies between the extensions of certain chain link fences presently standing on said School District land.

The Town of Hampton shall be relieved of all obligation to maintain, and all liability for damages incurred in the use of, such portion of Landing Road in the event it is so discontinued and made subject to gates and bars.

Article 14 of the warrant for the Annual Town Meeting of March 4, 1975, was moved and seconded. Several amendments were offered and failed to pass. The question was moved and was voted in the affirmative. See pages 36 and 37 of the Annual Town Report.

Agreement Use of Landing Road by School District

On petition of Arthur J. Moody and 9 other legal voters of the Town of Hampton, to see if the Town will vote to: (A) empower the Board of Selectmen to enter into an agreement with the Winnacunnet Cooperative School District involving the use by said District of a section of historic Landing Road which abuts District property on both sides for a distance of approximately two-tenths of a mile and which presently dead-ends on the south at the Exeter-Hampton Expressway right-of-way, and (B) will authorize said agreement to include the closing of that portion of Landing Road as that no structure or facility, unless fencing-related, be constructed within the area of the present right-of-way, and (C) require that said agreement shall not encumber the Town with any costs or liabilities, and will remain in force until June 30, 2000 A.D., or until revoked by a majority vote of the legal voters present and voting at a duly called meeting of the Town, or its successor.

Article 15 of the warrant for the Annual Town Meeting of March 4, 1975, was moved, seconded and passed to indefinitely postpone. See pages 5-A, 6-A and 37 of the Annual Town Report.

Discontinue a Portion of Landing Road

On petition of ten or more legal voters of the Town of Hampton, to see if the Town will vote to discontinue, in accordance with RSA 238:1, a certain portion of that part of Landing Road running Southerly from Park Avenue to the Exeter-Hampton Expressway Right-of-Way, that portion being approximately 590.71 feet in length and lying Southwesterly of an Easterly extension of the Southerly boundary of land formerly of Saunders (now of Ralph M. and Patricia M. Furbush) as shown on a certain "Plan of Land, Landing Road, Hampton, N.H. Bernard A. Barteau to Winnacunnet Cooperative High School, Wright, Pierce, Barnes & Wyman Engineers, Portsmouth, N.H., Scale 1" = 50' date 11-10-72" and recorded as Plan #D-4077 at the Rockingham County Registry of Deeds.

Provided, however, that such discontinuance shall not take effect unless and until the Winnacunnet Cooperative School District, by vote at its 1970 Annual Meeting, authorizes its School Board to execute and deliver an option acceptable to the Board of Selectmen of Hampton, providing for the reconveyance of said portion to the Town if so voted by the Town at any regular or special Town Meeting and such option is so executed and delivered.

Article 36 of the warrant for the Annual Town Meeting of March 6, 1976, was moved, seconded and voted in the affirmative. See pages A15 and 58 of the Annual Town Report.

Discontinue a Portion of Old Towle Farm Road

To see if the Town will vote to discontinue a portion of old Towle Farm Road in accordance with RSA 238 which portion runs westerly from the relocated Towle Farm Road at land of Philip A. Towle, S. Allen Towle and Murray A. Towle, for a distance of approximately 2,000 feet and terminates at the easterly side of Interstate Route 95 right-of-way. The Town of Hampton shall be relieved of all obligations to maintain and all liabilities for damages incurred in the use of such portion of the old Towle Farm Road in the event it is so discontinued.

Article 17 of the warrant for the Annual Town Meeting of March 18, 1978, was moved, seconded and voted in the affirmative. See pages 50 and 51 of the Annual Town Report.

Abandon Road to Fish Houses

To see if the Town will vote to abandon and discontinue that roadway within the Town known as the "Winter Road to the fish houses" running from the intersection of Winnacunnet Road and Presidential Circle to Esker Road. Nothing in this Article is to be construed to effect any right or interest in and to said Winnacunnet Road, Presidential Circle or Esker Road.

Article 32 of the warrant for the Annual Town Meeting of March 13, 1982, was moved and seconded. The word effect was changed to affect. The motion was voted in the affirmative. See page 46 of the Annual Town Report.

Discontinue Southerly End of Mary Batchelder Road

To see if the Town will vote to abandon and discontinue that roadway within the Town known as the southerly end of the Mary Batchelder Road to Interstate Highway 95 and which roadway is referred to on the Town's tax maps as "an old road." Nothing in this Article is to be construed to effect any right or interest in and to any other portion of the said Mary Batchelder Road or Interstate Highway 95.

Article 34 of the warrant of the Annual Town Meeting of March 13, 1982, was moved, seconded and voted in the affirmative. The word effect was changed to affect. See page 47 of the Annual Town Report.

HIGHWAYS

Discontinue Old Nook Lane

To see if the Town will vote to abandon and discontinue that roadway within the Town known as Old Nook Lane. Nothing in this Article is to be construed to effect any right or interest in and to High Street.

Article 35 of the warrant for the Annual Town Meeting of March 13, 1982, was moved and seconded. Amendment to add "and to any sewer or other easements over or under said Old Nook Lane that the Town may have." The amendment passed. Motion for indefinite postponement failed. Amendment "To see if the Town will vote to abandon and discontinue that roadway within the Town known as Old Nook Lane as it pertains to 413 High Street. Nothing in this Article is to be construed to affect any right or interest in and to High Street and to any sewer or other easements, over or under said Old Nook Lane that the Town may have." The amendment passed. The word effect was changed to affect. The amended article passed. See page 47 of the Annual Town Report.

Discontinue a Portion of King's Highway

To see if the Town will vote to discontinue a small portion of King's Highway for the purpose of straightening said Highway as shown on a plan entitled "Lot Line Revisions (Preliminary) Plantation Lots" in Hampton Beach, N.H., dated November 1983, prepared by John W. Durgin Associates, Inc.

Said portion of King's Highway to be discontinued and added to lots 312, 313, 314, 315 and 316 respectfully as shown on said plan described as follows:

Beginning at the present Southwesterly corner of Lot #312 hence S 80 degrees 11'50" E a distance of 10 feet to the edge of the new line of King's Highway; hence N 01 degrees 36'50"E a distance of 50.16' along said new line of King's Highway; hence continuing N 01 degrees 36'50"E a distance of 50.46' along said new line of King's Highway; hence continuing N 01 degrees 36'50"E a distance of 50.46' along said new line of King's Highway; hence continuing N 01 degrees 36'50"E a distance of 46.94' along said new line of King's Highway; hence continuing N 01 degrees 36'50"E a distance of 50.24' along said new line of King's Highway; hence turning and running from said point on the edge of the old Kings Highway along lots 316, 315, 314, 313 and 312 to the point of beginning containing 1228 square feet, reserving to the Town for present and future use any and all existing sewer, drainage, water and other utility easements.

Article 9 of the warrant for the Annual Town Meeting of March 17, 1984, was moved, seconded and voted in the affirmative. See pages 17 and 18 of the Annual Town Report.

Encroachments on Town Land

To see if the Town will vote to permit only those building encroachments, including attached auxiliary outbuildings, presently existing within public rights of way or upon Town owned lands as lawful nuisances provide, however, that there shall be no expansion of the same, and provided further that at such time as the said encroachments are abated or destroyed by fire, flood or other casualty or catastrophe or voluntarily taken down that all future construction shall adhere to the then existing building codes, zoning regulations or other applicable codes and regulations. In this regard, Article 11 of the Leased Land Sales Agreement shall be modified to comply with said vote.

[Article 11, Encroachments presently states as follows: Any encroachments from the subject parcel onto land owned by the seller shall be removed by buyer(s) no less than one day prior to transfer of title.

a. This provision shall also apply to land over which the seller has any right-of-way or easement, or in which the seller has any right or interests whatsoever.]

Article 10 of the warrant for the Annual Town Meeting of March 17, 1984, was moved, seconded and voted in the affirmative. See pages 18 and 19 of the Annual Town Report.

Master Drain Study

To see if the Town will vote to raise and appropriate the sum of $90,000 to have a drainage Master Plan for the Town of Hampton prepared.

Article 16 of the warrant for the Annual Town Meeting of March 17, 1984, was moved and seconded. Amendment to change the sum to $45,000 passed. The main motion as amended passed. See page 21 and 22 of the Annual Town Report.

Discontinue a Portion of Briar Road

We, the undersigned, being legal voters, in the Town of Hampton hereby petition the Hampton Board of Selectmen to place the following Article on the Hampton Town Warrant for the Annual Town Meeting to be held in March 1985 pursuant to RSA 30:3:

To see if the Town of Hampton will vote to close and discontinue that portion of Briar Road which is situated between North Shore Road and Cranberry Lane.

Article 49 of the warrant for the Annual Town meeting of March 16, 1985, was moved, seconded and passed to indefinitely postpone. See pages 41 and 42 of the Annual Town Report.

Discontinue Old Nook Lane

To see if the town will vote to abandon and discontinue that roadway within the Town known as Old Nook Lane. Nothing in this Article is to be construed to affect any right and interest in and to High Street and to any sewer or other easements over or under said Old Nook Lane that the Town may have.

Article 41 of the warrant for the Annual Town Meeting of March 11, 1986, was moved, seconded and voted in the affirmative. See page 48 of the Annual Town Report.

HIGHWAYS

Discontinue Roadway

Now come George C. Manix and Elaine A. Manix of 26 Birch Road, Hampton, New Hampshire and the undersigned registered voters of the Town of Hampton and petition the Town Meeting as follows:

To see if the Town will vote to abandon and discontinue that roadway located between Lots 19, 20, 21 and 22 as shown on a certain plan entitled "Plan of Lots for John B. Hines and John J. Walsh, Hampton, N.H., March 1953" by John W. Durgin, Rockingham Registry of Deeds Plan #02045. Also new tax map #181 lots 19, 20, 21, 22.

Article 39 of the warrant for the Annual Town Meeting of March 10, 1987, was moved and seconded. Amendment added "survey and legal costs to be paid for by the abutters" was passed. The main motion as amended was passed. See page 33 of the Annual Town Report.

Discontinue Rye Court

To see if the Town will vote to abandon and discontinue that roadway located westerly of Acadia Avenue and shown as Rye Court on a plan entitled, "Alteration of Plan Surfside Park, Hampton Beach, N.H." as recorded in Rockingham Records as Plan #0232. The premises are also located on the Hampton Tax Maps on Map 222 between Lot 43 on the North and Lot 37 on the South.

Article 42 of the warrant for the Annual Town Meeting of March 8, 1988, was moved, seconded and voted in the affirmative. See page 24 of the Annual Town Report.

Discontinue White's Lane Subject to Gates and Bars

To see if the Town will vote to discontinue White's Lane as an open highway and make it subject to gates and bars, pursuant to RSA 231:45 (White's Lane run easterly from Mill Road).

Article 36 of the warrant for the Annual Town Meeting of March 17, 1990, was moved, seconded and voted in the affirmative. See page 23 of the Annual Town Report.

Discontinue Winter Road to the Fish Houses

To see if the Town will vote to abandon and discontinue whatever rights exist in the remainder of the way known as "Winter Road to the Fish Houses" starting at the northeasterly side of Esker Road and running northeasterly for an undetermined length. (The front portion of said way, near Winnacunnet Road having been discontinued by action of the 1982 Town Meeting.)

Article 37 of the warrant for the Annual Town Meeting of March 17, 1990, was moved, seconded and failed to pass. See page 23 of the Annual Town Report.

Keep Forever the Winter Road to the Fish Houses

On petition of Ashton J. Norton and 25 or more legal voters of the Town of Hampton, to see if the Town will vote to protect, preserve and indemnify and to keep forever the winter road to the "Fish Houses" to preserve the Town of Hampton's history.

Article 53 of the warrant for the Annual Town Meeting of March 16, 1991, was moved, seconded and voted in the affirmative. See page 28 of the Annual Town Report.

Change Name of Osgood Road to Great Gale Drive

On petition of Ashton J. Norton and 25 or more legal voters to see if the Town of Hampton will vote to change the name of Osgood Road to Great Gale Drive to preserve the Town's history.

Article 55 of the warrant for the Annual Town Meeting of March 16, 1991, was moved, seconded and voted in the affirmative. See page 29 of the Annual Town Report.

Bashby Road Class VI

Conditions of Subdivision Approval for Bashby Road 5-1-91

Approval subject to the following conditions:

1. Town rubbish and waste collection shall be provided only to the intersection of Old Road and Bashby Road.
2. The maintenance, including, without limitation, plowing, snow removal, repair and upkeep of Bashby Road shall be the responsibility of the owner of the house on Lot 5A as shown on this plan to the extent that the owner wishes said road to be so maintained and the Town of Hampton shall have no responsibility with respect to said maintenance.

The conditions set forth above shall cease to exist if and when Bashby is upgraded, whether by the Town of Hampton, the Developer, both or otherwise from a Class 6 road to at least a Class 5 road.

Discontinue Jonty's Lane

To see if the Town will vote to discontinue Jonty's Lane so called, as an open highway and make it subject to Gates and Bars, pursuant to RSA 231:45. (Jonty's Lane runs northerly from Barbara Road to White's Lane, which was made subject to Gates and Bars by the adoption of Article 36 at the 1990 Annual Town Meeting.)

Article 38 of the warrant for the Annual Town Meeting of March 21, 1992, was moved, seconded and voted on a hand count: Yes 107, No 17. See page 33 of the Annual Town Report.

HIGHWAYS

Discontinue Undeveloped Roadway

To see if the Town will vote to abandon that approximately 20 foot wide and 103 foot long roadway known as "undeveloped" between lot 76 on Tax map 192 and lot 7 on tax Map 206, as long as there is no expense to the Town.

Article 39 of the warrant for the Annual Town meeting of March 17, 1992, was moved and seconded. Amendment adopted so the article would read 40 feet instead of 20 feet. Article passed as amended. See page 33 of the Annual Town Report.

Convey a Portion of Beach Plum Way

To see if the Town will vote to authorize the Selectmen to convey to Barry Whiting that portion of the no longer used portion of Beach Plum Way which bisects Lot 535 on Town Assessor's Map 132 at its assessed value and upon such terms and conditions as the Selectmen may deem appropriate.

Article 41 of the warrant for the Annual Town Meeting of March 21, 1992, was moved, seconded and voted on a hand count: Yes 67, no 40. See pages 33 and 34 of the Annual Town Report.

Discontinue a Proposed Road off of Town Drive

To see if the Town will vote to abandon all right, title and interest in a certain parcel of Town property laid out as a proposed 40 foot street running northerly from the cul de sac of Tower Drive to the land now or formerly of the Wicks Corporation on a plan titled "Tower Drive, Hampton, NH Paul F. Leary, Subdivider, June 25, 1955" (Recorded October 13, 1955). Said proposed street to be discontinued and deeded as "Lot A" to Peter J. Moulton and "Lot B" to Norman Stanwood (as shown on "Lot Line Adjustment Plan," E.J. Cote & Associates, Inc., July 1994) for the sole purpose of becoming a part of the abutting properties and not for the creation of a new building lot or lots. (By petition)

Article 44 of the warrant for the Annual Town Meeting of April 8, 1997, was voted by ballot: Yes 2079, No 911. See pages 51 and 52 of the Annual Town Report.

Discontinue and Abandon Extension of Elaine Street

To see if the Town will vote to abandon all rights, title and interest in a certain parcel of undeveloped property lying between existing land of Richard and Elizabeth Simon, 16 Richard Street, Map 220, Lot 031 and Frederick and Dorothy Fuller, 18 Richard Street, Map 220, Lot 033, both shown on plan "Tower Park, Hampton, NH" recorded in Rockingham County Registry of Deeds as plan #02480 and #02695. This 4,000 square foot strip of land in Hampton, County of Rockingham, State of New Hampshire, being the northerly half of the western extension of Elaine Street. This parcel to be equally divided between both parties. Such exchange to be at no expense to the Town. (By Petition)

Article 34 of the warrant for the Annual Town Meeting of March 9, 1999, was voted by ballot:Yes 1984, No 894. See page 38 of the Annual Town Report.

Naming of New Roads For Deceased Veterans or Public Safety Employees

On petition of Ralph Fatello and 25 or more registered voters in the Town of Hampton supporting the work of Sean Lacey and Aerille Royal: Shall the Town of Hampton recommend to the selectmen a policy whereby all new streets and roadway accepted by the Town be given the name of any military personnel whose primary residence being Hampton, NH did give his or her life in the defense of the United States or any public safety employee, being a resident or non-resident of Hampton, who gave his or her life in the service of the Town of Hampton. When the list of potential names has been depleted, preference will then be given to names of historical importance to the Town of Hampton.

Article 38 of the warrant for the Annual Town Meeting of March 13, 2007, was voted by ballot: Yes 1848, No 779. See page 22 of the Annual Town Report.

Accept Taylor River Estates Road

This petition is from the Taylor River Estates Homeowners' Association to the Town of Hampton to take over ownership of the road known as "Taylor River Estates Road."

Article 40 of the warrant for the Annual Town Meeting of March 13, 2007, was voted by ballot: Yes 978, No 1655. See page 23 of the Annual Town Report.

Taylor River Estates Road as Emergency Lane

This petition is from Taylor River Estates Homeowners' Association to declare the road serving Taylor River Estates Homeowners as an Emergency Lane per RSA 231:59.

Article 41 of the warrant for the Annual Town meeting of March 13, 2007, was voted by ballot: Yes 1074, No 1477. See pages 23 and 24 of the Annual Town Report.

Open Gates Hardardt's Way and Tide Mill Road

(As Petitioned) On a petition of Norman Silberdick and Ann Carnaby and Twenty-Five other legal voters of the Town:

To see if the Town will vote to open two gates, one on Hardardt's Way and the other at the intersection of Hardardt's Way and Tide Mill Road, to allow truck traffic the option of reaching the Industrial Park at the Hardardt's Way end of Tide Mill Road by going via Hardardt's Way or Tide Mill Road, thereby reducing the potential for accidents and excessive wear and tear on Tide Mill Road.

Article 52 of the warrant for the Annual Town Meeting of March 11, 2008, was voted by ballot: Yes 2027, No 1092. See page 166 of the Annual Town Report.

HIGHWAYS

Accept Pawnee, Mohawk and Dacotah Streets

(As Petitioned) On petition of John A. Ring and at least 25 registered voters of the Town of Hampton, to see if the Town will vote to accept "as is" Pawnee Street, Mohawk Street, and Dacotah Street. These streets have been maintained by the Town since 1961 and have sewer and water installed and meet all current standards. This is at no cost to the Town. This article shall not become effective until all parties having an ownership interest in the roadway involved have signed a release to the Town of Hampton of any damages that could be claimed by them as a result of the acceptance of Pawnee Street, Mohawk Street and Dacotah Street as Town roads.

Article 56 of the warrant for the Annual Town Meeting of March 11, 2008, was voted by ballot: Yes 1624, No 1526. See page 167 of the Annual Town Report.

Accept Robin Lane

(As Petitioned) On petition of Shirley Doheny and at least 25 registered voters, to see if the Town of Hampton will accept Robin Lane as a public road "as is" and without payment of any damages by the Town of Hampton. This article shall not become effective until all parties having an ownership interest in the roadway involved have signed a release to the Town of Hampton of any damages that could be claimed by them as a result of the acceptance of Robin Lane as a Town road.

Article 60 of the warrant for the Annual Town Meeting of March 11, 2008, was voted by ballot: Yes 1250, No 1822. See page 168 of the Annual Town Report.

Accept Manchester Street

(As Petitioned) We the following petition the Town of Hampton to accept Manchester Street as a public road and the Road to be accepted "as is" and without payment of any damages by the Town. By accepting this road it will not affect the tax rate as this road has always been maintained by the Town. This article shall not become effective until all parties having an ownership interest in the roadway involved have signed a release to the Town of Hampton of any damages that could be claimed by them as a result of the acceptance of Manchester Street as a Town road.

Article 61 of the warrant for the Annual Town Meeting of March 11, 2008, was voted by ballot: Yes 1295, No 1777. See page 168 of the Annual Town Report.

Accept Cole Street

(As Petitioned) On petition of Duane (Skip) Windemiller and twenty-five other residents, to see if the Town will vote to accept Cole Street as a Town road confirming the fact that the Town has maintained and serviced this street for the past 100 years. This article shall not become effective until all parties having an ownership interest in the roadway involved have signed a release to the Town of Hampton of any damages that could be claimed by them as a result of the acceptance of Cole Street as a Town road.

Article 65 of the warrant for the Annual Town Meeting of March 11, 2008, was voted by ballot: Yes 1380, No 1708. See page 169 of the Annual Town Report.

Accept Cutler Avenue

(As Petitioned) On petition of James A. Duhamel and at least 25 registered voters of the Town of Hampton, to see if the Town will vote to accept "as is" Cutler Avenue. This is at no cost to the Town. This article shall not become effective until all parties having an ownership interest in the roadway involved have signed a release to the Town of Hampton of any damages that could be claimed by them as a result of the acceptance of Cutler Avenue as a Town road.

Article 68 of the warrant for the Annual Town Meeting of March 11, 2008, was voted by ballot: Yes 1288, No 1854. See page 170 of the Annual Town Report.

Accept Riverview Terrace, Bragg Avenue, Tuttle Avenue, Fellows Avenue and Dow Avenue

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

Article 35 of the warrant for the Annual Town meeting of March 10, 2009, was voted by ballot: Yes 2059, No 451. See page of the Annual Town Report.

Accept Rosa Road and Warner Lane

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

Article 36 of the warrant for the Annual Town Meeting of March 10, 2009, was voted by ballot: Yes 2066, No 443.

Accept Manchester Street

On petition of at least 25 additional registered voters. We, the following, petition the Town of Hampton to accept Manchester as a public road and such road to be accepted "as is" and without payment of any damages by the Town.

Article 37 of the warrant for the Annual Town Meeting of March 10, 2009, was voted by ballot: Yes 1309, No 1169.

HIGHWAYS

Removal of Railroad Bridge Over Drakeside Road

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

Results of balloting on March 10, 2009: Yes 2152, No 362. Article 38 passed.

Old Stage Road Bridge

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

Article 41 of the warrant for the Annual Town Meeting of March 10, 2009, was voted by ballot: Yes 1779, No 712.

Acceptance of Road to Treatment Plant

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.

A motion was made and seconded to delete the note section. Motion passed.

A motion was made and seconded to restrict reconsideration of Articles 24-26. Motion passed.

Results of balloting on March 9, 2010: Yes 2135, No 571. Article 26 passed.

Confirm Acceptance of Streets

Shall the Town of Hampton vote to confirm the acceptance of the following streets without any payment of damages by the Town? (Majority vote required)

Nudd Avenue accepted by the Board of Selectmen on October 27, 1967, as 40 feet wide by 1,400 feet long but by administrative oversight was not brought to Town Meeting for a vote. The Town has maintained the roadway since the Selectmen's acceptance.

Bride Hill Road accepted by the Board of Selectmen on October 3, 1969, in accordance with the subdivision plan but by administrative oversight was not brought to Town Meeting for a vote of the Town to accept. The Town has maintained the roadway since the Selectmen's acceptance.

John Stark Lane accepted by the Board of Selectmen on October 3, 1969, in accordance with the subdivision plan but by administrative oversight was not brought to Town Meeting for a vote of the Town to accept. The Town has maintained the roadway since the Selectmen's acceptance.

Morrill Street accepted by the Board of Selectmen on October 3, 1969, in accordance with the subdivision plan but by administrative oversight was not brought to Town Meeting for a vote of the Town to accept. The Town has maintained the roadway since the Selectmen's acceptance.

Ashbrook Drive accepted by the Board of Selectmen on April 5, 1971, in accordance with the subdivision plan but by administrative oversight was not brought to Town Meeting for a vote of the Town to accept. The Town has maintained the roadway since the Selectmen's acceptance.

Battcock Avenue accepted by the Board of Selectmen on April 30, 1971, in accordance with the subdivision plan but by administrative oversight was not brought to Town Meeting for a Town vote to accept. The Town has maintained the roadway since the Selectmen's acceptance.

Johnson Avenue accepted by the Board of Selectmen on August 13, 1971, in accordance with the subdivision plan but by administrative oversight was not brought to Town Meeting for a Town vote to accept. The Town has maintained the roadway since the Selectmen's acceptance.

St Cyr Drive accepted by the Board of Selectmen on February 10, 1992, in accordance with the subdivision plan but by administrative oversight was not brought to Town Meeting for a vote of the Town to accept. The Town has maintained the roadway since the Selectmen's acceptance.

Results of balloting March 8, 2011: Yes 2,446, No 544. Article 39 passed.

Discontinue Land on Winnacunnet Road

Shall the Town of Hampton vote with regard to New Hampshire Revised Statutes Annotated Chapter 231:43:

to discontinue part of the land area that has been laid out as highway land including railroad purposes on the southerly side of Winnacunnet Road, but which is not being used for governmental purposes, totaling approximately 2,189 square feet, and depicted as Parcel A on the Land Transfer Plan by Millennium Engineering, Inc, dated December 23, 2010, with 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

to quitclaim to the abutting property owner (47 Winnacunnet Road Realty Trust) of Tax Map 176, Lot 16 (the Holmes & Ells Law Office property) any interest that the Town may have in said Parcel A area, in return for the sum of $9,368.92 and with no damages to be paid by the Town, said sum being determined by use of the same price per square foot as was paid for the transfers pursuant to 2010 Warrant Article 27 by The Galley Hatch Restaurant and the Citizens Bank properties, and with a quitclaim deed of said area to be executed by the Board of Selectmen to the owner of Tax Map 176, Lot 16 at no expense to the Town. (Majority vote required)

Motion made and seconded to restrict reconsideration of Articles 37-40. Motion passed.

Results of balloting March 8, 2011: Yes 2020, No 790. Article 40 passed.

Accept Lyons Street, Frances Street and Williams Street

By Petition of Gary J. Pole and more than 25 other legal voters of the Town. . .

We the following, petition the Town of Hampton to accept Lyons Street, Frances Streets and Williams Street as public roads and such roads to be accepted "as is" and without payment of any damages 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)

Motion made and seconded to amend Article 41 to read as follows:

By Petition of Gary J. Pole and more than 25 other legal voters of the Town. . .

We the following, petition the Town of Hampton to accept Lyons Street, Frances Streets and Williams Street as public roads with such roads to be accepted "as is" and without payment of any damages by the Town;

These are narrow, paved streets that have been declared as "emergency lanes" under RSA 231:59-a by the Board of Selectmen so as to enable the Town to continue to plow snow from them in the winter; it is estimated that the cost to bring these streets up to Town standards would be $174,854, not including any land acquisition cost or any costs to clear the title for the roadway deeds. (Majority vote required)

Motion passed

Results of balloting March 8, 2011: Yes 928, No 1940. Article 41 failed.

Discontinue Land on Boston Avenue

By Petition of Thomas McGuirk and more than 25 other legal voters of the Town. . .

Shall the town of Hampton vote to discontinue parts of land area that have been laid out as highway totaling 152 square feet and to quit claim any interest that the town may have to the owner of the abutting property Tax map 104, Lot 256 in return for a sum of money as determined by the tax assessor to be the value of the land. Said discontinuance to be in accordance with 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 deed the 152 square feet to be executed by the Board of Selectmen to the owner of the abutting property tax map 104 lot 256 at no expense to the town. (Majority vote required)

There will remain enough town property if desired for the town to put a sidewalk in if they wish to in the future.

Motion made and seconded to amend Article 42 to read as follows:

By Petition of Thomas McGuirk and more than 25 other legal voters of the Town. . .

Shall the Town of Hampton vote to discontinue parts of land area that have been laid out as highway on the southerly side of Boston Avenue totaling 145 square feet as shown on a Plan dated October 7, 2010 by Millenium Engineering, Inc. and to quit-claim any interest that the Town may have to the owner (June White) of the abutting property Tax Map 296, Lot 70 (8 River Avenue) in return for a sum of money as determined by the tax assessor to be the fair market value of the land; said discontinuance to be in accordance with 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 a quitclaim deed the 145 square feet to be executed by the Board of Selectmen to the aforesaid owner of the abutting property Tax Map 296, Lot 70 at no expense to the Town. (Majority vote required)

Motion passed.

Results of balloting March 8, 2011: Yes 1638, No 1094. Article 41 passed.

Acceptance of Streets

Shall the Town of Hampton vote to confirm the acceptance of the following named streets, without any payment of damages, that had previously been accepted by the Board of Selectmen on the dates shown, have been maintained by the Town since the Selectmen's acceptance and by administrative oversight were not brought before a Town Meeting for an acceptance vote:

Johnson Avenue, August 13, 1971; Shirley Terrace, May 21, 1973; Bonair Avenue, May 21, 1973; Gentian Road, July 2, 1973; Sunset Lane now Page Lane, on July 2, 1973; Whitten Street, July 16, 1973; Dustin Avenue, July 16, 1973; Mill Pond Lane, March 4, 1974; Glen Road, March 4, 1974; Fox Road, March 4, 1974; Bittersweet Lane, March 18, 1974; Beach Plum Way from Tax Map 134, Lot 38 to Lot 97, April 29, 1974; Sanborn Road, May 27, 1974; Gill Street, August 23, 1976; Jones Avenue, April 26, 1977; Presidential Circle, August 14, 1978; Holly Lane, February 11, 1980; Ross Avenue, February 28, 1980; Stickney Terrace, June 2, 1981; Willow Lane, September 8, 1981; Francine Street, September 28, 1992; Bruce Street, September 28, 1992; Patricia Street, September 28, 1992; Falcone Circle, February 10, 1992. (Majority vote required)

Results of balloting March 13, 2012: Yes 2705, No 537. Article 29 passed.

Maintenance of Sidewalks Along Route 1A

Should the Board of Selectmen enter into a Memorandum of Understanding or any other agreement that will obligate the Town of Hampton to maintain, repair, construct and reconstruct the sidewalks on State Department of Transportation property along Route 1A (Ocean Boulevard) at the Town's expense.

Motion made and seconded to amend Article 31 to strike add "or" between "maintain" & "repair" "construct and reconstruct" and add after Route 1A (Ocean Blvd "between Haverhill Street and Ashworth Ave") and after at the Town's expense add "as long as the State Department of Transportation newly constructs and/or reconstructs those same sidewalks at their expense or is paid by non town capital funds which NHDOT would partner with the community in obtaining through different Federal/State funding sources." Motion passed.

Motion made and seconded to amend Article 31 to read "Shall the Board of Selectmen attempt to negotiate a memo of understanding with NHDOT regarding construction and maintenance of roads and sidewalks at Hampton Beach." Motion failed.

Motion made and seconded to restrict reconsideration of Article 31. Motion passed.

Results of balloting March 13, 2012: Yes 1182, No 1984. Article 31 failed.

Acceptance of Streets

Shall the Town of Hampton vote to confirm the acceptance of the following named streets, without any payment of damages by the Town, that have previously been accepted by votes of the Board of Selectmen on the dates shown, and have been maintained by the Town since the Selectmen's acceptance, but by administrative oversight were not brought before Town Meeting for an acceptance vote: Jo Ann Lane, July 13, 1987; Gale Road, December 17, 1993, and January 12, 1996; Noel Road, August 23, 1999; Playhouse Circle, December 22, 2003; and further to accept the following streets for which deeds have been recorded to the Town and which are completed subdivision streets that the Town is maintaining but were not properly accepted by the Town Meeting or the Board of Selectmen: Hunter Drive, deed recorded June 21, 1999; Heritage Drive, deed recorded February 19, 1999; Bear Path, deed recorded June 13, 1997; Campbell Drive, deed recorded September 18, 1990; Holman Lane, deed recorded March 18, 1988; Raymond Lane, deed recorded December 15, 1994; Mooring Drive, deed recorded December 11, 1964; Hayden Circle and Coffin Drive, deed recorded June 21, 1991. (Majority vote required)

Results of balloting March 12, 2013: Yes 2072, No 223. Article 23 passed.

Accept Huckleberry Lane

Shall the Town of Hampton vote to accept "as is" Huckleberry Lane as a Class V Highway (Town Road). This street has been paved, maintained, has Town sewer and meets Town standards. This acceptance shall be at no cost to the Town. This article shall not become effective until all parties having an ownership interest in the roadway have signed a release to the Town of Hampton of any damages that could be claimed by them as a result of the acceptance of Huckleberry Lane as a Town Road. (Majority vote required)

Results of balloting March 12, 2013: Yes 2083, No 228. Article 24 passed.

Accept Town Roads

Shall the Town of Hampton vote to accept "as is" the following streets as Class V Highways (Town Roads): Great Gate Drive, Juniper Lane, Nersesian Way, Linden Lane, and Bayberry Lane. These streets have been paved, maintained, have Town sewer, and meet Town standards. This article shall not become effective until all parties that have an ownership interest in these roadways have signed a release document prepared by Town counsel releasing the Town of Hampton from any damages that could be claimed by them as a result of the acceptance of Great Gate Drive, Nersesian Way, Juniper Lane, Linden Lane, and Bayberry Lane as Town Roads; this acceptance shall be at no cost to the Town. (Majority vote required)

Results of balloting on March 11, 2014: Yes 2497, No 358. Article 29 passed.

Accept Portion of Huckleberry Lane and All of Downer Drive

Shall the Town of Hampton vote to accept the following streets as Class V Highways (Town Roads) for which deeds to the Town have previously been recorded and which are completed subdivision streets that the Town is maintaining but were not properly accepted by Town Meeting, or the Board of Selectmen. The portion of Huckleberry Lane from North Shore Road inward for a distance of 1059.36 feet, more or less, deed recorded July 5, 1988, and all of Downer Drive, deed recorded March 8, 1995; this acceptance shall be at no cost to the Town. (Majority vote required)

Results of balloting on March 11, 2014: Yes 2518, No 327. Article 30 passed.

Acceptance of Streets

Shall the Town of Hampton vote to accept "as is" the following named streets: Briar Road, Lancaster Street, Moccasin Lane, Keene, Lane and Wild Rose Lane as Class V Highways (Town Roads) provided approved deeds for these roads are presented to the Town. These roads have been paved, maintained, had Town sewer installed at Town expense. This article shall not become effective until all parties that have an ownership interest in these roadways have signed a release document prepared by Town counsel releasing the Town of Hampton from any damages that could be claimed by them as a result of the acceptance of Briar Road, Lancaster Street, Moccasin Lane, Keene Lane, and Wild Rose Lane as Town Roads; this acceptance shall be at no cost to the Town. (Majority vote required)

Results of balloting on March 11, 2014: Yes 2497, No 335. Article 31 passed.

Chapter 229

HISTORY AND HISTORIC PRESERVATION

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Bound Rock

On petition of James W. Tucker and thirteen other legal voters of the Town of Hampton, to see if the Town will vote to raise and appropriate the sum of two thousand dollars to purchase the land wherein is situated the three century old marker known as "Bound Rock" including the cement well within which it is enclosed; the land and enclosed marker to be preserved and maintained forever by the Town as one of its historic shrines.

Voted to purchase and approve the article under Article 29 of the Annual Town Meeting of March 13, 1956. See pages 10 and 37 of the Annual Town Report.

Historical Markers

On petition of Alton P. Tobey and fourteen other legal voters of the Town of Hampton, to see if the Town will vote to authorize the Moderator to appoint a committee of five citizens to ascertain what places, sites or events of Hampton's historical significance should be memorialized with permanent markings and to report its findings to the next regular Town Meeting, together with an estimate of the costs which may be involved in providing such permanent markings.

Article 32 of the warrant of the Annual Town Meeting of March 13, 1956, was moved, seconded and voted in the affirmative. See pages 11 and 38 of the Annual Town Report.

325th Anniversary

On petition of Harold E. Fernald, Jr., and eighteen other legal voters of the Town of Hampton, to see: If the Town will vote to raise and appropriate the sum of $1,500. (fifteen hundred dollars) for the celebration of the 325th Anniversary of the Town of Hampton to be spent by the Selectmen in cooperation with the Old Home Day celebration of the Hampton Meeting House Green Memorial and Historical Association, Incorporated.

Article 19 of the warrant for the Annual Town Meeting of March 16, 1963, was moved and seconded. Amendment to decrease the sum to $1,000 was passed. The amended main motion was passed. See pages A-7 and 36 of the Annual Town Report.

Tax Exemption for Historical Society

On petition of Samuel A. Towle and forty-two other legal voters of the Town of Hampton, to see if the Town of Hampton will vote to adopt the following article:

Citizens of Hampton believe that it was the intention of Hampton's greatest benefactor, the "Honorable Edward Tuck," that the Meeting House Green Memorial and Historical Association, Inc. would always be part of our Town's heritage and would be preserved by the Town. Therefore, it is proposed that the Town adopt and accept the Historical Association and the Association shall hereafter be exempt from payment of Town Taxes.

Any funds received by the Association shall be retained by the Association and shall be used to maintain and improve said property.

Said Association shall be self-governing and shall be responsible for all obligations incurred. This Association may not dispose of any land or buildings without permission of the Town.

The President of the above Association shall be required to file a report once a year with our Board of Selectmen This report shall become part of our Town Records.

Article 17 of the warrant for the Annual Town Meeting of March 9, 1971, was voted in the affirmative unanimously. See pages 29 and 71 of the Annual Town Report.

Fire Museum

To see if the Town will vote the Hampton Fire Fighters Local 2664 to construct a 24 x 30 building on Town owned land for the purpose of displaying the 1853 hand tub fire pump and other historical artifacts related to the Hampton Fire Service. The aforementioned structure will be erected near the southeast entrance to Tuck Field at no cost to the Town. Once constructed, ownership of the building will be turned over to Tuck Museum and be maintained by the Historical Society. Construction will begin upon approval of this Article.

Article 3 of the warrant for the Special Town Meeting of November 9, 1984, was moved, seconded and voted in the affirmative. See pages 45, 47 and 48 of the Annual Town Report.

Agreement with Historical Society

To see if the Town will vote to adopt the following agreement between the Town of Hampton and the Meeting House Green Memorial and Historical Society, Inc.

Agreement

The following agreement between the Town of Hampton (Town) and the Meeting House Green Memorial and Historical Society, Inc. (Society) is in fact a continuation of a verbal agreement that has been in effect for a number of years. That agreement being that the Town would provide summer maintenance for the grounds owned by the Society in exchange for storage space to be used by the Town.

The Society now finds that it has a need for the storage space presently being used by the Town.

In lieu of this storage space, the Society agrees to provide a separate building for the Town's use.

By the Town's acceptance of this agreement, the Town agrees to accept from the Society the building located at Tuck Field for which it will assume responsibility for its care and maintenance. The Town also agrees to remove its equipment from its present location in the Museum Garage within thirty (30) days of this agreement.

In exchange, the Town agrees to maintain the grounds owned by the Society.

Article 31 of the warrant of the Annual Town Meeting of March 11, 1986, was voted in the affirmative. See page 38 of the Annual Town Report.

375th Anniversary Committee

Shall the Town of Hampton vote to raise and appropriate the sum of $20,000 for the use of the 375th Anniversary Committee to schedule, plan and implement activities for the 375th Anniversary Celebration of the creation and founding of the Town of Hampton including all costs incidental thereto, this will be a non-lapsing appropriation per RSA 32:7, VI and shall not lapse until December 31, 2014. (Majority vote required)

Motion made and seconded to amend Article 24 second line after 375th Anniversary Committee insert: "or Hampton Commission 375." Motion passed.

Results of balloting March 8, 2011: Yes 1997, No 1061. Article 24 passed.

Hampton Commission 375

By Petition of Julia Philbrick and more than 25 other legal voters of the Town. . .

To see if the Legislative Body of the Town, Town Meeting, will vote, as has been the tradition for previous town anniversaries for over a century, to establish an official Town Meeting "Hampton Commission 375" to plan and carry out the celebration in 2013 of the October 14, 1638, permanent settlement of the Town of Hampton, known the first half year or so as Winnacunnet Plantation, such commission to identify and celebrate milestones over nearly four centuries of a growing prosperous community, with at least one commemoration of the Sesquicentennial (1863-2013) of the Civil War's Battle of Gettysburg and other battles of war in which Hampton sons fought; the commission shall consist of seven residents; two appointed by the Board of Selectmen; two appointed by the Hampton school Board; two appointed by the Hampton Heritage Commission, and one appointed by the Town Moderator, such appointee to call an organizational meeting on/about July 1, 2011, which agenda shall include, at a minimum, the choosing of officers, and discussion of a meeting schedule, subcommittee/event task forces, outside assistance policy, as well as funding needs, sponsorships and other underwriting sources; the commission shall wrap up its business by recognizing the spring 1639 incorporation as the self-governing Town of Winnacunnet and the fall 1639 change to the Town of Hampton, and issue a final report upon disbanding by December 31, 2014. (Majority vote required)

Motion made and seconded to amend Article 25 to insert after the last sentence: "such commission to replace the committee of similar function appointed by the Board of Selectmen in 2010." Motion passed.

Motion made and seconded to reconsider Article 24. Motion passed.

Results of balloting March 8, 2011: Yes 1943, No 1019. Article 25 passed.

Old Town Office Building

Shall the Town of Hampton vote to permit the Board of Selectmen to demolish the Old Town Office Building at 136 Winnacunnet Road and to provide for reclamation of the site. (Majority vote required)

Results of balloting March 8, 2011: Yes 2,526, No 453. Article 34 passed.

Demolish Old Court House

Shall the Town of Hampton vote to raise and appropriate the sum of $75,000 for the purpose of demolishing the Old Court House located at 130 Winnacunnet Road. This shall be a nonlapsing appropriation per RSA 32:7, VI and will not lapse until the demolition is completed or by March 31, 2014, whichever is sooner. (Majority vote required)

Motion made and seconded to amend Article 13 by striking the figure $75,000 and replacing it with the figure $32,300. Motion passed.

Results of balloting on March 12, 2013: Yes 1692, No 648. Article 13 passed.

Chapter 235

HOUSING AUTHORITY

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Housing Authority Need

To see if the Town will vote to declare that there exists a need for housing authority to function within the limits of the Town in accordance with Chapter 203 of the New Hampshire Revised Statutes Annotated.

Article 6 of the warrant of March 9, 1965, was voted indefinitely postponed. See pages 2A, 21, 22 and 23 of the Annual Town Report.

Create Housing Authority

On petition of Donald A. Ring and ten legal voters of the Town of Hampton: to see if the Town will adopt the following resolution:

Whereas, there is determined to be a need in Hampton for decent, safe, sanitary and convenient housing at reasonable rental fee for our senior citizens and,

Whereas, in order to accomplish this objective there is determined to be a need for a housing authority in the Town, now

Therefore, in accordance with Section 4 of Chapter 203 of New Hampshire Revised Statutes Annotated, and in accord with the foregoing finding of need, there is hereby created a municipal housing authority for the Town of Hampton, with all the powers and authority granted by said Chapter 203.

This resolution shall take effect upon its passage

Article 14 of the warrant of March 8, 1966, was moved and seconded. Various amendments were offered. Article 14 was defeated. See pages A-4, A-5, 15 and 16 of the Annual Town Report.

Create Housing Authority

To see if the Town will vote to declare that there exists a need for a housing authority within the Town of Hampton and to see if the Town will establish a Housing Authority in accordance with Chapter 203:4, New Hampshire Revised Statutes Annotated, 1955. Said Housing Authority shall have all the powers and authority granted by Chapter 203.

Article 24 of the warrant for the Annual Town Meeting of March 10, 1970, was voted by ballot: Yes 492, No 780. See pages 8-A, 9-A and 59 of the Annual Town Report.

Create Housing Authority

To see if the Town will vote to adopt the following resolution:

WHEREAS, under the provisions of Section 23 of the United States Housing Act of 1937, as amended, the Department of Housing and Urban Development is authorized to provide financial assistance to local public housing agencies in providing low-rent housing by leasing dwelling units in existing privately owned structures; and

WHEREAS, said Section 23 provides that the provisions thereof shall not apply to any locality unless the governing body of the locality has by resolution approved the application of such provisions to such locality.

NOW THEREFORE, be it resolved by the qualified voters of the Town of Hampton as follows:

That there exists in the Town a need for low-rent housing at rents within the means of persons and families of low income as defined in the United States Housing Act of 1937, as amended, which need is not being adequately met by private enterprise and the application of the provisions of Section 23 of the United States Housing Act of 1937, as amended to the Town of Hampton is approved.

Article 22 of the warrant for the Annual Town Meeting of March 7, 1972, was voted by ballot: Yes 1307, No 958. See page 44 of the Annual Town Report.

NH Housing Commission Authorized to Work in Town

Be it resolved by the Town of Hampton that the New Hampshire Housing Commission be and is authorized to operate in the Town of Hampton in the State of New Hampshire, to sponsor a project, for elderly and handicapped persons under Section 8 of the U.S. Housing Act of 1937 as amended.

This resolution is restricted to the Ross Colony Court, Winnacunnet Road, Hampton, New Hampshire, for twenty-four (24) newly constructed dwelling units for the elderly on the Site Plan known as Phase 2, signed and approved by the Planning Board of Hampton, New Hampshire.

Article 1 of the Special Town Meeting of June 14, 1978, was moved, seconded and approved by a counted vote: Yes 132, No 7. See page 56 of the Annual Town Report.

Chapter 263

LAND PURCHASES AND TRANSFERS

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Selectmen Authorized To Sell Certain Parcels of Land

To see if the Town will vote to authorize the selectmen to sell the following property which the Town owns under tax deeds: Property of William J. O'Brian, Cottage on Lot No. 109 on plan of Hampton Beach Improvement Company. Property of Miland Felch, Cottage on Town Land at Pines. Property of Pearl A. Sheys, Cottage on Lot No. 106 Franklin Avenue.

Article 19 of the warrant for the Annual Town Meeting of March 8, 1932, was voted to give the Selectmen the authority to sell. See pages 7 and 21 of the Annual Town Report.

Purchase of Depot Square

On petition of Herbert A. Trofatter and nine other legal voters of the Town of Hampton, to see if the Town will vote to raise and appropriate the sum of $8,500 to purchase the tract of land known as "Depot Square" in the Town of Hampton.

Motion made and seconded. Amendment moved to keep the area permanently as a park. Amendment passed.

Article 13 of the warrant for the Annual Town Meeting of March 8, 1955, was voted in the affirmative as amended. See pages 7, 25 and 26 of the Annual Town Report.

Land South of the High Street Parking Lot

On petition of Alton P. Tobey and ten other legal voters of the town of Hampton to see if the town will authorize the selectmen to take an option on land south of the High Street parking lot now owned by Kenneth Swain, said option to be taken up by special article at the 1959 town meeting.

Article 9 of the warrant for the Annual Town Meeting of March 11, 1958, was so voted. See page 189 of the Town Records of 1955-1960.

Deacon Tuck Grist Mill

On petition of Donald A. Ring and eleven other legal voters of the Town of Hampton, to see if the Town will vote to authorize the selectmen to negotiate for the purchase of land and buildings known as the Old Deacon Tuck Grist Mill at the foot of High Street, and to raise sixteen hundred and sixty-six dollars ($1,666.00) each year for three years, the sum not to exceed five thousand dollars ($5,000.00).

Article 22 of the warrant of the Annual Town Meeting of March 8, 1960, was voted: Yes 166, No 47. See pages 21 and 22 of the Annual Town Report.

Purchase Penniman Land

To see if the Town will vote to raise and appropriate the sum of $1,350 for the purpose of purchasing a parcel of land owned by Mrs. Marion Penniman, and located west of the Town's Waste Water Treatment Plant and further described on a plan prepared by Chester Leach, C.E.

Article 9 of the warrant for the Annual Town Meeting of March 11, 1969, was moved, seconded and failed to pass. See pages 3-a and 28 of the Annual Town Report.

Purchase Lamprey Land

To see if the Town will vote to raise and appropriate the sum of $2,000 for the purpose of purchasing a parcel of land owned by Mr. and Mrs. Arthur Lamprey, and located east of the Town's present landfill and further described on a plan prepared by Chester A. Leach, C.E.

Article 7 of the warrant for the Annual Town Meeting of March 9, 1971, was moved, seconded and voted in the affirmative. See pages 27 and 68 of the Annual Town Report.

LAND PURCHASES AND TRANSFERS

Birch Road and Pine Street Dedication Strip

On petition of Ray P. Hutchinson and ten other legal voters of the Town of Hampton to see if the Town will vote to convey all its right, title and interest, and to remove the dedication of a street as shown on subdivision plan of lots for John E. Hines and John J. Walsh, Hampton, N.H. filed May 8, 1953 by John W. Durgin, Civil Engineers, described as follows: Beginning at a point at the land of Marion Elwell at the Southwesterly corner of Lot No. 26, thence running South 26 deg. 37' West a distance of 49.75 feet to land of Ray P. Hutchinson (Lot No. 15); thence turning and running North 26 deg. 54' West a distance of 66.51 feet to a point; thence continuing by said Hutchinson land on a curve with a radius of 25 feet a distance of 39.27 feet to a point on Birch Road; thence turning and running along said Birch Road and Pine Street in an Easterly direction a distance of 65 feet to a point on the Westerly sideline of Lot No. 26; thence turning and running along said Lot No. 26 South 26 deg. 54' East a distance of 60 feet, more or less to the point of beginning. Said dedication being included on the above entitled recorded plan but not being used as a road now or planned on in the future.

Article 16 of the warrant for the Annual Town Meeting of March 9, 1971, was moved and seconded. An amendment was made and withdrawn. An amendment was made to read: "That the Town removes its dedication from a portion of the right-of-way as shown on the plan displayed at Town Meeting, the same being a strip of land 19.27 feet wide, more or less, left of, and parallel to, land of Hutchinson, provided that said Hutchinson will pay the cost of re-location of any Town drainage now located on the so described piece of land." Amendment was voted in the affirmative. The article was adopted as amended. See pages 28, 29, 70 and 71 of the Annual Town Report.

Sell Land West of Bashby Road

To see if the Town will vote to authorize the Selectmen to sell by private sale the land just west of Bashby Road, and South of the Exeter-Hampton Expressway by requesting sealed bids therefor, with reserve.

Article 22 of the warrant for the Annual Town Meeting of March 9, 1971 was voted by ballot: Yes 897, No 618. See pages 31 and 73 of the Annual Town Report.

Purchase of Mason Property, Winnacunnet Road

To see if the Town will vote to raise and appropriate the sum of $38,000 for the purpose of purchasing a parcel of land owned by Mrs. Beatrice C. Mason, and located east of the Town's present Town Office Building and further described on a plan prepared by Chester Leach, C.E.

Article 9 of the warrant for the Annual Town Meeting of March 11, 1972, was moved, seconded and voted in the affirmative. See pages 71 and 72 of the Annual Town Report.

Sale of Back Land on Josephine Drive

To see if the Town will vote to authorize the Selectmen to sell by private sale (requesting sealed bids therefor, with reserve) land easterly of Josephine Drive, abutting and easterly of Lots 13 through 17 on tax map 34, the same being Town land from Atlantic Homes Inc., and containing approximately 4 1/2 acres.

Article 14 of the warrant for the Annual Town Meeting of March 11, 1972, was moved, seconded and voted in the affirmative. See page 73 of the Annual Town Report.

Purchase Barteau Land Between High Street and Winnacunnet Road

On petition of Charlotte W., Harrington and 13 other legal voters of the Town of Hampton — to see if the Town will vote to appropriate the sum of up to thirty thousands ($30,000) dollars, to be combined with matching funds from the United States Dept. of the Interior, for the purchase of a parcel of real estate between High St. and Winnacunnet Rd. now owned by Mrs. Mildred Barteau, which consists of 6.9 acres, more or less, for use as a public park for the Town of Hampton.

Article 7 of the warrant for the Annual Town Meeting of March 9, 1974, was moved, seconded and defeated on a hand vote. See page 39 of the Annual Town Report.

Property Never to be Sold or Leased

To see if the Town will vote never to sell and/or lease the following described parcels or lots for the reasons herein stated:

A. The site of the former Coast Guard Station to protect and conserve our most precious natural resource, the coast line.

B. Lot No. 487, located at the intersection of Kings Highway, High Street and Ocean Boulevard North because of the potential hazard to pedestrian safety and vehicular traffic to this congested intersection, should this lot ever be developed.

C. All lots or parcels located between the eastern most lots, leased as of April 1, 1973 and the Atlantic Ocean, in that section of Hampton Beach known as the "Pines" to protect and conserve our most precious natural resource, the coast line and to insure against any further encroachment on public beach.

This vote to remain in effect from year to year unless amended or modified by vote of a subsequent Town Meeting

Article 11 of the warrant of the Annual Town Meeting of March 9, 1974, was moved, seconded and voted in the affirmative. See page 39 of the Annual Town Report.

LAND PURCHASES AND TRANSFERS

Batchelder Park

Under Article 38 of the warrant for the Annual Town Meeting of March 9, 1974 it was mentioned that the Town should look into the possibility to see if Batchelder Park could be turned over to the Town of Hampton.

It was noted that there is a stipulation in the deed that if the school district does not use this property then it must be turned back to the Kiwanis.

See Article 38 #6 of the warrant for the Annual Town Meeting of March 9, 1974. See page 43 of the Annual Town Report.

Sell Mason or Martel Building

To see if the Town will vote to authorize the Board of Selectmen to sell the Mason Building and/or the Martel Building or any part of either for removal from the land.

Article 10 of the warrant for the Annual Town Meeting of March 4, 1975, was moved, seconded and voted in the affirmative. See pages 4A and 35 of the Annual Town Report

Sell 282 North Shore Road

To see if the Town will vote to sell to Charles J. Gallagher and Louise J. Gallagher the premises situate at 282 North Shore Boulevard, and being the same premises acquired by the Town of Hampton from them by Tax Collector's deed recorded in Rockingham Records Book 2215, Page 1915, for such sum as the Selectmen shall determine equals the tax sale price, with accrued interest, plus such amount as would have been realized by the Town if the property had been taxed since said tax sale, with accrued interest, plus such amounts as have been paid or incurred by the Town in administering said property, including insurance, legal fees, and all other costs, and to authorize the Selectmen to execute and deliver a Quitclaim deed of said premises provided said sum is tendered to the Town no later than September 1, 1975; this sale to be an exception to any requirements that the sale of real estate acquired by the Town through tax deeds be by public auction or sealed bids.

Article 12 of the warrant for the Annual Town Meeting of March 4, 1975, was moved, seconded and voted in the affirmative. See pages A4, A5 and 36 of the Annual Town Report.

Convey Land North Side of Brown Avenue to the Precinct

To see if the Town will vote to authorize the Selectmen to convey to the Hampton Precinct a certain parcel of land containing 6,000 square feet, more or less, owned by the Town on the Northerly side of Brown Avenue and Westerly of and adjoining that parcel conveyed by the Town to the Precinct by deed dated November 7, 1977 and recorded in Book 2298, Page 827.

Article 19 of the warrant for the Annual Town Meeting of March 13, 1979, was moved, seconded and voted in the affirmative. See pages 8A, 43 and 44 of the Annual Town Report.

See Tax Map 111, Lot 33 to Samonas

To see if the Town will authorize the selectmen to convey to Nicholas Samonas, upon such terms and conditions as the Selectmen may determine appropriate, all of the Town's interest in that parcel of vacant land shown as Lot 33 on Town of Hampton Tax Map 111 and which parcel of land was conveyed to Nicholas Samonas by deed dated April 5, 1973 and recorded in the Rockingham Registry of Deeds in Book 2199, Page 1860.

Article 22 of the warrant of the Annual Town Meeting of March 13, 1979, was moved, seconded and failed. See pages A-9 and 4 of the Annual Town Report.

Exchange Land on Dumas Avenue

To see what action the Town will take on the following question:

To see if the Town will vote to exchange a portion of land owned by the Town and located on the northeasterly side of Dumas Avenue, to and with Ronald J. Pare and Maura G. Pare in exchange for a portion of land adjacent to said parcel and owned by Ronald J. Pare and Maura G. Pare. Said parcels are described as follows:

Town parcel: Beginning at a point at the northwesterly corner of the within described premises at land now or formerly of the Town of Hampton and turning N 46 deg. 15'20" E for a distance of 20.75 feet to a point; thence turning and running N 65 deg. 19'15" E for a distance of 11.05 feet to a point; thence turning and running S 89 deg. 45'28" E for a distance of 21.28 feet to a point; thence turning and running S 81 deg. 35'20" E for a distance of 20.92 feet to a point; thence turning and running S 44 deg. 26'10" E for a distance 25.58 feet to a point; the last five directions being along land of the Town of Hampton and the Atlantic Ocean. Thence turning and running S 31 deg. 8'21" W for a distance of 105.65 feet along land now or formerly of the Town of Hampton and land now or formerly of Doyle. Thence turning and running N 16 deg. 50'14" W for a distance of 66.09 to a found fence post; thence continuing N 20 deg. 38'29" W for a distance of 32.42 feet to the point of beginning. The last two courses being along other land of Ronald J. and Maura G. Pare and along the travelled portion of Dumas Avenue, so-called.

Pare Land: Beginning at a point representing the southerly most point of the land described in the paragraph above, and at the intersection of land now or formerly of J. Doyle and Ronald J. And Maura G. Pare and turning and running S 31 deg. 8'21" W for a distance of 30.91 feet to the sideline of Dumas Avenue, so called; thence turning and running along a curve with a right hand turn along said Dumas Avenue for a distance of 24.3 feet to a point; thence turning and running N 10 deg. 28'50" E for a distance of 51.48 feet along said Dumas Avenue to a point; thence turning and running S 16 deg. 50'14" E for a distance of 47.47 feet to a point of beginning and along a portion of the land described above.

And to authorize and empower the Selectmen, on behalf of the Town, to execute such deeds and other documents as are required to complete the exchange transaction.

Both parcels to be exchanged as described above are further described on a plan entitled "Exchange of land for Ronald J. Pare and Maura G. Pare, Hampton, New Hampshire. Scale 1" = 20', September 1982, Parker Survey Associates, Inc., Exeter and Seabrook, New Hampshire."

Article 42 of the warrant for the Annual Town Meeting of March 12, 1983, was moved, seconded and voted in the affirmative. See pages 25 and 26 of the Annual Town Report.

LAND PURCHASES AND TRANSFERS

Sell Land Not Previously Leased

To see if the Town will vote to grant the Board of Selectmen the right to sell portions of Town land not previously leased in the following cases:

1. Map 135, Lot 583 to be granted a small triangle shaped parcel approximately 15 feet across at its maximum width and approximately 190 feet at its length containing approximately 1425 square feet.
2. Map 135 Lot 569 to be granted a small triangle shape parcel approximately 10 feet by 25 feet containing approximately 250 square feet.
3. Map 132, Lots 534, 535, 536 to be granted that portion of land directly to the east of their respective lot. Said parcel containing a total of 1480 square feet. Description as shown on Durgin survey plan of lot line revisions, Plaice Cove Lots.
4. Map 120 Lot 312, 313, 314, 315, 316 to be granted that portion of land directly to the west of their respective lots along King's Highway containing a total of 1228 square feet. Description as shown on Durgin survey plan of lot line revision, Plantation Lots.

Article 11 of the warrant for the Annual Town Meeting of March 17, 1984, was moved, seconded and voted in the affirmative. See page 19 of the Annual Town Report.

Plaice Cove Lots Revision of Property Lines

To see if the Town will vote to revise certain property lines as shown on a plan entitled Lot Line Revisions; (Preliminary) "Plaice Cove Lots" in Hampton Beach, N.H. as prepared by John W. Durgin Associates, Inc., dated November 1983 enlarging Lot #534 by 386 square feet; Lot #535 by 129 square feet and Lot #536 by 1,015 square feet and to make other changes all as shown on said plan, reserving to the Town for present and future use any and all existing sewer, drainage, water and other utility easements.

Article 12 of the warrant for the Annual Town Meeting of March 17, 1984, was moved, seconded and voted in the affirmative. See page 20 of the Annual Town Report.

North Shore Lots Property Line Corrections

To see if the Town will vote to authorize the Selectmen to continue with their efforts of twenty-two (22) months to resolve all property line corrections necessary prior to conveying "The North Shoe Lots" as shown on a plan prepared by John W. Durgin Associates, Inc. as revised in September 1983 permitting the said Selectmen to use their best judgement and discretion in resolving any disputes regarding property lines to insure an orderly resolution of all lines with the services of John W. Durgin Associates, Inc.

In this regard, to further authorize the Selectmen to exchange a small portion of Town owned land with the owner of Lot 567 (privately owned) to accomplish the corrections of lot lines necessary.

Article 13 of the warrant of the Annual Town Meeting of March 17, 1984, was moved, seconded and voted in the affirmative. See page 20 of the Annual Town Report.

Sale of Land, Easterly Side of Landing Road to Moore

To see if the Town will vote to sell for fair market value to Neil G. Moore and Lorice Moore of 237 Landing Road, Hampton, N.H., as joint tenants will full rights of survivorship a certain parcel of land presently leased by the said Moores pursuant to a lease dated September 9, 1975, with the Town due to expire July 1, 1996.

The parcel of land being situated on the Easterly side of Landing Road, containing 7,170 square feet as shown on a plan entitled "Town of Hampton, Lot #581" by Chester A. Leach, C.E., dated June 1975 reserving to the Town for present or future use any and all existing sewer, drainage, water and other utility easements.

Article 20 of the warrant of the Annual Town Meeting of March 17, 1984, was moved, seconded and voted in the affirmative. See pages 23 and 24 of the Annual Town Report.

Town Park — The Pines

We, the undersigned voters of the Town of Hampton, petition the Selectmen to insert in their warrant for thee 1985 Town Meeting, the following article:

All land that was voted a perpetual park by Town vote on March 9, 1983 and then identified as "All Town-owned lots to the East (Oceanside) of Lots No 267 and No. 272, Town of Hampton Map No. 105 and Lots No. 165, 182, 212, 220, 243, and 248, Town of Hampton Map No. 104, located in the so-called 'Pines,' and any land that accrues in the future to the east" shall remain in its current sandy beach condition without facilities or buildings of any kind being placed thereon. It being the intention of the voters that this land remain a park and be kept in its current sandy beach condition without facilities or buildings forever and that any contrary use not be considered or included in any subsequent Town vote. This action is to be recorded with the Registry of Deeds in the Rockingham County Court House in Exeter, N.H. (Signed by 32 registered voters).

Article 47 was moved and seconded. Town Counsel McEachern indicated that Article 47 as written is illegal. Motion to amend to delete the words "or include in any subsequent Town vote." Motion to amend was passed and Town Counsel indicated that the Article was not in legal form and would be a binding vote until changed by a subsequent Town Meeting. A motion to table indefinitely was defeated. The amended motion was voted in the affirmative.

Article 47 of the warrant for the Annual Town Meeting of March 16, 1985 was voted in the affirmative. See pages 40 and 41 of the Annual Town Report.

Convey a Portion of Smith Avenue

On petition of the Greenlands Land Development Corporation of 4 Smith Avenue, Hampton.

To see if the Town will authorize the Selectmen to convey to this corporation upon such terms and conditions as the Selectmen may determine as appropriate, all of the Town's right, title, and interest, if any, in and to a portion of the roadway known as Smith Avenue located within the property bounds of The Greenlands Land Development Corporation. Said portion begins at a point with is approximately 169.43 feet plus or minus from the easterly end of said Smith Avenue which is not currently maintained by the Town of Hampton, New Hampshire. For a more particular description further reference is made to Hampton Tax Map No. 130 and Plan of Land entitled Plat of Land for the Greenlands Land Development Corporation in Hampton, N.H. dated August, 1985, Parker Survey Associates, Inc., Exeter and Seabrook, N.H.

Article 38 of the warrant for the Annual Town Meeting of March 11, 1986, was moved, seconded and voted in the affirmative. See page 45 of the Annual Town Report.

Convey Right-of-Way, Tax Map 131, Lots 19 and 20

On petition of the Greenlands Lane Development Corporation of 4 Smith Avenue, Hampton.

To see if the Town will authorize the Selectmen to convey to this corporation upon such terms and conditions as the Selectmen may determine as appropriate, all of the Town's right, title, and interest, if any, in and to an unnamed right of way located within the property bounds of The Greenlands Development corporation. Said right of way is 40 feet in width and 120 feet in length and is located between Lot No. 19 and Lot No. 20 of certain Plan of Land entitled: The Greenlands owned by Frank E. Leavitt, North Beach, Hampton, N.H., June 1923 Wm. A. Grover Civil Engineer, Dover, N.H.; Said plan is recorded in Rockingham Registry as Plan No. 0151. For a more particular description further reference is made to Hampton Tax Map No. 131 and the recent survey of the Petitioner's property entitled Plat of Land for the Greenlands Land Development Corporation in Hampton, N.H. dated August 1985, Parker Survey Associates, Inc., Exeter & Seabrook, N.H.

Article 39 of the warrant for the Annual Town Meeting of March 11, 1986, was moved, seconded and voted in the affirmative. See page 46 of the Annual Town Report.

Convey Right-of-Way Northerly Side of High Street

On petition of the Advent Christian Church of Hampton, 122 High Street, Hampton.

To see if the Town will authorize the Selectmen to convey to this New Hampshire Religious Corporation upon such terms and conditions as the Selectmen may determine as appropriate, all of the Town's right, title, and interest, if any, in and to an unnamed right of way located between the Advent Christian Church and the Parsonage for said Church both on the northerly side of High Street. Said right of way is 20 feet plus or minus in width and 120 feet plus or minus in length and is illustrated on Hampton Tax Map No. 13. Petitioner believes the Town's source of title to said right of way is the deed of Christopher G. Toppen to Hampton dated August 6, 1919 and recorded in the Rockingham County Registry of Deeds at Book 761, Page 399.

Article 40 of the warrant for the Annual Town Meeting of March 11, 1986, was moved, seconded and following amendment that failed was voted by count: Yes 24, No 31. Article 40 failed. See page 47 of the Annual Town Report.

Lease Arnold Property to School
Easement on Martel Lot for Travel Lane

To see if the Town will vote to lease at $1.00 per school year the vacant Arnold property lot, so called, to the Hampton School District for the purpose of an off-street bus loading/unloading area, without structures, and to grant an easement over the adjacent Martel property lot, so called, which is also vacant, for a travel lane, etc.

Article 43 of the warrant for the Annual Town Meeting of March 8, 1988, was moved and seconded. Amended to add "said lease shall be for a 5 year renewal." was defeated. The Article was voted in the affirmative. See pages 24 and 25 of the Annual Town Report.

Convey Tax Map 70, Lot 1

To see if the Town will authorize the Selectmen to convey to Glen-Hill Inc. whatever right, title and interest the Town might have in a parcel of land (Approximately 1,500 square feet) identified on the Town Assessor's Maps as Map 70, Lot 1. Said parcel of land has been abandoned as a sanitary lift station site.

Article 40 of the warrant for the Annual Town Meeting of March 21, 1992, was moved and seconded. An amendment was made to add "at no expense to the Town." The amendment passed. The Article as amended was voted in the affirmative. See page 33 of the Annual Town Report.

LAND PURCHASES AND TRANSFERS

Convey 575 Ocean Boulevard

On petition of Jeff Houston and at least 24 other registered voters, to see if the Town will vote to transfer all of the Town's right, title and interest in and to the following parcel of land: Map 245, Lot 004, located at 575 Ocean Boulevard from the Town of Hampton to Jeff Houston. If approved, Jeff Houston will gift to the Town the entire marshland portion of said lot that is West of 91.62 feet of the lot line along the westerly sideline of Ocean Blvd., together with an easement running from the said marshland over other land of just Jeff Houston to Ocean Blvd. for the normal and customary purpose of providing access to and from the marshland. Said easement will be along the northerly lot line, having a uniform width of eight feet. The net transfer of land to Jeff Houston is approx. 1,959 square feet. The Town will incur no costs related to either transfer. The land will be transferred at a value of $1,000.00

Article 40 of the warrant for the Annual Town Meeting of March 12, 1996, passed on a hand vote.

Convey Land to Fallon

Petition to see the Town will vote to transfer to Thomas H. Fallon of 79 North Shore Road, Hampton, New Hampshire, all its right, title and interest in a tax-titled lot of land fronting on North Shore Road to the immediate south of land owned by said Thomas H. Fallon. Said lot containing 22.600 square feet, including a 60 foot right-of-way, is shown on Tax Map 132, Lot 007. The tax talking of the land is recorded in Rockingham county Registry of Deeds, Book 3171, Page 1187. Conveyance is to be made for the current assessed value of $2,500.00 provided that such transfer be at no cost to the Town.

Article 35 of the warrant for the Annual Town Meeting of March 9, 1999, was voted by ballot: Yes 1594, No 1225. See page 39 of the Annual Town Report.

Property Transfer Between the Hampton Board of Selectmen and the Hampton Conservation Commission

Transfer of Tax Deeded Property

Now comes the Hampton Board of Selectmen and says as follows:

In accordance with a prior vote of the Town of Hampton under Article 28 of the Annual Town Meeting of March 12, 1994, the Board transfers the following described tax deeded parcels to the Town of Hampton Conservation Commission to be maintained and preserved as marshland:

Land off Winnicunnet Road, Parcel 234-0003-0000

Land at Low Marsh, Parcel 998-0186-0000

Land at Drake Meadow, Parcel 998-0187-0000

Dated: October 27, 2008.

Discontinue and Sell Land Laid Out as Highways

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).

Results of balloting on March 9, 2010: Yes 1957, No 790. Article 27 passed.

Chapter 269

LEASED LAND

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Abutting Owners Given First Refusal

Voted that the abutting owners be given first chance to lease said lots which may lie in front of their land.

Voted under the warrant for the Annual Town Meeting held on March 9, 1909. See page 8 of the Annual Town Report.

Hampton Beach Improvement Company to Live Up to Lease

Voted that the Selectmen be instructed to order the Hampton Beach Improvement Company to carry out and live up to the conditions of the lease given them by the Town.

Voted under the warrant for the Annual Town Meeting of March 14, 1911. See page 8 of the Annual Town Report.

Selectmen to Lease all Land Between Exeter Avenue and Hampton River

To see if the Town will give the Selectmen power to lease all of the land owned by the Town from Exeter Avenue to Hampton River for a term of years.

Article 2 of the warrant for the Special Town Meeting of August 28, 1922, was laid on the table for one year. See pages 15 and 17 of the Annual Town Report.

Selectmen to Act Against Non-Payment of Rent or Taxes

To see if the Town will vote to authorize the Selectmen to take action according to the terms of leases, against certain or all lease holders, leasing land from the Town of Hampton, who have not paid their ground rent or taxes or both.

Article 18 of the warrant for the Annual Town Meeting of March 8, 1932, was moved and seconded and voted. See pages 7 and 21 of the Annual Town Report

Airport

To see if the Town will vote to lease, in accordance with Chapter 90 of the Public Laws of 1929, certain land or lands for an airport, said land or lands to be situated between Winnicunnet Road, High Street and the road leading from East End School House at Five Corners, and to authorize the Selectmen to sign, for and in behalf of the Town, said leases for a term of 5 years, providing the Town receives aid in the above project from the CWA of at least $1,000.

Motion was made to adopt the article and to insert after C.W.A. "Or any other governmental agency."
The article as amended was adopted. See Article 17 of the March 13, 1934, Annual Town Meeting on pages 7 and 25 of the Annual Town Report.

Selectmen to Act Against Non-Payment of Rent or Taxes

To see if the Town will vote to authorize the Selectmen to take action according to the terms of leases against certain or all lease owners leasing land from the Town of Hampton who have not paid their ground rent or taxes, or both.

Article 10 of the warrant for the Annual Town Meeting of March 8, 1938, was moved, seconded and voted in the affirmative. See pages 6 and 20 of the Annual Town Report.

Selectmen to Act Against Non-Payment of Rent or Taxes

To see if the Town will vote to authorize the Selectmen to take action according to the terms of leases against certain or all lease owners leasing lands from the Town of Hampton who have not paid their ground rent, or taxes or both.

Article 6 of the warrant for the Annual Town Meeting of March 13, 1945, was moved, seconded and voted in the affirmative to give the Selectmen power. See pages 5 and 17 of the Annual Town Report.

LEASED LAND

Leasing Vacant Land at Plaice Cove

To see if the Town will vote to have the vacant Town land at Plaice Cove bounded on the north by Lot 537 and on the south by Lots 536 and 528 and land opposite the North Shore Lots between North Shore Boulevard and the old layout of the Ancient Highway surveyed out into lots to be leased to private persons by the Board of Selectmen in the best interests of the Town.

Article 13 of the warrant of the Annual Town meeting on March 13, 1962, was moved and seconded and was voted in the affirmative. See pages 33, 34 and 36 of the Annual Town Report.

Committee to Study the Sale of Town Land at Hampton Beach

On petition of Howard Page, Jr. and seventy-seven other legal voters of the Town of Hampton, To see if the Town will vote to appoint a Committee of five (5) to study the possible sale of Town owned land at Hampton Beach, now being leased (excepting the land leased to the Hampton Beach Improvement Company, Inc.) and such other matters as may be related thereto, and to authorize said Committee to engage engineering, legal and other services, to hold public hearings, to prepare a report, and to submit its report and recommendations to the next annual Town meeting, and to raise and appropriate the sum of $1,500 for the reasonable expenses of said Committee.

Article 32 of the warrant for the Annual Town Meeting of March 13, 1962, was moved and seconded. Amend was made and seconded to add "A committee of five person to be appointed by the Board of Selectmen." The Amendment passed. The main motion as amended was voted in the affirmative. See pages 30, 31 and 43 of the Annual Town Report.

Plaice Cove Land to be Surveyed into Lots

To see if the Town will vote to have the vacant Town land at Plaice Cove bounded on the north by Lot 537 and on the south by lots 536 and 528 surveyed out into lots to be leased to private persons by the Board of Selectmen in the best interests of the Town.

Article 6 of the warrant for the Annual Town Meeting of March 16, 1963, was moved and seconded and voted to indefinitely postpone. See pages A-4, 24 and 25 of the Annual Town Report.

Fifteen Year Term for Leases

To see if the Town will vote to authorize the Board of Selectmen to grant 15 year leases instead of the present 10 year leases, for all leases terminated or expiring after April 1, 1965.

Article 9 of the warrant for the Annual Town Meeting of March 10, 1964, was moved, seconded and voted in the affirmative. See pages A-3 and 20 of the Annual Town Report.

Plaice Cove Land to be Surveyed into Lots

To see if the Town will vote to have the vacant Town land at Plaice Cove bounded on the north by Lot 537 and on the south by Lots 536 and 528 surveyed out into lots to be leased to private persons by the Board of Selectmen in the best interests of the Town.

Article 10 of the warrant for the Annual Town Meeting of March 10, 1964, was moved, seconded and voted to indefinitely postpone. See pages A-3, 20 and 21 of the Annual Town Report.

Leased Land Procedures

On petition of Ellsworth Bennett and 20 other legal voters of the Town of Hampton; including members of the Hampton Precinct Land Lease Committee, to instruct the Selectmen of the Town of Hampton to incorporate the following provisions in all Town Leases issued after the adoption of this article: Namely:

1. That the written changes recently inserted in all Leases covering the right of the Town to increase the Land Rents at the end of a three and seven year period be eliminated from the leases.
2. All leases shall contain a provision giving to the leaseholder the option and/or right to purchase the land during the term of the lease, the price to be determined by a board of three (3) arbitrators, to consist of the following:

One (1) Arbitrator to be selected by the Leaseholder

One (1) Arbitrator to be selected by the Board of Selectmen of the Town of Hampton.

The third Arbitrator to be a member of the Hampton Beach Precinct Commission.

Within ninety (90) days of the leaseholder's written request to purchase the Arbitrators shall set a price for the purchase within some allowance being reflected for prior rental payments. In addition the Arbitrators shall establish the price based on the fair market value of same or similar land within the area. The Provisions in said Lease shall note that the decision of the Board of Arbitrators shall be final and thus binding on the Town and respective Leaseholder.

3. The Lease shall also contain a provision whereby in the event the Town should ever elect to sell all, or any portion, of said Town-Owned Leased Land, then, and in that event, no Leaseholder of record shall be compelled to purchase same or otherwise relinquish their rights under Leases then in existence unless said Leaseholder shall elect to do so.
4. The Lease should specifically state that there shall be no location, enhancement, or other such Tax by any name, which would add to the property tax being paid for the buildings.

Article 19 of the warrant for the Annual Town meeting of March 9, 1965, was moved, seconded and defeated. See pages 5A, 6A, 29 and 30 of the Annual Town Report.

LEASED LAND

Rescind All Prior Votes Authorizing Sale of Leased Land

To see if the Town will vote to rescind and declare null and void any prior votes taken by the Town giving any authority to the Selectmen to sell Town land being presently leased, provided however, that those sales of leased land already negotiated and agreed in writing by the Selectmen, being five (5) in number, are hereby ratified and confirmed and shall not be affected by this vote.

Article 9 of the warrant for the Annual Town Meeting of March 9, 1974, was moved, seconded and voted in the affirmative. See page 39 of the Annual Town Report.

Sale of Leased Lots

To see if the Town will vote to sell to the Lessees thereof, at any time upon written request by the Lessees, any lot or lots now being let by the Town, the price to be determined by the assessed valuation adjusted to current market value of said lot or lots, the Selectmen to have no discretion in whether or not to such sale shall take place, this vote will not apply to the land leased to the Hampton Beach Improvement Company; and further, that the Town establish a trust or escrow fund for the net proceeds of all of the sales of the leased land, the income from which to be applied to the General Fund to reduce taxes until such time as enabling legislation is enacted providing for such a fund and the terms and conditions thereof.

Article 10 of the warrant for the Annual Town Meeting of March 9, 1974, was moved, seconded and defeated. See page 39 of the Annual Town Report.

Selectmen Power to Lease

To see if the Town will vote to give the Selectmen power to lease any Real Estate owned by the Town of Hampton for such period of time, and upon such terms and conditions, as the Selectmen shall decide, hereby ratifying and affirming all prior leases entered into by Boards of Selectmen on behalf of the Town, but excluding from the authority to lease any real estate which at any prior Town Meeting it was voted should not be leased.

Article 13 of the warrant for the Annual Town Meeting of March 4, 1975 moved, seconded and voted in the affirmative. See page 36 of the Annual Town Report.

Selectmen Power to Lease

To see if the Town will vote to give the Selectmen power to lease any Real Estate owned by the Town, heretofore leased by the Town, for such period of time and upon such terms and conditions as the selectmen shall decide. The authority conferred by this Article is intended to be substituted for the Authority conferred by Article 13 as voted by the 1975 Town Meeting.

Article 44 of the warrant for the Annual Town Meeting of March 6, 1976, was moved, seconded and vote in the affirmative. See page 60 of the Annual Town Report.

Lease Lot No. 583

On petition of Emily F. Soucy and 14 other legal voters of the Town of Hampton, to see if the Town will vote to: Empower the Board of Selectmen to lease to the Bailey Motel Inc., a parcel of Town land containing 2,645 square feet and designated on a plan entitled "Town of Hampton, Lot No. 583, January, 1978, Scale 1" equals 20'." Said lease to contain the restriction that no structure of any kind be placed upon the land.

Article 25 of the warrant for the Annual Town Meeting of March 13, 1979, was moved and seconded. Amendment passed that inserted the words "and that no vehicles be parked upon said land." Article 25 passed as amended. See pages 10-A and 45 of the Annual Town Report.

Legislation — Leased Land Real Estate Commission

To see if the Town will vote to recommend that the Legislative Delegation of the Town of Hampton be requested to introduce legislation at the next session of the Senate and House of Representatives creating a Section 2 of Chapter 314 with respect to the establishment of a "Hampton Leased Land Real Estate Commission," said Commission to be comprised of five residents of the Town of Hampton to be appointed from a list of not less than ten nominees prepared by the Selectmen in office on the effective date of the legislation creating such Commission. Such list of nominees shall be presented to any Justice then presiding in the Rockingham Superior Court, and said Justice shall appoint five individuals from such list of nominees to be the members of such Commission and to hold staggered terms of 5, 4, 3, 2, and 1 years. Upon the expiration of the term of any member of such Commission, the Selectmen shall appoint a replacement member to said Commission.

The Hampton Leased Land Real Estate Commission shall have the power to decide and arbitrate all appeals made by aggrieved parties, including, but not limited to, appeals with respect to the determination of a fair market value for leased lands, appeals arising out of boundary disputes, and appeals with respect to duration of tenancy and any other matters with respect to the leased lands. Said Commission will not be bound by the Rules of Evidence but may consider all materials presented orally or in writing by either party prior to making its determination. Said Commission shall also have the duty of monitoring and implementing the sale of leased lands and paying over the proceeds of said sales to the Trustees of the Trust Funds in accordance with 314.1.

Article 50 of the warrant for the Annual Town Meeting of March 13, 1982, was moved and seconded. Motion to amend was made and seconded to add the words "another section of" and deleting 2 in the phrase "House of Representatives creating" so that it reads as follows: "House of Representatives creating another Section of Chapter 314 with respect to the establishment..." The amendment passed. The main motion as amended passed. See pages 49 and 50 of the Annual Town Report.

Sale of Leased Lands

To see if the Town will vote to sell its leased lands under the following conditions:

Section 1. Appraisal

All lots shall be evaluated at the time of a proposed sale. The manner in which this would occur would involve the proposed purchaser hiring an appraiser who was duly qualified by the Society of Real Estate Appraisers and who would fix a fair market value on the lot in question, and the Town would hire an appraiser who would also determine the fair market value of the lot in question. Sale of parcels involving the Hampton Beach Improvement Company would necessitate the addition of a third appraiser to the equation. These figures would then be averaged, and the resulting figure would be the basis for the purchase price. In the event that the appraiser's valuations varied greater then 10%, any aggrieved party could appeal to the Real Estate Commission for arbitration and an absolute determination of the value of the lot in question. The cost of the appraisals shall be borne equally by the parties.

Section 2. Purchase Price

The purchase price for any lot to be sold shall be 30% of the value of that lot as determined by the real estate appraisal process outlined in Section 1.

Section 3. Improvement Company Property

The purchase price of property subject to the Hampton Beach Improvement Company leasehold interest shall be determined in the same manner as stated in Section 2 and paid to the Town of Hampton. The purchasing tenant would then be free to purchase the Hampton Beach Improvement Company's interest in the tenant's lot upon terms and conditions mutual agreeable to the purchaser, the Hampton Beach Improvement Company and the Town of Hampton.

Section 4. Financing

In the event a purchaser requests, the sale of leased land shall be financed by the Town of Hampton without a down payment, at an annual rate of interest of 12%, principal and interest payable monthly. With regard to security, the Town shall be adequately secured by a first mortgage deed. No Town financing for the purchase of a leased lot shall be for a term in excess of 20 years. With respect to the sale of leased land in which Hampton Beach Improvement Company hold an interest, the Town shall only finance that portion of the purchase price payable to the Town.

Section 5. Control by Deed Restriction

Deed restriction shall be included to reflect the same restrictive covenants presently existing in the lease for the lot(s) in question.

Section 6. Retention of Leased Lands

In the event that a tenant chooses not to purchase a leased lot, or the Town votes not to sell its leased lands, then the direct lessees, except for the Hampton Beach Improvement Company shall continue to be able to lease, which leases shall be renewable, freely transferable and inheritable and the leases shall continue to pay taxes in lieu of rent in the same manner as presently in operation, i.e., the rental fee shall be the tax rate time assessed valuation which equals payment. The buildings shall be separately taxed. Further, in the event that leased land is retained by sublessees of Hampton Beach Improvement Company, the sublessees shall be permitted to apply for and receive from the Town a new lease for the additional period after April 1, 1997 when the Hampton Beach Improvement Company's Master Lease with the Town expires. In this regard, a 25-year lease shall be available to any sublessees with the additional term of the tenancy being obtained from the Town by direct issue. The clear intent being that the Hampton Beach Improvement Company's Master Lease will not be extended beyond April 1, 1997.

Section 7. Waiver of Non-Conformity

With respect to all sales conducted pursuant to this Article the Town expressly waives any provisions of the Town Ordinances, including the Zoning Ordinance, which would prohibit the sales from the Town to the owners of the buildings located on Town land.

Section 8. Unsurveyed Lots

With regard to lots that have not been surveyed, no sales can be made until the lot or lots have been surveyed by a registered surveyor.

Section 9. Implementation

The Leased Land Study Committee shall continue to monitor the leased land situation until the Real Estate Commission is appointed to supervise the implementation of the Article.

Section 10. Effective Date

Sales agreements can be entered into subject to the adoption of the necessary legislation to establish the Real Estate Commission. However, no deeds shall be transferred until the Real Estate Commission has been established and its members appointed.

Section 11 Partial Invalidity

In the event any section or portion of any section shall be declared invalid, then the remainder of the Article not declared invalid shall continue in full force and effect.

Article 1 of the warrant for the Special Town Meeting of May 11, 1982, was moved and seconded. An amendment was moved to amend Section 1 to change "The cost of the appraisals shall be borne equally by the parties" to "The cost of the appraisals shall be borne by each party." Amendment passed. An amendment was moved to amend Section 4 by inserting "first" before "mortgage deed." The amendment passed. An amendment was moved to change the "leases" in Section 6 to "lessees." The amendment passed. The main motion as amended was voted by ballot: Yes 223, No 187. See pages 51, 52, 53, 54 and 55 of the Annual Town Report.

LEASED LAND

Clarification on Which Leased Lots are to be Sold

To see if the Town will vote to clarify that the "leased lands" which it voted to sell at its special Town meeting of May 11, 1982 were intended to include only those 640 lots historically leased by the Town within the areas commonly referred to as the "Pines" lots (bounded on the North by "Q" Street and Haverhill Avenue, on the East by Beach, on the South by Epping Avenue, and on the West by Ashworth Avenue and Ocean Boulevard): those lots leased to the Hampton Beach Improvement Company (bounded on the North and West by Ashworth Avenue, on the East by Ocean Boulevard, and on the South by "Q" Street): "King's Highway" lots (bounded on the North by High Street, on the East by Ocean Boulevard, on the South by Winnacunnet Road, and on the West by King's Highway); and the "Plaice Cove/North Beach" lots (Bounded on the North by the North Hampton Town Line, on the East by Beach, on the South by the Southerly line of the Ancient Highway, and on the West by Ocean Boulevard).

Article 1 of the warrant for the Special Town Meeting of December 8, 1983, was moved, seconded and voted in the affirmative. See pages 32 and 33 of the Annual Town Report.

Correction of a Petition Regarding Mistaken Claims

To see if the Town will vote to include in the Town report in connection with a certain petition regarding the mistaken claims of Arthur J. Moody and others concerning the "Long Term Lease-Purchase Agreement" the following facts.

1. The petition incorrectly states 76 or more Long Term Purchase Agreements were drafted and returned to leaseholders. In fact, only one Long Term Agreement was prepared and said agreement was never executed by the Selectmen.
2. Town counsel advised the Selectmen that a Long Term Purchase Agreement protects the Town of Hampton in a superior manner than a first mortgage since the Town retains title to the property until payments are made in full and that, therefore, the Long Term Purchase Agreement was in counsel's opinion permitted under the Town vote since the Town was adequately secured by better than a first mortgage.
3. The Selectmen were acting at all times within the best interests of the Town of Hampton in this matter and within the scope of their duties as Selectmen.
4. The real estate trust fund had no right to the $2,500.00 deposit involved in the one transaction submitted because the agreement was not approved by the Hampton Leased Land Real Estate Commission, nor executed by the Selectmen. Arthur J. Moody on behalf of the Trustees returned the deposit at the request of the Selectmen.
5. The Leased Land Real Estate Commission members were nominated by the Selectmen on petition by the Town prior to their court appointment and should not be considered embarrassed by exercising their statutory functions to improve or disapprove matters presented for their consideration.

Article 24 of the warrant for the Annual Town Meeting of March 16, 1985, was moved and seconded. Motion was made to indefinitely postpone that was passed. See pages 30 and 31 of the Annual Town Report.

Request to Bill the Selectmen

On petition of Arthur J. Moody and nine or more other legal voters, to see if the Town will vote to bill the Selectmen who ordered extensive legal and staff work on the so-called "Long Term Lease-Purchase Agreement" method of purchasing Town-owned lease land although each knew Town meeting had not authorized that method for the sales, and the same selectmen had not asked any of their special Town meetings of 1984 to approve that method before causing the Town considerable expense and subsequent embarrassment when the originally court-appointed Real Estate Commission unanimously turned down such sales, whereupon funds accepted by the Selectmen had to be refunded after retrieval from the Real Estate Trust Fund. The billing of the Selectmen who approved the unauthorized procedure shall include all outside legal expenses billed by McEachern law firm, and payroll and office expenses in the Town Office attributable to the 76 or more Purchase Agreements drafted, solicited, processed and subsequently returned to leaseholders. The Moderator shall see that any vote under this Article is carried out.

Article 25 of the warrant for the Annual Town Meeting of March 16, 1985, was moved and seconded. A motion was offered to indefinitely postpone that was passed. See pages 31 and 32 of the Annual Town Report.

Purchase of Leased Land

We the undersigned, being legal voters in the Town of Hampton, hereby petition the Hampton Board of Selectmen to place the following Article on the Hampton Town Warrant for the Annual Town Meeting to be held in March, 1986.

The option to purchase leased land at 30% of fair market value as authorized by prior Town meetings shall continue for leaseholders and Hampton Beach Improvement Company sub-leaseholders of record as of March 15, 1986. After March 15, 1986, all subsequent leaseholders and all subsequent Hampton Beach Improvement Company sub-leaseholders shall have the option to purchase leased land at 50% of fair market value. In either case, however, new sales agreements shall be executed and a $100.00 deposit fee paid to the Town as well as a determination of fair market at the time of sale. The intent is to enable all current leaseholders, who for whatever reason were unable to purchase leased land prior to March 15, 1986, to continue to have the opportunity to do so, but all new or subsequent leaseholders or Hampton Beach Improvement Company sub-leaseholders shall have only the option to purchase leased land at 50% of fair market value as determined at the time of sale.

Article 28 of the warrant for the Annual Town Meeting of March 11, 1986, was moved, seconded and failed approval. See page 35 of the Annual Town Report.

LEASED LAND

Sale of Lots under Hampton Beach Improvement Company

We, the undersigned, being legal voters of the Town of Hampton, hereby petition the Hampton Board of Selectmen to place the following Article on the Hampton Town Warrant for the Annual Town Meeting to be held in March 1986.

All sales of all remaining or unsold leased land and/or lots coming under the Hampton Beach Improvement Company's master lease shall be suspended until April 7, 1997. Transactions currently in progress may be completed. The intent is to assure that all prospective buyers, who are currently sublessees of the Hampton Beach Improvement Company, shall have equal access to the Town's leased under the Leased Land Sales Program. All transactions affected by this Article shall be governed by the terms and conditions of sale in effect on April 2, 1997.

Article 29 of the warrant for the Annual Town Meeting of March 11, 1986, was moved, seconded and voted by ballot: Yes 64, No 63.

Article 29 was moved for reconsideration. Yes 84, No 67. Article 29 passed.

Percentage of Fair Market Value Used for Sale of Leased Land Increased

On petition of Arthur J. Moody and nine or more other legal voters, to see if the Town will vote to change one aspect of the current Leased Land Sales Program, established by the Special Town Meeting of May 11, 1982, amended and/or clarified at subsequent Annual and Special Town Meetings, and re-established under the adoption of Article 35 at the 1988 Annual Town Meeting, such change to be the percentage of fair market value (at the time of the sale) that will be offered as a sales price to lessees and sublessees of the remaining 90 or so parcels. The current 30 percent of FMV sales price will be honored by the Town for any Sales Agreements signed through June 30, 1989; it will be 40 percent FMV for any SA signed from July 1, 1989, through June 30, 1990; 50 percent of FMV for any SA signed after July 1, 1990 through June 30; 1991; 60 percent of FMV for any SA signed from July 1, 1991, through June 30, 1992; 70 percent of FMV for any SA signed from July 1, 1992, through June 30, 1993; 80 percent of FMV for any signed SA signed from July 1, 1993, through June 30, 1994; 90 percent of FMV for any SA signed from July 1, 1994 through June 30, 1995; and 100 percent of FMV for any SA signed after June 30, 1995. The price schedule applies to both cash and mortgage sales. Lessees and sublessees have the option of continuing to lease, with the Town offering to lease its interest in the lot for periods of time not exceeding 25 years from the date of the lease.

Article 39 of the warrant for the Annual Town Meeting of March 18, 1989, was moved and seconded. Motion to amend by removing the last sentence of the article passed. The amended main motion was voted in the affirmative. See pages 34 and 35 of the Annual Town Report.

Selectmen Can Accept Deeds in Case of Defaults on Leased Land

To see if the Town will vote to authorize the Board of Selectmen to accept deeds from parties to whom the Town has conveyed its interest in leased land and from whom the Town has received a promissory note and a mortgage on said land securing said promissory note as well as all or part of the purchase price, and a default has occurred; said deeds to be in lieu of a foreclosure, and upon such terms and conditions as the Board of Selectmen shall deem appropriate, thereby cancelling the obligation of said parties to the Town and restoring to said parties, their heirs and assigned, the rights to purchase the property again upon the same terms and conditions as shall be in effect at the time of said repurchase.

Article 47 of the warrant for the Annual Town Meeting of March 16, 1991, was moved, seconded and voted in the affirmative. See page 27 of the Annual Town Report.

Maximum Purchase Price on Leased Land to be Financed by the Town

To see if the Town will vote to amend one aspect of the process in selling the traditional leased land at the beach, as defined by the Special Town Meeting of December 8, 1983, and as authorized by the Special Town Meeting of May 11, 1982, to change the maximum amount of the purchase price that will be financed by the Town from one hundred percent to eighty percent. There still will be no down payment per se, to the Town. This change will require some beginning equity from the mortgage which, it is hoped, will reduce the Town's legal expense that is now being encountered from mortgage defaults by those who have little or no equity in their land purchase.

Article 35 of the warrant for the Annual Town Meeting of March 16, 1996, was moved, seconded and voted in the affirmative. See page 46 of the Annual Town Report.

Maximum Term of Leases on Leased Land

To see if the Town will vote to amend Section 6 of the Warrant Article at the May 11, 1982, Special Town Meeting on the sale/lease of the traditional leased-land lots at the beach to the extent that the maximum term of any lease on said lots shall be twenty years to correspond to the maximum term in Section 4 for any Town-financed first-mortgage sale. The current maximum term for such leases is twenty-five years.

Article 36 of the warrant for the Annual Town Meeting of March 16, 1996, was moved, seconded and voted in the affirmative. See page 46 of the Annual Town Report.

Annual Lease Land Rent

To see if the Town will vote to amend Section 6 of the 1982 Leased Land Sales Program, as authorized by the Special Town Meeting of May 11, 1982, to allow for the leased land rent amount for all new and renewal leases of the approximately 70 lots which have not been purchased to be 2% of the previous year's assessed value of the land, due annually by April 1st for the calendar year.

Article 37 of the warrant for the Annual Town Meeting of March 16, 1996, was moved, seconded and voted in the affirmative. See page 47 of the Annual Town Report.

LEASED LAND

Town to No Longer Finance the Sale of Leased Lots

Shall the Town vote to amend one aspect of the 1982 Town-voted Leased Land Sales Program, as amended over the years, to delete Section 4, of the May 11, 1982 Special Town Meeting as amended to date, whereby the Town is authorized to finance the purchase by lessees of beach lots by becoming the mortgage holder or mortgagee? Adoption of this Article will result in the Town no longer financing the sale of leased lots.

Article 31 of the warrant for the Annual Town Meeting of March 9, 1999, was voted by ballot: Yes 2041, No 808. See page 35 of the Annual Town Report.

Chapter 274

LIBRARY

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Erect Library

Voted that the sum of $2,000 is hereby pledged by the Town for the purpose of erecting a Public Library Building, provided Mr. Andrew Carnegie's reply to letters sent him is favorable to the proposition.

Voted under the warrant for the Annual Town Meeting of March 10, 1908. See page 8 of the Annual Town Report.

Library Committee

Voted that the Library Committee be chosen by the Selectmen.

Voted under the warrant for the Annual Town Meeting of March 10, 1908. See the Annual Town Report.

Trustees Authorized to Accept Funds for Construction

To see if the Town will authorize the Trustees of the Lane Memorial Library to accept grants of Federal or State aid or both, or private funds, if such should be available to be added to the twenty-five thousand ($25,000) dollars already donated by Wheaton J. Lane towards the construction of an addition or reconstruction of the Lane Memorial Library.

Article 21 of the warrant for the Annual Town Meeting of March 13, 1979 was moved, seconded and voted in the affirmative. See pages A-8 and 44 of the Annual Town Report.

Establish Capital Reserve Fund To Construct New Library or Addition

On petition of Alan L. Mason, Chairman of the Lane Memorial Library Trustees, and ten or more other legal voters of the Town of Hampton, to see if the Town will vote to establish as Capital Reserve Fund for the purpose of constructing a new library or an addition to the Lane Memorial Library, and to raise and appropriate the sum of one hundred thousand ($100,000) dollars for the purpose to be added to such other monies as may be received for such purpose, in accordance with RSA 35. All interest earned on said appropriation shall be added to the said Capital Reserve Fund.

Article 7 of the warrant for the 1981 Annual Town Meeting was moved, seconded and voted in the affirmative. See page 43 of the Annual Town Report

Addition to the Lane Memorial Library

To see if the Town will raise and appropriate the sum of $1,223,000.00 for the purpose of building and equipping an addition to the Lane Memorial Library in accordance with the report and recommendations submitted at the 1983 Annual Meeting by the 1982 Lane Memorial Library Study Committee, said sum to be raised as follows:

a. $790,000.00 of said sum to be raised by the issuance of serial bonds or notes not to exceed $790,000.00 under and in compliance with the provisions of the Municipal Finance Act (N.H.R.S.A. 33:1 et seq. as amended) and to authorize the Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest thereof, and to take such other actions as may be necessary to effect the issuance, negotiation, sale and delivery of such bonds or notes as shall be in the best interest of the Town of Hampton;

b. $250,000.00 of said sum to be raised by withdrawal of same from the capital reserve fund established for such purpose by the 1981 and 1982 Annual Meetings;

c. $100,000.00 of said sum to be raised by contributions from other sources; and

d. $83,000.00 of said sum to be raised from interest anticipated to be accumulated on all the aforesaid sums until expended; the provisions for the withdrawal and expenditure of funds from the capital reserve fund, acceptance of contributions from any and all lawful sources and expenditure of same, and all other matters relating thereto to be delegated to the Selectmen.

Article 13 of the warrant for the Annual Town Meeting of March 8, 1983 was moved, seconded and voted in the affirmative. The results of the vote were: yes 586, no 91. See pages 13-14 of the Annual Town Report.

LIBRARY

Increase Board of Library Trustees

Upon petition of Barbara A. Reger Ryan and ten (10) other legal voters, to see if the Town will vote to increase the Board of Library Trustees, from its present three (3) Trustee positions to six (6) Trustee positions; and to elect at the 1986 Annual Town Meeting one (1) Trustee for one (1) year, one (1) Trustee for two (2) years and two (2) Trustees for three (3) years. Beginning at the Annual Town Meeting, 1987 and thereafter two (2) Trustees shall be elected each year for a term of three (3) years.

Article 50 of the warrant for the Annual Town Meeting of March 16, 1985 was moved, seconded and voted in the affirmative. See page 42 of the Annual Town Report.

Decrease Board of Library Trustees

To see if the Town will vote to comply with certain recent amendments to RSA Chapter 202-A:6 (the Library Trustees Statute) as follows: The Board of Library Trustees shall consist of five (5) members, such that as of the annual meeting of the Town in 1989 the Town shall elect only one (1) Trustee (not two). All Trustees previously elected or elected under this Article shall serve staggered three (3) year terms.

Article 44 of the warrant of the Annual Town Meeting of March 8, 1988 was moved, seconded and voted in the affirmative. See page 25 of the Annual Town Report.

Chapter 278

LICENSING AND LICENSE FEES

ARTICLE I
Town Meeting Votes

ARTICLE II
License Fees

§ 278-1. Authority.

§ 278-2. Selectmen authorized to issue licenses and collect fees.

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Real Estate and Victualers Licenses

To see if the Town will vote to discontinue issuing Real Estate and Victualers Licenses and discontinue collecting fees from persons engaged in these pursuits.

Article 12 of the warrant for the Annual Town Meeting of March 10, 1964 was moved, seconded and voted in the affirmative. See pages A-3 and 21 of the Annual Town Report.

ARTICLE II
License Fees
[Adopted as Ch. 4, Arts. 1 and 2, of the Code of Ordinances]

§ 278-1. Authority.

This article has been enacted in accordance with the authority granted the Town by RSA 31:39 (dance halls and skating rinks), RSA 286:1 to 286:6 (pool tables, bowling alleys and theaters), RSA 41:11 (selling from vehicles), and RSA 466:39 (dogs).

§ 278-2. Selectmen authorized to issue licenses and collect fees.

A. The Selectmen are authorized and empowered to issue licenses to and collect the prescribed fees from persons engaged in the following pursuits:

(1) Managers of skating rinks and theaters (30 June): $50.

(2) Managers of pool tables, for each table (30 June): $5.

(3) Managers of bowling alleys (30 June): $75.

(4) Dog owners.

(a) Male dogs (30 April): $7.

(b) Female dogs (30 April): $7.

(c) Male dogs (neutered) (30 April): $4.50.

(d) Female dogs (spayed) (30 April): $4.50.

(5) Beano, per month: $25.

(6) Managers of dance halls (30 June): **[Amended 3-14-1981 by Art. 26]**

(a) Dance floors having an area of less than 150 square feet: $50.

(b) Dance floors having an area of 150 to 300 square feet: $100.

(c) Dance floors having an area of over 300 square feet: $150.

B. All of the above licenses must be renewed annually by dates shown.

Chapter 282

LIGHTING

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Electric Light Committee

The following resolution was unanimously adopted:

Resolved — That the Town appoint a committee consisting of three citizens of the Town, to inquire and ascertain the total cost of electric lighting in the Town, both as borne by the Town and individuals residing in the Town, and also ascertain as nearly as possible, what would be the cost of an electric plant, erected by the Town, sufficient to supply the people of the Town with electric lighting. Edgar Warren, John A. Tucker and Charles W. Ross we appointed members of the above committee.

Voted that the electric light committee be instructed to report at the next annual town meeting.

Voted under the warrant for the Annual Town Meeting of March 14, 1911. See page 8 of the Annual Town Report.

Charter for Electric Light Plant

The committee on the feasibility of establishing a Town electric lighting plant reported and recommended the passage of the following Resolution which was unanimously adopted:

Resolved — that the Representative of the Town of Hampton to the next legislature be instructed to use his influence to secure a charter which will enable the Town of Hampton to engage in the manufacture of electricity to light the streets and public buildings and to sell for domestic and commercial power, and lighting.

Voted under the warrant for the Annual Town Meeting of March 12, 1912. See page 8 of the Annual Town Report.

Special Legislation

Voted — that the Selectmen be instructed to formulate a bill for the purpose of procuring a charter for the Town to manufacture electricity and gas for lighting. Also for domestic and commercial purposes, and to aid our Representative to the General Court in procuring the same.

Voted under the warrant for the Annual Town Meeting of March 11, 1913. See page 10 of the Annual Town Report.

Chapter 286

LITTERING

§ 286-1. Authority.
§ 286-2. Purpose.
§ 286-3. Definition.
§ 286-4. Unlawful activities.
§ 286-5. Other activities.
§ 286-6. Violations and penalties.
§ 286-7. Prima facie evidence.
§ 286-8. Enforcement.
§ 286-9. Severability.
§ 286-10. When effective; repealer.

[HISTORY: Adopted by the Town Meeting of the Town of Hampton 3-9-2010 by Art. 31; ballot vote: Yes 2392, No 357. Amendments noted where applicable.]

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§ 286-1. Authority.

In accordance with the provisions of RSA 31:39, I(a), RSA 47:17, VII, as adopted by the Board of Selectmen, pertaining to litter and RSA 163-B authorizing the Town of Hampton to enact bylaws, the following chapter for the regulation of littering is adopted by the Town of Hampton by the Annual Town Meeting assembled.

§ 286-2. Purpose.

It is the declared purpose of the Town of Hampton, through the adoption of this chapter, 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.

§ 286-3. Definition.

As used in this chapter, 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.

§ 286-4. 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:

A. 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 chapter.

B. Such litter is properly placed into a receptacle or container marked for the receipt of litter, as defined in this chapter, or designated for recyclable materials.

§ 286-5. Other activities.

A. Businesses, hawkers, vendors and peddlers who sell products or wares of any kind, including food, that are 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 emptied on a regular basis to prevent overflow and the creation of litter that shall be in violation of this chapter.

B. The disposal of smoking materials of any kind, unless deposited in a designated receptacle for that purpose, shall constitute littering under this chapter.

C. The owner or custodian of dogs or other animals who allows or permits his or her animal(s) to defecate on public or private property, other than his or her own property, shall be in violation of this chapter unless such defecation is removed by the owner or custodian at the time of defecation.

D. 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 chapter.

§ 286-6. Violations and penalties.

A. Any person or persons violating the provisions of this chapter 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 chapter of littering, in addition to such fine, pick up 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 inure to the use of the Town and shall be deposited in the general fund of the Town of Hampton.

B. 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 chapter and RSA 163-B:3.

§ 286-7. 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 seven days, together with, or in lieu of, the penalties provided in § 286-6 of this chapter.

§ 286-8. 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 chapter in accordance with the provisions of RSA 163-B.

§ 286-9. Severability.

If any provision, word, clause, section, paragraph, phrase or sentence of this chapter 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 chapter, provided that the purposes of this chapter can still be achieved in the absence of the invalid provisions.

§ 286-10. When effective; repealer.

This chapter 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.

Chapter 292

LOUIS MARELLI SQUARE

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Resolution

Mr. William Elliot presented the following resolution which was approved by unanimous vote.

Whereas the late Luigi Marelli won the respect and affection of his fellow citizens

(1) Because of his concern for local members of the armed forces, which he expressed by mailing to them personal gifts at Christmas, and

(2) For his exemplification of all the traits of good citizenship and for his loyalty to and love of his adopted country, and

Whereas his associates in the business community and many other citizens have indicated a desire to pay lasting tribute to his memory,

Therefore, be it resolved by the citizens of Hampton in Town meeting assembled on Tuesday, March 8, 1960, that the Board of Selectmen is hereby requested to rename in his memory that section of the village heretofore call Railroad Square so that in the future it will known as "Louis Marelli Square," and

Be it further resolved that permission be granted the business people of Hampton to erect, with the authority and under the supervision of the Selectmen, a suitable bronze plaque in the Square at a place to be approved by the Selectmen, indicating that the purpose of this Resolution has been fulfilled.

Chapter 300

MAP, TOWN

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

To see if the Town will vote to raise and appropriate the sum of $500.00 for the preparation of a town map.

Article 7 of the warrant for the Annual Town Meeting of March 8, 1938 was moved, seconded and voted in the affirmative. See pages 6 and 230 of the Annual Town Report.

Chapter 303

MARSHLAND

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Taxation of Marshland

Resolved — That the Assessors of the Town of Hampton be instructed by this resolution to assess all marsh land known as Spring marsh, for not more than five dollars per acre, and all other marsh land for not more than ten dollars per acre.

For the purposes of this resolution, all marsh land eastward of the river running from the site of Old Perkins Tide Mill, through the marsh near Little Neck and the Ox Bow, so called, and thence, to the Glade Run, be deemed Spring marsh.

Voted under the warrant for the Annual Town Meeting of March 10, 1908. See page 8 of the Annual Town Report.

Marsh Reclamation

On petition of Alfred Janvrin and thirteen other legal voters of the Town of Hampton, to see if the Town will vote to establish a Commission of seven members, all citizens of Hampton, to be appointed by the Board of Selectmen and to be known as the Marsh Reclamation Commission. It shall be the duty of this Commission to ascertain the pertinent facts bearing on the feasibility of reclaiming all or a portion of the Hampton marshes as a municipal project and to report its findings and recommendations either at the next regular Town Meeting or at an intervening Special Town Meeting which may be called for that purpose. And, in connection with this article, to see if the Town will vote to raise and appropriate the sum of $500 for use of the Commission in making this necessary study.

Article 30 of the warrant of the Annual Town Meeting of March 13, 1956, was moved, seconded and voted in the affirmative. See pages 10 and 37 of the Annual Town Report.

Marsh Reclamation Authority

(The terms referred to in the following articles numbered 1, 2, 3, and 4 shall be the terms as defined in Section 2, Chapter 412, Laws of 1959, that is: "area" is such marsh areas as are in the Town of Hampton; "authority" is the Hampton Marsh Reclamation Authority, and the other items hereinafter used as are defined therein.)

1. On petition of Donald A. Ring and twelve other legal voters of the Town of Hampton to see if the Town will vote to reappropriate and to transfer the unexpended funds in the sum of $11,500.00 raised and appropriated at the Annual Town Meeting held on March 10, 1959 for the expenses of the Marsh Reclamation Commission to the Hampton Marsh Reclamation Authority to be used by said Authority for an purpose for which it is authorized to use money in accordance with the terms of Chapter 412 of the Laws of 1959, which act create the Authority.
2. In order to provide for uniformity and adequacy of grades in the area to be developed under the jurisdiction of the Hampton Marsh Reclamation Authority, to see if the Town will vote to authorize the Authority to establish minimum grades of fill with which any person, firm or corporation must comply when filling any land in said area, and no permit shall be issued by the Building Inspector in the said area unless and until the grades to be established are in conformity with the minimum prescribed by the Authority.
3. To see if the Town will vote to convey for the sum of $1.00 to the Hampton Marsh Reclamation Authority any and all marsh land owned by the Town of Hampton and located within the area, such conveyances to be made by the selectmen for, and in behalf of the Town, upon the approval of each final plan as described in Section 12-14 of Chapter 412 of the Laws of 1959.
4. To see if the Town will vote to amend the Zoning Ordinances of the Town of Hampton adopted at the Annual Town Meeting on March 8, 1949 and amended at subsequent Town Meetings, as follows:
   A. By adding at the end of sub-section 3, section 7 Article IV the words "exempt as otherwise set forth in Section 89."
   B. By revising Section 8 to read: "No lot shall be established in the areas under the jurisdiction of the Hampton Marsh Reclamation Authority having a minimum lot size of less than 7,500 square feet and of less than 75 feet in frontage and of less than 75 feet in width for a depth of not less than 75 feet."

Article 7 of the warrant for the Annual Town Meeting of March 8, 1960, was moved and seconded. Motion to divide the question to be voted by Sections was granted.

Section 1 was moved and seconded. Amendment "Said appropriation to be in the nature of a loan to be repaid to the Town of Hampton when funds are available. The amendment was approved.

Section 1 as amended was voted in the affirmative.

Section 2 was moved, seconded and voted in the affirmative.

Section 3 was moved, seconded and voted in the affirmative

Section 4 was moved, seconded and voted in the affirmative.

See pages 13, 14, 15, 26 and of the Annual Town Report.

MARSHLAND

Loan to Hampton Beach Marsh Reclamation Authority

On petition of Alfred Janvrin and ten other legal voters of the Town of Hampton, to see if the Town will vote to raise and appropriate the sum of $7,500.00 to be loaned to the Hampton Beach Reclamation Authority, without interest, to be used by said Authority for any purpose for which it is authorized to use money in accordance with the terms of Chapter 412 of the Laws of 1959, as amended, which Act created the authority.

Article 7 of the warrant for the Annual Town Meeting of March 14, 1961, was moved and seconded. A motion for indefinite postponement failed: Yes 72, No 93. The original main motion was voted in the affirmative. See pages 14, 15 and 52 of the Annual Town Report.

Marshland Development

To see whether the Town will take any action permitted or required under Chapter 358 of the New Hampshire laws (1961) with reference to the development or redevelopment of the marshland area within the Town, including, without limitation, authorizing or approving to the extent required under said Chapter 358, the financing arrangements set forth in the Final Plan for Project Area No. 1 of the Hampton Municipal Development Authority, or to take any action incidental to or connected with the foregoing matters or any of them.

Article 22 of the warrant for the Annual Town Meeting of March 13, 1962, was voted not to be considered at this meeting. See pages 22, 23 and 39 of the Annual Town Report.

Acquiring Marshland for Wildlife

On petition of Ruth G. Stimson and 153 other legal voters of the Town of Hampton; to see if the Town of Hampton will vote to acquire a portion (350 acres or more) of Hampton marshland, east of U.S. 1, to be preserved forever in its natural state for wildlife and conservation purposes, under the protection of U.S. Dept. of Interior (Fish and Wildlife Service) or similar state agencies by:

1. Gifts of marshland from interested owners,
2. Purchases from marshland owners by the U.S. Dept. of Interior, or by similar state agencies,

So that New Hampshire's only section of salt wetlands may always remain a part of the state's heritage; and that a committee of seven conservation minded citizens be appointed by the Moderator to make an immediate study of the situation and report to the Board of Selectmen at the earliest possible date.

Article 28 of the Annual Town Meeting of March 13, 1962, was moved, seconded and passed. See pages 28 and 29 of the Annual Town Report.

Rescind 1960 Town Meeting Action

On petition of Ruth G. Stimson and 146 other legal voters of the Town of Hampton, to see: whether the voters of Hampton are willing to rescind Article 7, Section 3, passed at the 1960 Town Meeting which read: "On petition of Donald A. Ring and twelve other voters of the Town of Hampton to see if the Town will vote to convey for the sum of $1.00 to the Hampton Marsh Reclamation Authority any and all marsh land owned by the Town of Hampton and located within the area, such conveyances to be made by the Selectmen for and in behalf of the Town, upon the approval of each final plan as described in Section 12-14 of Chapter 412 of the Acts of 1959."

Article 17 of the warrant for the Annual Town Meeting of March 16, 1963, was moved and seconded. Motion to postpone action on Article 17 for one year was voted. See pages A-7, 29, 30, 31, 32, 33, 34 and 35 of the Annual Town Report.

Land for Wildlife Conservation

On petition of Ruth G. Stimson and 146 other legal voters of the Town of Hampton, to see: if the Town of Hampton will vote to set aside for wildlife and conservation purposes any and all Town owned marshland, east of U.S. Route 1 (excluding marshland in proposed Project 1 area of the Hampton Development Authority) so that a portion of Hampton's salt wetlands may always remain a part of the state's heritage in its natural state, under the joint supervision of a Hampton Marsh Conservation Committee and the U.S. Dept. of Interior (Fish & Wildlife Service), or similar agency.

Article 18 of the warrant for the Annual Town Meeting of March 16, 1963, was moved, seconded and voted postponement of action. See pages A-7 and 35 of the Annual Town Report.

Land for Wildlife and Conservation Purposes

We, Ruth Stimson and one hundred and fifty other legal voters of the Town of Hampton, hereby respectfully petition the Board of Selectmen to insert in the following article in the Warrant for the Annual Town Meeting of 1964.

1. Whereby by a vote passed at the annual Town meeting of the Town of Hampton for the year 1960 certain marsh land owned by the Town of Hampton and located within the area specified in the vote was authorized to be conveyed to the Hampton Marsh Reclamation Authority, and
2. Whereas, your petitioners desire to rescind said vote in part, and
3. Whereas your petitioners request that the marsh land owned by the Town of Hampton and located within the following described area be set aside and dedicated for wildlife and conservation purposes, namely:

North Boundary: Start at intersection of B. & M. RR. And southerly side line of Exeter-Hampton Electric Co. right of way south of Drakeside Road, and progress in a general easterly direction to the point of intersection with the westerly side of Landing Road; then following the said westerly sideline of Landing Road in a general southerly direction and thence in a general easterly direction as far as the southerly side line of Exeter-Hampton Electric Co. right of way; thence following the southerly side line of said Exeter-Hampton Electric Co. right of way in an easterly direction as far as the west bank of Tide Mill Creek located at mean high tide.

East Boundary: Tide Mill Creek (west boundary of Project 1 area).

South Boundary: Hampton River past Nudd's Canal and Hobb's Point to junction of Hampton and Hampton Falls Rivers, then following the Town boundary to the B. & M. RR. right of way.

West Boundary: East side of B. & M. RR. right of way in a Northerly direction to a starting point the junction with Exeter-Hampton Electric Co. right of way, and

4. Whereas the marsh land located within the aforesaid specified area has not been conveyed by the Town to the Marsh Reclamation Authority.

Therefore we hereby request that the Town of Hampton vote to partially rescind the vote taken at the annual town meeting held in March 1960 whereby the Town voted to convey certain marsh land to the Marsh Reclamation Authority, said partial rescinding of said vote to be wholly as to the area herein before described in paragraph 3 and to further vote that the marsh land owned by the Town of Hampton located in said area herein before described in paragraph 3 to be set aside for wild life and conservation purposes; said vote shall take effect immediately upon the passage of this article.

Article 20 of the warrant for the Annual Town Meeting of March 10, 1964, was moved to amend by deleting the North, East, South, and West Boundaries as described, and substituting the following boundaries described as follows:

Beginning at a point approximately two thousand feet north of the Taylor River at the intersection of the easterly sideline of the right-of-way of the New Hampshire turnpike with the southerly side-line of the right-of-way of the Exeter and Hampton Electric Company, south of Drakeside road; thence following the southerly sideline of said Exeter and Hampton Electric Company right-of-way in a general easterly direction to the point of its intersection with the westerly side-line of the right-of-way of Landing Road; thence following the said westerly side-line of Landing Road in a general southerly direction to its southernmost point; thence in a southerly direction to and continued down the stream known as Nudd's Canal to the point where it intersects the Town of Hampton line in Hampton River; thence running in a general northerly direction following said Town line to the point of its intersection with the easterly side-line of the right-of-way of the New Hampshire turnpike; thence following the said easterly side-line of the New Hampshire turnpike in a general north-easterly direction to the point of beginning.

Motion was seconded. Article 20 as amended was voted in the affirmative. See pages A-6, A-7, 22, 23, 24 and 25 of the Annual Town Report.

Dredging and Filling of Marshlands

On petition of Peter E. Randall and ten other legal voters of the Town of Hampton: to see if the Town shall pass the following resolution: In view of the provisions of State Statute 483-A, paragraph 4-B, which says "All State, County and local law enforcement officials are directed to be watchful for violations of the provisions of this chapter and to report all suspected violations to the Board." be it therefore resolved that our local law enforcement officials, including the Board of Selectmen, Police and Building Inspector be directed to enforce this law regarding the dredging and filling of marshlands and other wetlands with renewed vigor and that they request a cease and desist order be issued by the Special Board constituted under this law unless a permit issued by that Board is posted prominently near any dredging and filing of wetlands or any other violation of 483-A.

Article 21 of the warrant for the Annual Town Meeting of March 11, 1972, was moved, seconded and voted in the affirmative. See page 75 of the Annual Town Report.

Chapter 306

MASTER PLAN

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Resolution

The following resolution was submitted by James W. Tucker, Jr. under an article in the warrant for the Annual Town Meeting of March 10, 1953.

Whereas, under the law, one of the chief functions of our Planning Board is to provide a carefully drawn plan for the orderly growth and development of Hampton, and

Whereas such a plan is now lacking and can best be provided only be expert consultants, and engineers in the field of town and city planning, and

Whereas economic trends in this critical defense area fully demonstrate the immediate need for such a well formulated plan and for all the pertinent information relative to our community which such a plan will produce, therefore

Be it resolved by the voters of Hampton in Town Meeting assembled on March 10, 1953, that we request our Planning Board to consult immediately with one or more reputable firms of city and town planners to secure complete and detailed information concerning the cost involved in preparing for Hampton a complete Master Plan with all the necessary maps and data and to secure such other details as may be relevant, and

Be it further resolved that this meeting advocates for obvious reasons the appointment to the Planning Board of two resident civil engineers, and

Be it resolved in conclusion that the requested information be conveyed to the voters at the next regular Town Meeting or at an earlier special town meeting, if, in the opinion of the Board, such special action is either necessary or desirable.

Master Plan Appropriation

In accordance with a resolution adopted at the Annual Town Meeting held March 10, 1953, the Planning Board submits the following article:

To receive the report of the Planning Board relative to the cost estimated at $15,000.00 of making a Master Plan for the Town in accordance with Chapter 53, Revised Laws of 1942 as Amended, to see if the Town will accept the same, and raise and appropriate the sum of $5,000.00 for the estimated cost of the work to be done in 1954.

Article 16 of the warrant for the Annual Town Meeting of March 9, 1954 was moved, seconded and voted in the affirmative. See pages 7 and 28 of the Annual Town Report.

Master Plan

To see if the Town will vote to raise and appropriate the sum of $10,000 for continuing work on the Master Plan, said sum to be expended directly by the Planning Board, or used in conjunction with State and/or Federal funds if such matching funds are available.

Article 10 of the warrant for the Annual Town Meeting of March 8, 1955 was moved, seconded and voted in the affirmative. See pages 7 and 24 of the Annual Town Report.

Chapter 315

MONUMENTS

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes

[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Korean Conflict Honor Roll

On petition of Roland W. Paige and ten other legal voters of the Town of Hampton, to see if the town will vote to raise and appropriate the sum of one thousand dollars ($1,000.00) for the purpose of purchasing and erecting a Korean Conflict Honor Roll to be cast in bronze.

Article 28 of the Annual Town Meeting of March 11, 1958, was so voted. See page 192 of the Town Records of 1955-1960.

Chapter 317

MOSQUITO CONTROL DISTRICT

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Mosquito Control District

On petition of Ruth G. Stimson and 193 other legal voters of the Town of Hampton — to see if the Town will vote, by a yes or no ballot, to create, establish and maintain a Town Mosquito Control District under the provisions of R.S.A. 437-A of the New Hampshire State Laws. The boundary of the District shall be the boundaries of the Town. The goal is to try to eliminate breeding conditions for mosquitoes. Joint efforts with neighboring towns will be necessary. N.H. Law R.S.A. 437-A provides 5 cents per $100 of property valuation. This levy shall be a separate item on a tax bill.

Article 13 of the warrant for the Annual Town Meeting of March 9, 1974, was voted by ballot: Yes 156, No 37. See pages 39 and 41 of the Annual Town Report.

Mosquito Control District

On petition of Ruth G. Stimson and 166 other legal voters of the Town of Hampton — to see if the Town will vote, by a yes or no ballot, to create, establish and maintain a Town Mosquito Control District under the provisions of R.S.A. 437-A of New Hampshire State Laws. The boundary of the District shall be the boundaries of the Town. The goal is to try to eliminate breeding conditions for mosquitoes. Joint efforts with neighboring towns will be necessary. New Hampshire Laws R.S.A. 437-A provides a maximum of 5 cents per $100 of property valuation. This levy shall be a separate item on the tax bill.

Article 19 of the warrant for the Annual Town Meeting of March 4, 1975, was moved, seconded and voted by ballot: Yes 98, No 53. See page 37 of the Annual Town Report.

Chapter 328

NOISE

§ 328-1. Authority.
§ 328-2. Purpose.
§ 328-3. Unnecessary noise prohibited.
§ 328-4. Definitions.
§ 328-5. Hours of construction work.
§ 328-6. Severability.
§ 328-7. Violations and penalties.
§ 328-8. When effective; repealer.

[HISTORY: Adopted by the Town Meeting of the Town of Hampton 3-11-2008 by Art. 33. Amendments noted where applicable.]

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§ 328-1. Authority.

In accordance with the provisions of RSA 31:39, authorizing the Town of Hampton to enact bylaws, the following chapter is adopted by the Annual Town Meeting.

§ 328-2. Purpose.

The Annual Town Meeting of the Town of Hampton ordains that it is in the public interest and hereby establishes that it is public policy to regulate unnecessary noise.

§ 328-3. Unnecessary noise prohibited.

No person shall operate any vehicle in the Town of Hampton so as to make any loud, unusual or unnecessary noise as defined within this chapter.

§ 328-4. Definitions.

The following words shall have the following meanings:

LOUD, UNUSUAL OR UNNECESSARY NOISE — Includes any noise occasioned by any one or more of the following actions of or by the operator of any vehicle:

A. Misuse of power exceeding the tire traction limits in acceleration, sometimes known as "peeling rubber";

B. Misuse of braking power exceeding tire traction limits in deceleration where there is no emergency;

C. Rapid acceleration by means of quick upshifting of transmission gears with either clutch or manual transmission or automatic transmission;

D. Rapid deceleration by means of quick downshifting of transmission gears with either clutch or manual transmission or automatic transmission;

E. Racing engines by manipulation of the accelerator, gas pedal or carburetor or gear selection, whether the vehicle is either in motion or standing still;

F. The excessive blowing of any horn, except as a warning signal, or the use of any other noisemaking device, whether the vehicle is in motion or standing still; or

G. The playing of radios or cd, cassette tape, disk or other players so loud as to be annoying to others in the next car or in their yards or homes.

VEHICLE — Includes antique motor vehicle or motorcycle; automobile transporter; automobile transporter stringer-steered; automobile utility trailer; bus; combination vehicle; commercial motor vehicle; emergency vehicle; full trailer; heavy truck; construction equipment; light truck; mixed-use school bus; moped; motor truck; motor vehicle; motorcycle; motor-driven cycle; off-highway recreational vehicle (OHRV); private passenger vehicle; recreational vehicle; school bus; semitrailer; sidecar; single unit vehicle; ski area vehicle; snowmobile; special mobile equipment; street rod; tractor; tractor trailer; trailer; truck; truck-tractor; and vehicle, all as defined in RSA 259.

WAY — A way as defined in RSA 259:125, I and II.

§ 328-5. Hours of construction work. [Amended 3-10-2015 ATM, Art. 37, ballot vote: Yes 1,909, No 389]

Except for emergencies and municipal vehicles or vehicles contracted by the Town to sweep streets, beach rakings, and collect solid waste and recycling materials, no person shall cause the construction, reconstruction, remodeling or demolition of a dwelling or structure, the digging up or the filling in or leveling or contouring of the ground, the breaking of pavements, concrete, stone or foundations, the excavation of streets, the operation of heavy equipment of any kind or the use of blasting or the driving of pile or jacking of pipes within the Town of Hampton before 7:00 in the a.m. or after 7:00 in the p.m. local time, Monday through Friday of any week, or before 9:00 in the a.m. or after 5:00 in the p.m. local time on any weekend or any holiday.

§ 328-6. Severability.

If any section or part of a section or paragraph of this chapter is declared invalid or unconstitutional, said declaration shall not be held to invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this chapter unless the purposes of this chapter cannot be accomplished in the absence of the invalidated provision.

§ 328-7. Violations and penalties.

Any person found to be in violation of this chapter shall be guilty of a violation and upon conviction shall be fined not less than $100 nor more than $250 for each such offense or violation, such sums to inure to the general fund of the Town.

Chapter 339

OFFICERS AND EMPLOYEES

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Retirement and social security — See Ch. 390. **Code of Ethics — See Ch. 594.**

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Assessors

Voted that the Selectmen be chosen Assessors.

Voted under the warrant for the Annual Town Meeting of March 13, 1906. See the Annual Town Report.

Surveyors of Highways

Voted that the appointment of Surveyors of Highways be left with the Selectmen.

Voted under the warrant for the Annual Town meeting of March 13, 1906. See the Annual Town Report.

Health Officers

Voted that Health Officers be appointed by the Selectmen.

Voted under the warrant for the Annual Town Meeting of March 10, 1908. See page 6 of the Annual Town Report.

Create Building Inspector

To see what action the Town will take regarding the appointment of an inspector of buildings, prescribed his duties, and fix his compensation. Moved and seconded that an inspector of buildings be appointed by the Selectmen, his duties prescribed and compensation fixed and until such appointment that the Selectmen act as such inspector.

Article 1 of the warrant of the Special Town Meeting of July 18, 1921, was passed on a voice vote. See pages 13 and 14 of the Annual Town Report.

Appoint Building Inspector

Voted that the Town shall appoint a Building Inspector for said Town, said Inspector a resident or non-resident of Hampton, to be paid a suitable salary by said Town.

Voted under Article 1 of the Warrant for the Special Town Meeting of July 18, 1921, at the adjourned session on July 25, 1921. See page 15 of the Annual Town Report.

Town Clerk — Salary

To see if the Town will vote to pay the Town Clerk the sum of $500.00 a year as salary in addition to the fees prescribed by law, and to raise and appropriate the same.

Article 8 of the warrant for the Annual Town Meeting of March 9, 1954, was moved and seconded. Amendment to pay the Town Clerk an annual salary of $1,000 in addition to the fees prescribed by law was passed. The main motion as amended was passed. See pages 6, 26 and 27 of the Annual Town Report.

Tax Collector Authorized to Appoint Deputy

To see if the Town will vote to authorize the Tax Collector to appoint a deputy, with the approval of the selectmen, in accordance with the authority granted in Chapter 41:38 of the New Hampshire Revised Statutes Annotated 1955 as amended.

Article 7 of the warrant of March 13, 1962, was moved, seconded. Amendment was moved to amend the main motion by adding to the end of Article 7 the words "upon approval of Article 6 on the Australian Ballot." Motion to amend was voted in the affirmative: Yes 107, No 91. The main motion as amended was voted in the affirmative. See page 13 and 33 of the Annual Town Report.

Tax Collector Three-Year Term

On petition of Wilfred Cunningham and 10 other legal voters to see if the Town will vote to elect a Tax Collector for a term of three years.

Article 18 of the warrant for the Annual Town Meeting of March 7, 1972, was voted by ballot: Yes 1,568, No 800. See page 43 of the Annual Town Report.

OFFICERS AND EMPLOYEES

Town Clerk Three-Year Term

On petition of Wilfred Cunningham and 11 other legal voters in the Town of Hampton, to see if the Town will vote to elect a Town Clerk for a term of three years.

Article 18 of the warrant for the Annual Town Meeting of March 6, 1973, was voted by ballot: Yes 1,467, No 543. See page 42 of the Annual Town Report.

Tax Collector Authorized to Appoint Deputy

To see if the Town will vote to authorize the Tax Collector to appoint a Deputy Tax Collector, with the approval of the Selectmen, who shall be sworn, have the powers of collectors, may be removed at the pleasure of the Tax Collector, and before entering upon the duties of the office shall give a bond as provided in R.S.A. 41:6.

Article 25 of the warrant of the Annual Town Meeting of March 4, 1975, was moved, seconded and voted in the affirmative. See pages 9A, 10A and 38 of the Annual Town Report.

Town Clerk Paid in Lieu of Fees

To see if the Town will vote to compensate the Town Clerk an amount a provided for in the 1976 Town Budget, in lieu of statutory fees, for his services, as provided in R.S.A. 41:25. (NOTE) Article 13 appears on the Ballot worded as follows: "Shall the Town pay the Town Clerk compensation in lieu of statutory fees?"

Article 13 of the warrant for the Annual Town Meeting of March 2, 1976, was voted by ballot: Yes 747, No 619. See pages A6 and 54 of the Annual Town Report.

Indemnification of Officials and Employees

To see if the Town will authorize the Board of Selectmen to reimburse any Selectman, member of the Board of Adjustment, member of the Planning Board, or the Town Manager or any member of any other Town board or commission for any personal financial loss and expense, including reasonable legal fees and cost not compensated for by such insurance as may be procured by the Town, arising out of any claim, demand, suit, or judgement by reason of any act or omission constituting a violation of the civil rights of any person under federal law, if such act or omission was not committed with malice, or by reason of any other act of omission made in good faith for which such person is held liable for civil damages, and if such act or omission was within the scope of his or her employment or office.

Article 54 of the warrant for the Annual Town Meeting of March 14, 1981, was moved and seconded. Amendment was moved and seconded to delete the word "or" on line four, replacing it by a comma and adding "or Department Head or any other Town employee." The amendment passed; the article as amended was voted in the affirmative. See page 53 of the Annual Town Report.

Town Treasurer Three-Year Term

To see if the Town will vote to elect a Town Treasurer of the Town of Hampton for a term of three (3) years.

Article 20 of the warrant for the Annual Town Meeting of March 10, 1992, was moved, seconded and voted by yes/no ballot: Yes 225, No 37. See page 25 of the Annual Town Report.

Appointment of Building Inspector

Shall the Town of Hampton vote to rescind Section 3 of Article VI of the 1948 Town Meeting that requires the Board of Selectmen to annually appoint the Building Inspector, and to provide that the appointment, supervision, and removal of the Building Inspector shall be under the authority of the Town Manager or his designee?

Buck Amendment Final Wording "To see if the Town of Hampton will vote to change the hiring, annual appointments and supervision of the Building Inspector from the Board of Selectmen to the status of a department head under the direct supervision of the Town Manager."

Results of balloting on March 14, 2000: Yes 2,586, No 863. Article 33 passed.

Chapter 346

PEDICAB BUSINESSES

§ 346-1. Authority.

§ 346-2. Purpose.

§ 346-3. Definitions.

§ 346-4. Licenses required.

§ 346-5. License period.

§ 346-6. Police Department approval.

§ 346-7. Pedicab routes and hours of operation.

§ 346-8. Pedicab license plate.

§ 346-9. Insurance.

§ 346-10. Responsibility of owner.

§ 346-11. Obedience to traffic laws; required equipment.

§ 346-12. Pedicab size.

§ 346-13. Pedicab condition.

§ 346-14. Pedicab operation.

§ 346-15. Complaints.

§ 346-16. Nuisances.

§ 346-17. License suspension or revocation.

§ 346-18. Violations and penalties.

§ 346-19. Severability.

§ 346-20. When effective; repealer.

[HISTORY: Adopted by the Town Meeting of the Town of Hampton 3-8-2011 by Art. 45; ballot vote: Yes 1931, No 908. Amendments noted where applicable.]

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§ 346-1. Authority.

In accordance with the provisions of RSA 31:39, I(g) and (l), authorizing the Town of Hampton to enact bylaws, the following chapter for the regulation of pedicab businesses is adopted by the Town of Hampton in Annual Town Meeting assembled.

§ 346-2. Purpose.

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

§ 346-3. Definitions.

The following words shall have the meanings indicated within this chapter:

BICYCLE — Every pedaled vehicle propelled solely by human power upon which any person may ride, except child's tricycles and similar devices.

BOARD — The Hampton Board of Selectmen.

DAYTIME — The period between sunrise and sunset.

FOR HIRE — To provide, or offer to provide, a service in exchange for any form of payment or gratuity.

MOPED — A motor-driven cycle as defined in RSA 259:57.

NIGHTTIME — The period between 1/2 hour before sunset and 1/2 hour before sunrise.

OPERATOR — The person in physical control of a pedicab.

OWNER — A person who owns or holds an ownership interest in a pedicab business.

PEDICAB — A bicycle or moped, or a bicycle or moped that is attached to a trailer, sidecar or similar device, that is operated by an individual and is designed to be ridden by one or more persons and that transports or is capable of transporting passengers on seats attached to the device and that is used for transporting passengers for hire.

TOWN — The Town of Hampton.

§ 346-4. Licenses required.

A. Pedicab business license.

(1) No person shall engage in the business of operating a pedicab unless that person has first obtained a pedicab business license from the Board and a license for each pedicab to be operated.

(2) Application for such license shall be made, in writing, to the Town on forms provided by the Town and submitted to the Board.

(3) A nonrefundable fee for processing the application of $100 shall be submitted with the application, along with a nonrefundable fee of $50 for the first pedicab and a fee of $25 for each additional pedicab to be operated under the auspices of the pedicab business involved.

(4) Applicants for a pedicab business license shall submit to the Town a copy of their criminal and motor vehicle record with their application.

(5) In addition to such information as the application form may require, the applicant must also submit the following:

(a) The applicant's full name and residence address;

(b) The applicant's date of birth;

(c) The applicant's driver's license number;

(d) A certificate of insurance indicating compliance with § 346-9 of this chapter;

(e) The route or routes on which the applicant proposes to operate pedicabs; and

(f) Other such information as the Board may require.

B. Pedicab operator license.

(1) No person shall act as an operator of a pedicab unless such person obtains a pedicab operator's license from the Town through the Board.

(2) Application for a license as a pedicab operator shall be made, in writing, to the Town on forms provided by the Town.

(3) A nonrefundable application processing fee of $50 shall be submitted with the application.

(4) Applicants for a pedicab operator's license shall submit with their application a criminal and motor vehicle record check.

(5) In addition to such information as the form may require, the applicant must submit the following:

(a) The applicant's full name and residence address; and

(b) The applicant's date of birth.

§ 346-5. License period. [Amended by 3-12-2013 ATM, Art. 28, ballot vote: Yes 2012, No 196]

All licenses granted under this chapter shall remain in full force and effect until the annual expiration date of their required insurance.

§ 346-6. Police Department approval.

A. The Chief of Police shall cause an investigation to be made of the fitness of the applicant to engage in said business or as a pedicab operator. This investigation shall be completed within 60 days of receiving a full and complete application and required record checks. Upon conclusion of this investigation, the Chief of Police shall report his findings and forward a recommendation on the application to the Board.

B. A license shall not be issued to 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 crime involving a controlled substance, or violence, in this or any other state, in the 15 full years prior to the date of the application; or

(5) The individual has been convicted of repeatedly violating the statutes of the State of New Hampshire or any other state or territory or has been determined by the Chief of Police to be unsuitable to obtain a license.

§ 346-7. Pedicab routes and hours of operation.

A. No person may operate a pedicab in the Town unless the proposed route and times of operation have been approved in advance by the Police Department.

B. Pedicabs shall be operated only on routes approved by the Police Department, either as a normal route or as a special route; and only during time periods as approved by the Police Department.

(1) Normal routes. Normal routes for pedicab operation are those routes approved by the Police Department upon the licensee's application for a license. The Police Department shall determine normal pedicab routes upon consultation with applicants; determination of normal routes shall be based on the safety of all users of the transportation system and on maintaining efficient flow of traffic.

(2) Special routes. A pedicab licensee may apply for a temporary permit from the Police Department to use other routes on a trip-by-trip basis to accommodate a special event. An application for such special permit setting forth the date, time and nature of the special event and the exact route requested must be filed with the Police Department, on a form provided by the Town of Hampton, at least 20 business days prior to the date of the special event. The special permit will be issued only if the Police Department determines that the operation of a pedicab on the requested route, on the date and at the time requested, will not cause undue interference with traffic. Every special permit shall set forth the date, time and nature of the special event and shall be kept with the pedicab and readily available for inspection at all times during the term of the special permit.

C. The Police Department may temporarily alter approved normal or special routes or approved hours of operation as it deems necessary due to construction or other circumstances that may arise.

§ 346-8. Pedicab license plate.

The licensee shall, at his or her own cost, provide a license plate or other individually identifying marker approved by the Police Department. This marker shall prominently display the unique assigned license number issued by the Town for each pedicab.

A. Such license plate must be placed on the center rear portion of the pedicab, so as to be visible to the public from a distance of 100 feet.

B. All pedicabs shall be identified by the licensee's name (or company name) and license number issued by the Town.

§ 346-9. Insurance.

A. No license shall be issued to any pedicab business until the applicant shall have filed with the Board satisfactory proof of valid insurance coverages for the pedicab business for the full period of the license that includes the following:

(1) General liability coverage. Licensee shall submit a valid policy of general liability coverage with a pedicabs endorsement from a company licensed to issue such insurance in the State of New Hampshire in the following amounts which shall be maintained during the life of the license (excess or umbrella coverage may satisfy requirements). The terms of the policy shall provide that the insurance company assumes financial responsibility in an amount not less than one million dollars ($1,000,000.00) minimum commercial general liability coverage per occurrence for bodily injuries and personal injuries or property damage caused by the operation of the pedicabs, including but not limited to pedicabs operated by the officers, employees, agents, or lessees of the pedicab owner. **[Amended by 3-12-2013 ATM, Art. 28, ballot vote: Yes 2012, No 196]**

(2) Workers' compensation. Licensee shall submit a current certification of workers' compensation insurance in accordance with the provisions of New Hampshire law from a company licensed to issue such insurance in the State of New Hampshire in the following amounts which shall be maintained during the life of the contract (excess or umbrella coverage may satisfy requirements):

(a) Coverage A: statutory.

(b) Coverage B: $1,000,000. If individuals other than the owner(s) are operating the pedicabs, the owner shall carry minimum Workers' Compensation Insurance for $1,000,000.00. **[Amended by 3-12-2013 ATM, Art. 28, ballot vote: Yes 2012, No 196]**

B. The policy shall name the Town of Hampton as an additional certificate holder and insured.

C. If required insurance terminates, expires or is suspended, the permit shall immediately terminate and expire and must immediately be returned to the Board. 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 presented to the Board of Selectmen ten days in advance for non-payment by the insured and 30 days in advance for non-renewal, cancellation and cancellation warning by the insured. **[Amended by 3-12-2013 ATM, Art. 28, ballot vote: Yes 2012, No 196]**

D. The policy shall designate by manufacturer's serial or identification number all pedicabs for which coverage is granted.

E. The policy shall insure the person named in the policy and any other person using or propelling the pedicab with the express or implied permission of the named insured against any liability arising out of the ownership, maintenance or use of the pedicab.

§ 346-10. Responsibility of owner.

It shall be unlawful for an owner to permit a pedicab to be operated or maintained while in violation of any section within this chapter.

§ 346-11. Obedience to traffic laws; required equipment.

A. Every pedicab operator shall operate the pedicab in conformance with all state and Town traffic laws, ordinances, and rules as if the pedicab were a motor vehicle, except that:

(1) Pedicabs shall be prohibited from operating where bicycles are prohibited; and

(2) A pedicab may pass on the right side of vehicles traveling in the same direction.

B. It shall be unlawful to operate a pedicab without:

(1) The name and phone number of the permitted business clearly and prominently displayed on the pedicab;

(2) A braking system on the bicycle or moped, capable of bringing the pedicab to a safe stop under all conditions, and capable of being reached by the operator from his normal position of operation;

(3) A mirror located to reflect to the operator a view of the road at least 200 feet to the rear;

(4) Using a lamp on the front that illuminates a person or vehicle at least 50 feet to the front during nighttime;

(5) Using a lamp on the front that emits a white light visible from at least 250 feet to the front during nighttime;

(6) Using a lamp on the rear that emits a red light visible from at least 250 feet to the rear during nighttime;

(7) Using a triangle reflective sign on the rear that is visible from at least 250 feet to the rear during nighttime;

(8) Using side and rear reflector strips, reflective strips no smaller than 1 1/4 inches wide and 24 inches long affixed horizontally to the side and rear of the pedicab visible from at least 250 feet to the side and rear during nighttime, and rear turn signal lights; and

(9) A sign conspicuously posted on the exterior of the pedicab indicating the amount, if any, to be charged for the use of the pedicab or the basis for calculating such amount.

§ 346-12. Pedicab size.

It is unlawful to operate a pedicab that is:

A. Wider than 54 inches at its widest point; or

B. Longer than 12 feet at its longest point.

§ 346-13. Pedicab condition.

It is unlawful to operate a pedicab that:

A. Has exposed rust;

B. Has ripped upholstery or fabric;

C. Has exposed wood that is not painted and in good condition;

D. Is equipped with a siren or whistle;

E. Has advertising icons;

F. Has commercial advertising materials, other than the name and phone number of the permitted business with which the pedicab is associated; or

G. Promotes patronage through garish display of colors, sounds, murals or other thematic devices located on the vehicle.

§ 346-14. Pedicab operation.

A. No person may place into service or operate any pedicab or other like vehicle, three wheeled or otherwise, with a fixed bench or trailer, unless properly licensed under this chapter and inspected for condition and proven to be safe and roadworthy to the Police Department.

B. It is unlawful to operate a pedicab or allow a pedicab to be operated as part of a pedicab business:

(1) In an unsafe condition or without the equipment required by this chapter;

(2) By riding other than on or astride a permanent and regular seat attached to the pedicab;

(3) By carrying more passengers than the maximum number of seats available, except that persons under three years of age are excluded from this limitation if each child is sitting in the lap of an adult;

(4) Unless all passengers are seated while the pedicab is in motion;

(5) By collecting fares, making change, or taking on or discharging passengers while the pedicab is in motion;

(6) By allowing passengers to board or disembark while the pedicab is moving;

(7) By putting or continuing the pedicab in motion while any passengers are standing or sitting anywhere other than in the passenger seats;

(8) With more than one trailer, sidecar or similar device;

(9) In a manner that results in damage to public property;

(10) In a manner that results in colliding with a pedestrian;

(11) In a manner that obstructs or impedes pedestrian or vehicular traffic;

(12) By knowingly permitting another to attach his or her person, bicycle, coaster, sled, toy vehicle, roller skates, skateboard, scooter or other rolling device to the pedicab;

(13) With an operator's using any mobile telecommunication devices and any entertainment devices while in the operation of the pedicab;

(14) By carrying anything that prevents the operator from keeping at least one hand on the handlebars;

(15) On a street or adjoining sidewalk that has been closed by the Town to motor vehicles;

(16) On a street without a designated bike lane, or adjoining sidewalk, when the street has a posted speed limit of 35 miles per hour or greater, except for crossing that street;

(17) By parking the pedicab in a manner that disrupts the flow of automobile traffic on public streets or so as to impede the flow of pedestrian traffic;

(18) By obstructing pedestrian traffic on a sidewalk or crosswalk by remaining stopped on a sidewalk or crosswalk;

(19) By parking of pedicabs on sidewalks or crosswalks for the purpose of soliciting and the taking on of passengers; or

(20) By storing, parking or leaving any pedicab overnight on any street or sidewalk.

§ 346-15. Complaints.

A. Should the operation of the pedicab business give rise to complaints from motor vehicle operators, pedestrians, or from any of the following departments, the Health Department, the Building Department, the Police Department, or the Fire Department and/or their designees, that such owner or his operators have impeded the flow of motor vehicle traffic or pedestrian traffic or caused a nuisance, the Board may hold a hearing to determine whether or not it should make any orders limiting the business in time or place or otherwise restricting such business to accommodate the needs of public peace, order and safety.

(1) Complaints shall be brought in written form only and shall contain:

(a) The location of the entertainment or place involved in the complaint; and

(b) The name(s), address(es) and phone number(s) of the person(s) filing said complaint.

(2) The complaint shall be in detail and contain the date of, time of and the type or cause of the complaint and/or incident.

B. As a condition of the 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 upon the recommendation of the 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 business and/or to prevent any nuisance related to or caused by the business. 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.

§ 346-16. Nuisances.

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 pedicab business. Such nuisance does not necessarily have to emanate from the business as it includes any nuisance related to or caused by patrons as well as employees. The operation of any pedicab business utilizing a license hereunder shall at all times be compliant with any applicable laws and provisions of the State of New Hampshire.

§ 346-17. License suspension or revocation.

A. The Chief of Police, or his designee, shall have the authority to immediately suspend the pedicab license of any individual who performs any act or makes any statement which creates an imminent threat or risk to the safety of any person. In the event of suspension for this reason, the person whose license has been suspended shall have a right of appeal to the Board.

B. The Board may, either independently or upon recommendation from the Chief of Police, suspend or revoke any license issued under this chapter for any violation or for reasons the Board deems to be in the best interest of the community, after a hearing. Offenses that may result in the suspension or revocation of said license include but are not limited to the following:

(1) Violation of any provision of this chapter;

(2) Violation of any statute of the State of New Hampshire or any other state or territory of the United States relating to the licensed business; or

(3) Any violation of federal or state law or for three convictions of violations of local or state traffic laws or ordinances by any operator of the pedicab.

C. Time limits of the suspension or revocation shall be left to the discretion of the Board. Notice of the suspension or revocation will be made, in writing, to the owner(s) of the business.

D. 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 therefor. The Board shall also provide the affected licensee with a reasonable opportunity to be heard by the Board prior to the suspension or revocation.

§ 346-18. Violations and penalties.

A. Any person or persons violating the provisions of this chapter 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, or any other remedy allowed by law.

B. Such summons shall be issued by a police officer or any authorized law enforcement official. 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.

§ 346-19. Severability.

If any provision, word, clause, section, paragraph, phrase or sentence of this chapter 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 chapter, provided that the purposes of this chapter can still be achieved in the absence of the invalid provisions.

§ 346-20. When effective; repealer.

This chapter 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 pedicabs, except relevant Zoning Ordinance provisions.

Chapter 350

PLANNING BOARD

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Subdivision Authority

To see if the Town will vote to authorize and empower the Planning Board to approve or disapprove, in its discretion, plats showing new streets or the widening thereof, or parks, and upon adoption of this article it shall be the duty of the Town Clerk to file with the Registry of Deeds of the county of Rockingham, a certificate or note showing that the said Planning Board has been so authorized, giving the date of authorization, as provided in Sections 19-29 inclusive, Chapter 53 of the Revised Laws of New Hampshire as inserted in Section 1, Chapter 138 of the Laws of 1949.

Article 24 of the warrant for the Annual Town Meeting of March 11, 1952 was moved, seconded and voted in the affirmative. See pages 9 and 27 of the Annual Town Report.

Subdivision Authority

To see if the Town will vote to amend the ordinance creating the Town Planning Board and authorizing said board to regulate the subdivision of land (Chapter 53, Sections 1-29, Revised Laws of New Hampshire 1942 as amended) as follows:

The Town Clerk is hereby specified as the municipal officer, who shall issue on behalf of the Planning Board, a certificate of failure on the part of the Planning Board to take action on approval or disapproval of a plat submitted to it, as provided by Chapter 53, Section 23, Revised Laws of New Hampshire, 1942, as amended.

Article 9 of the warrant for the Annual Town Meeting of March 10, 1953 was moved, seconded and voted in the affirmative. See pages 6 and 29 of the Annual Town Report.

Number of Planning Board Members Increased

On petition of James W. Tucker and nine other legal voters of the Town of Hampton to see if the Town will vote to authorize and instruct the Board of Selectmen to increase the number of members of the Planning Board from five to seven and to suggest to the Board of Selectmen the appointment of two resident civil engineers as the additional members.

Article 17 of the warrant for the Annual Town Meeting of March 9, 1954 was moved, seconded and voted in the affirmative. See pages 7 and 28 of the Annual Town Report.

Site Plan Approval Authority

On petition of John Pierce Batchelder and 10 legal voters of the Town of Hampton; to see if the Town will vote to empower the Planning Board to review site plans for the development of tracts of non-residential uses as provided in R.S.A. 36-19a.

Article 15 of the warrant for the Annual Town Meeting of March 8, 1966 was moved, seconded and voted in the affirmative. See pages A-5 and 16 of the Annual Town Report.

Site Plan Authority

To see if the Town will vote to: Empower the Planning Board to review, and approve or disapprove site plans for the development of tracts for non-residential uses whether or not such development includes a subdivision or re-subdivision of the site, as permitted by the New Hampshire Revised Statutes Annotated, Chapter 36, Section 19a.

Article 21 of the warrant for the Annual Town Meeting of March 6, 1973 was voted by ballot, yes 1,263, no 568. See page 42 of the Annual Town Report.

Planning Board Elected

Are you in favor of the Town's Planning Board elected by the voters for three (3) year terms instead of one appointed entirely by the Selectmen for a period of five (5) year terms?

Article 32 of the warrant for the Annual Town Election of March 13, 1979 was voted by ballot, yes 1,578, no 447.

Chapter 355

POLICE DEPARTMENT

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Civil defense — See Ch. 87. **Mutual aid — See Ch. 686.**

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Constables

Voted that the appointment of Constables be left to the Selectmen.

Voted under the warrant for the Annual Town Meeting of March 13, 1906. See the Annual Town Report.

Police

Voted that the appointment of Police be left with the Selectmen.

Voted under the warrant for the Annual Town Meeting of March 10, 1908. See page 6 of the Annual Town Report.

Elect Chief of Police

Voted that we proceed to ballot for a Police Officer, the same to act as Chief of Police, with the following result: Gerald Smith was elected.

Voted under the warrant for the Annual Town Meeting of March 11, 1913. See page 6 of the Annual Town Report.

Elect Police

Voted that we proceed to elect three Police, the first elected to act as Chief of Police and then elect a second and third man and as many more as the Town sees fit.

Voted under the warrant for the Annual Town Meeting of March 10, 1914. See page 6 of the Annual Town Report.

Selectmen to Appoint Police Officers

Voted to leave the appointment of Police Officers to the Selectmen with preference to those men whose names appear on the Honor Roll of the late Worlds War, if any be found capable of filling said office of Police Officer, and desiring appointment.

Voted under the warrant for the Annual Town Meeting of March 9, 1920, See page 6 of the Annual Town Report.

48-Hour Work Week for Police

To see if the Town will vote a 48-hour week for the police department and raise and appropriate the sum of $4,000 to meet the additional expenses.

Article 5 of the warrant for the Annual Town Meeting of March 11, 1952 was moved, seconded and voted in the affirmative. See pages 6 and 25 of the Annual Town Report.

Injury in the Line of Duty

On petition of Frances X. McNeil and 13 other legal voters of the Town of Hampton, to see if the Town will vote that a provision be made to a policeman, injured while in the line of duty, receive from the Town of Hampton his full pay while being so incapacitated that he cannot perform his duty. Such performance being at the discretion of the medical representative of the Town, and the Chief of Police. Such time not to exceed one year at full pay, and then a review by the Board of Selectmen to determine future compensation.

Article 18 of the warrant for the Annual Town Meeting of March 10, 1970 was moved, seconded and voted in the affirmative. See pages 6-A, 7-A, 53 and 54 of the Annual Town Report.

POLICE DEPARTMENT

Police Forfeiture Fund

Shall the Town of Hampton adopt the provisions of RSA 31:95-c to restrict 100% of revenues from forfeited money or property received through federal, state, and local sources to expenditures for the purposes specified by federal or state statutes governing forfeitures? Such revenues and expenditures shall be accounted for in a special revenue fund to be known as the Police Forfeiture Fund, separate from the general fund. Any surplus in said fund shall not be deemed part of the general fund's accumulated surplus and shall be expended only after a vote by the legislative body to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund or source of revenue and in compliance with Federal and State laws governing forfeitures. Majority Vote Required.

Results of balloting on March 11, 2003: yes 1,788, no 1,110. Article 55 passed.

Special Revenue Fund

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.

Results of balloting on March 8, 2011: yes 2,544, no 518. Article 17 passed.

Chapter 358

POLYSTYRENE FOOD CONTAINERS

§ 358-1. Ban on use of polystyrene food containers; effective date.

§ 358-2. Violations and penalties.

§ 358-3. Effective date postponed.

§ 358-4. Severability.

[HISTORY: Adopted by the Town Meeting of the Town of Hampton 3-12-1991 by Art. 51.[1] Amendments noted where applicable.]

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§ 358-1. Ban on use of polystyrene food containers; effective date.

To see if the Town will vote to ban the use of polystyrene foam (Styrofoam) food containers by all retail food vendors and food packagers. This article shall take effect as of January 1, 1992, to allow all vendors to use back stock of polystyrene materials. After that date no retail food vendor shall serve or sell prepared food and no food packager shall package meat, eggs, bakery products, or other food in polystyrene foam containers. Also as of this date no vendor in the Town of Hampton who sells tangible personal property at retail shall sell polystyrene food or beverage containers.

§ 358-2. Violations and penalties.

Violations of this chapter shall be punishable by fines as follows:

A. A fine not exceeding $250 for the first violation in a one-year period.

B. A fine not exceeding $500 for the second and each subsequent violation in a one-year period.

§ 358-3. Effective date postponed.

The effective date of this chapter shall be postponed if and as long as there is developed and maintained an effective Town-wide recycling program for polystyrene foam food and beverages containers.

§ 358-4. Severability.

If any part or provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of this chapter, including the application of such part or provision to other persons or circumstances, shall continue in full force and effect. To this end, the provisions of this chapter are severable.

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1. **Editor's Note: Article 36 of the warrant for the Annual Town Meeting of March 14, 1992, was moved, seconded and voted indefinitely postponed: "To see if the Town will vote to rescind Article 51 voted at the 1991 Town Meeting that bans the use of polystyrene foam (Styrofoam) food containers by all retail food vendors, food packagers and vendors selling personal property packaged in polystyrene."**

Chapter 362

POWER TRANSMISSION LINES

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes

[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Burial Required

On the petition of Suzanne M. Fiske and 17 other legal voters of the Town of Hampton: To see if the Town will vote to adopt an ordinance requiring all electric power transmission lines, to be constructed in or through the Town, having a rated potential capacity of 69,000 volts or more to be buried underground.

Article 31 of the warrant for the Annual Town Meeting of March 13, 1979, was voted on by ballot: Yes 1,200, No 848. See page 31 of the Annual Town Report.

Municipally Owned Electric Utility Department

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

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

Results of balloting on March 10, 2009: Yes 715, No 1800. Article 40 failed.

Chapter 381

RECORDS AND REPORTS

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Town Records

Voted that the old records shall not be removed from the town house and all examinations of them shall be made in presence of the town clerk, his fee to be paid by the person making the examination.

Voted under the warrant for the Annual Town Meeting of March 12, 1907. See page 8 of the Annual Town Report.

Annual Audit

To see if the Town will vote to authorize the Selectmen to request an annual audit of the Town Books by the Municipal Accounting Division of the State Tax Commission.

Article 10 of the warrant for the Annual Town Meeting of March 10, 1953 was moved and seconded. Amendment "To have the Selectmen publish in all future Town Reports the following: Summary of Inventory, Schedule of Town Property and Detail of Payments, all of which have been heretofore been contained in Town Reports. Second Amendment that the Selectmen publish an inventory of property valuations in the Town Report. The amendments were passed. The main motion as amended passed. See pages 6 and 29 of the Annual Town Report.

Minutes of Town Meeting

Resolution — that the Town Clerk's records of Town meetings be included in the Town Report so that an intelligent appraisal can be made of Town Business and the Budget can be more easily understood.

Resolution was approved by the Annual Town Meeting of March 10, 1959. See page 21 of the Annual Town Report.

Chapter 384

RECREATION

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Create Recreation Commission

On petition of Frank B. Freeman and ten other legal voters of the Town of Hampton, to see if the Town will vote to authorize the appointment of a Recreation Commission, to act in an advisory capacity with the Town Manager, as provided in State Statutes, Revised Laws of 1942, Chapter 51, Section 34-60, as amended. The members of the Commission to be appointed, vacancies and expirations filled by those who appointed the original members, as follows: first member by the Board of Selectmen; second member by the School Board; third, fourth and fifth members by the Moderator.

Article 11 of the warrant for the Annual Town Meeting of March 13, 1956 was moved, seconded and voted in the affirmative. See pages 6, 7 and 31 of the Annual Town Report.

Promotion of Recreational Activities

On petition of Frank B. Freeman and ten other legal voters of the Town of Hampton, to see if the Town will vote to raise and appropriate the sum of $1,500 for the employment of instructors and the promotion of recreational activities, to be expended under the above article.

Article 12 of the warrant for the Annual Town Meeting of March 13, 1962 was moved, seconded and voted in the affirmative. See pages 7 and 31 of the Annual Town Report.

Director Recreation

To see if the Town will vote to raise and appropriate the sum of $6,000 for the purpose of employing, by June 1, 1972 a full time Director of Recreation for the Town.

Article 11 of the warrant for the Annual Town Meeting of March 11, 1972 was moved, seconded and passed by a counted vote, yes 69, no 53. See page 72 of the Annual Town Report.

Chapter 387

REGIONAL AGENCIES

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Join Regional Planning Agency

To see if the Town will vote to become a member of a regional planning agency, subject to final approval by the Board of Selectmen. This agency will have membership of at least two of the municipalities in the area. The objective of this agency will be to plan for and encourage regional planning analysis, provide consensus on major problems of regional concern and to assist in the effectuation of projects which extend beyond the boundaries of a particular Town.

Article 12 of the warrant for the Annual Town Meeting of March 11, 1969 was moved and seconded. Motion to amend that this article must be voted upon each year. The amendment passed. The main motion as amended was voted in the affirmative. See pages 4A, 28 and 29 of the Annual Town Report.

Strafford-Rockingham Regional Council

To see if the Town will vote to join the Strafford-Rockingham Regional Council and authorize the Town's representatives to the Southeastern New Hampshire Regional Planning Commission to act as delegates to the Council.

Article 21 of the warrant for the Annual Town Meeting of March 5, 1974 was voted on by ballot, yes 1,265, no 281. See page 35 of the Annual Town Report.

Chapter 389

RESIDENCY REQUIREMENTS

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Residence of Department Heads

On petition of Robert F. McNeil and 9 other legal voters of the Town of Hampton, to see if the Town will vote the following question:

Are you in favor of a Town Ordinance that would require all department heads and permanent and/or full time employees of the Town of Hampton to be residents of the Town of Hampton? Yes or No.

Article 15 of the warrant for the Annual Town Meeting of March 12, 1977, was voted by ballot: Yes 61, No 115. See pages A6 and 34 of the Annual Town Report.

Chapter 390

RETIREMENT AND SOCIAL SECURITY

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Town Participation in Retirement System

On petition of Leavitt Magrath and nine other legal voters of the Town of Hampton:

To see if the Town will elect to approve of the inclusion of its officers and employees in the Employees Retirement System of the State of New Hampshire, which system is provided for by Chapter 27-A of the Revised Laws as inserted by Chapter 183 of the Laws of 1945, and as provided by chapter 201 of the Laws of 1945 and subsequent amendments thereto.

Article 17 of the warrant of the Annual Town Meeting of March 9, 1948 was moved, seconded and voted in the affirmative. See pages 7, 8 and 31 of the Annual Town Report.

Town Employees Covered By Social Security

To see if the Town will vote to adopt plan for extending to employees of the Town the benefits of title II of the Federal Social Security Act (old age and survivor's insurance) as authorized by Chapter 234 of the Laws of 1951, and to raise and appropriate the necessary sums of money to defray the Town's share of the cost thereof.

Article 14 of the warrant of the Annual Town Meeting of March 11, 1952 was moved, seconded and voted in the affirmation. See pages 7 and 26 of the Annual Town Report.

Town Treasurer Responsible to Administer Social Security Plan

If the foregoing article is adopted, to see if the Town will authorize the selectmen to execute on behalf of the Town the necessary agreement with the State of New Hampshire to carry into effect the plan and to see if the Town will designate the Town Treasurer as the officer to be responsible for the administration of the plan.

Article 15 of the warrant for the Annual Town Meeting of March 11, 1952 was moved, seconded and vote in the affirmative. See pages 7 and 26 of the Annual Town Report.

Town Participation in Retirement System

To see if the Town will elect to approve of the inclusion of its officers and employees in the New Hampshire Retirement System of the State of New Hampshire, which system is provided for by Chapter 100A of the New Hampshire Revised Statutes Annotated, as amended, and to raise and appropriate the sum of $5,720 therefor.

Article 14 of the warrant for the Annual Town Meeting of March 11, 1969 was moved and seconded. Amended to increase the sum raise and appropriated to $9,253 was passed. The article was vote in affirmative as amended. See pages 4A, 29 and 30 of the Annual Town Report.

Exclude Election Workers from Social Security

To see if the Town is in favor of excluding from its Social Security plan, services performed by election officials or election workers for a calendar year in which the remuneration paid for such services is less than $100.

Article 17 of the warrant for the Annual Town Meeting of March 13, 1979 was moved, seconded and voted in the affirmative. See pages 7A, 8A and 43 of the Annual Town Report.

Election Workers Exclusion Increased

To see if the Town wishes to amend the amount excluded under the authority of Section 218 of the Social Security Act by excluding the services performed by election workers for a calendar year in which remuneration paid for such service is less than $1,000.

Article 28 of the warrant for the Annual Town Meeting of March 9, 1999 was moved, seconded and voted in the affirmative. See page 34 of the Annual Town Report.

Election Workers Exclusion Increased Changes in Exclusion Automatic

Shall the Town of Hampton vote to exclude from its Social Security Plan, in accordance with the Social Security Independence and Program Act of 1994, services performed by election officials and workers for each calendar year in which remuneration paid for such services is less than $1,300.00 annually and that such exclusion shall increase or decrease automatically in accordance with changes in the sum authorized under the Social Security Independence and Program Act of 1994? The authority here shall continue in force indefinitely, until specific recession of such authority by a future Town Meeting.

Article 28 of the warrant for the Annual Town Meeting of March 2008 was voted by ballot, yes 2,411, no 616.

Chapter 396

SCHOOL DISTRICT PROPERTY

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Central School

To see if the Town will vote to turn over to the school district the land adjoining the school property, now belonging to the Town.

Voted that the land adjoining the Central School House extending as far back as the back line of the J. Freeman Williams estate be turned over by the Town and become the property of the School District.

Article 5 of the warrant for the Annual Town Meeting of March 10, 1925 was moved, seconded and voted in the affirmative. See page 9 of the Annual Town Report.

Lease Martel Property, Academy Avenue

On petition of Deborah Gale Bryer and twelve other legal voters of the Town of Hampton, to see if the Town of Hampton will vote to lease to the Hampton School District for the sum of $1.00 per year the former Martel property on Academy Avenue.

Article 30 of the warrant for the Annual Town meeting of March 12, 1957 was moved and seconded. Amendment "until such time as the Cooperative High School is built," was added to the end of the article. Amendment was passed. The main motion as amended was passed. See pages 14 and 35 of the Annual Town Report.

Chapter 401

SELECTMEN, BOARD OF

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Salary of Chairman of Selectmen

Voted that the Resolution in relation to the salary of the Chairman of the Selectmen be indefinitely postponed.

Voted under the warrant for the Annual Town Meeting of March 14, 1911. See page 6 of the Annual Town Report.

Selectman Resignation Not Accepted

Voted that the resignation of Christopher S. Toppan as Selectman be not accepted.

Voted under the warrant for the Special Town Meeting of April 11, 1911. See page 11 of the Annual Town Report.

Financial Duties of Selectmen

The following Resolution was adopted: Resolved — That it is the opinion of this meeting that the Selectmen ought not to expend money in excess of the sum voted for any particular purpose, nor for any purpose other than that for what it has been appropriated, nor borrow money on notes of the Town without first having authority to do so by a vote of the Town.

Voted under the warrant for the Special Town Meeting of April 11, 1911. See page 11 of the Annual Town Report.

Increase to 5 Selectmen

On petition of Fred A. White, Jr., Francis Fitzgerald and 108 other legal voters of the Town of Hampton, to place the following question before the voters as provided by RSA Chapter 41:8 "Are you in favor of increasing the Board of Selectmen to five (5) members?"

Article 20 of the warrant for the Annual Town Meeting of March 9, 1971 was voted by ballot, yes 957, no 716. See pages 31 and 73 of the Annual Town Report.

Selectmen's Meeting Room Dedicated

To see if the Town will vote to name the new Selectmen's Meeting Room the Lawrence Hackett Room.

Article 42 of the warrant for the Annual Town Meeting of March 6, 1976 was moved and seconded. Motion to indefinitely postpone lost on a hand count, yes 53, no 62. Motion to amend to name the room "in memory of all Selectmen who have served this Town since 1638." And that a plaque be erected and dedicated to that effect. Article 42 passed as amended. See pages 59 and 60 of the Annual Town Report.

Change to Three Selectmen

On petition of William H. Lessard and 14 other legal voters of the Town of Hampton; to see if the Town will vote on the following question: "Are you in favor of decreasing the Board of Selectmen to three (3) members?"

Article 28 of the warrant for the Annual Town Meeting of March 13, 1979 was ruled by Town Counsel that no action could legally be taken. Motion to indefinitely postpone was passed. See pages A-11 and 45 of the Annual Town Report.

Acquisition or Sale of Land, Buildings, or Both

On petition of Vivianne G. Marcotte for the Conservation Commission and twenty-five or more registered voters, to see if the Town will vote to adopt the provisions of RSA 41:14(a) "Acquisition or Sale of Land, Buildings, or Both."

I. If adopted, the Selectmen shall have the authority to acquire or sell land, buildings, or both; provided however, they shall first submit any such proposed acquisition or sale to the planning board and to the conservation commission, where a board and commission or both exist, they shall hold two (2) public hearings at least ten (10) but not more than fourteen (14) days apart on the proposed acquisition or sale; provided, however, upon the written petition of fifty registered voters presented to the selectmen, prior to the selectmen's vote, according to the provisions of RSA 39:3, the proposed acquisition or sale shall be inserted as an article in the warrant for the Town Meeting. The selectmen's vote shall take place no sooner than ten (10) days nor later than fourteen (14) days after the second public hearing is held.

II. The provisions of this section shall not apply to the sale of, and the selectmen shall have no authority to sell: a) Town-owned conservation land which is managed and controlled by the Conservation Commission under the provisions of RSA 36-A. b) Any part of a town forest established under RSA 31:110 and managed under RSA 31:112. c) Any real estate that has been given, devised, or bequeathed to the town for charitable or community purposes. (By petition)

Results of balloting on March 12, 2002: yes 1,366, no 1,045. Article 38 passed.

Chapter 406

SEWERS

ARTICLE I
Town Meeting Votes

ARTICLE II
Sewer Use and Construction

§ 406-1. Purpose.
§ 406-2. Definitions.
§ 406-3. Required use of public sewers.
§ 406-4. Private wastewater disposal.
§ 406-5. Construction of building sewers and connections.
§ 406-6. Use of public sewers.
§ 406-7. Protection from damage.
§ 406-8. Powers and authority of inspectors.
§ 406-9. Conflict of laws.
§ 406-10. Violations and enforcement.
§ 406-11. Penalties.
§ 406-12. Liability.
§ 406-13. Ordinance in force.

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes

[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Construct Sewers at Hampton Beach

That the Town construct a common sewer at Hampton Beach for the public convenience and health, and authorize the selectmen to hire the necessary amount of money to construct the same.

A motion to adopt Article 2 of the warrant.

An amendment was offered to the effect that all costs of building the contemplated sewer at the beach be assessed upon those who are benefited thereby; after discussion it was voted that the amendment lie on the table.

After further discussion it was decided by the Moderator that the question to adopt Article 2 must be decided by ballot. Voted: Yes 93, No 18. The Moderator declared the Article adopted. See Special Town Meeting of June 6, 1908, pages 10 and 11 of the Annual Town Report.

Sewer Assessments

Resolved that all moneys arising from what is known as sewer assessments, whether in the hands of Town's counsel or any Town officer, be turned into the Town treasury as such, and that the Treasurer is hereby ordered and instructed to keep a separate account of the same and not to honor any order of the Selectmen out of such moneys unless it pertains to the cost of maintaining the sewer, payment of interest on the sewer notes or reducing the principal of said notes.

Voted under an article in the warrant for the Annual Town Meeting of March 12, 1912. See page 8 of the Annual Town Report.

Sewer Extensions

Resolved that no extensions be made to the sewers as at present constituted unless it is so ordered by a special vote of the Town.

Voted under an article in the warrant of the Annual Town Meeting of March 12, 1912. See page 8 of the Annual Town Report.

Sewer Notes Listed Separately

Resolved that the sewer notes be listed in a place in the Town accounts by themselves, so as to not lose their identity.

Vote under an article in the warrant for the Annual Town Meeting of March 12, 1912. See page 8 of the Annual Town Report.

Sewer — Leavitt's Corner to Near the Ashworth

Voted that the selectmen be instructed to build a sewer from a point near Leavitt's Corner to a point near the Ashworth.

Voted under an article in the warrant for the Annual Town Meeting of March 9, 1915. See page 9 of the Annual Town Report.

Sewer Entrance Fee

To see if the Town will vote to increase the sewer entrance fee from Fifty Dollars to One Hundred Dollars and to authorize and instruct the Selectmen to take any action that may be necessary to carry out this vote.

Article 14 of the warrant of the Annual Town Meeting of March 9, 1948, was moved and seconded. Amendment that churches be exempt from any fee was passed. The amended main motion was voted in the affirmative. See pages 7 and 31 of the Annual Town Report.

SEWERS

Buildings Required to Connect to the Sewer

To see if the Town will vote to require every owner, agent, or tenant of land on which there is a building having or requiring sewerage facilities and adjoining any street through which any common sewer shall be laid to enter said common sewer by making a sufficient drain from said building to the street line and to instruct the Selectmen or the Board of Health to carry this article into effect.

Article 15 of the warrant for the Annual Town Meeting of March 9, 1948, was moved, seconded and voted in the affirmative. See pages 7 and 31 of the Annual Town Report.

Town Land for Disposal of Septic Wastes

On petition of Richard Rice and eighteen other legal voters of the Town of Hampton; to see if the Town will vote to direct the Selectmen and/or Town Manager to designate a portion of Town owned land to be used for the disposal of contents of sewer systems for those whose homes or places of business are not and cannot be connected to the Town sewer plant.

Article 14 of the warrant for the Annual Town Meeting of March 13, 1956, was moved and seconded. Amendment — "No Septic Tank Matter to be deposited at the Hampton Town Dump because it would be dangerous to the health of residents." Amended was adopted. Amendment was reconsidered, vote on the reconsideration as follows: In favor of Dumping sewage at Town Dump 66, Against 84. The article was adopted in the affirmative. See pages 7, 31 and 32 of the Annual Town Report.

Study of Methods of Financing Sewer Extensions

To receive the report of the Selectmen and Planning Board relative to their study of methods of financing sewer extensions and operations as requested by the last Annual Town Meeting and to see if the Town will direct the Selectmen and the Planning Board to seek special legislation authorizing the assessment of sewer rentals as recommended in the report, such special legislation not to be effective until adopted by the Town.

Article 31 of the warrant for the Annual Town Meeting of March 12, 1957, was moved, seconded and voted in the affirmative. See pages 14, 36, 37, 38, 39, and 40 of the Annual Town Report.

Sewer Entrance Fee Ratification

To see if the Town will vote to ratify the policy of the Board of Selectmen, which was established around 1948, of charging a sewer entrance fee of $100.00 for each sewer connection from one to five living units, and an additional $100.00 for each additional one to five living units.

Article 7 of the warrant for the Annual Town Meeting of March 16, 1963, was moved and seconded. A number of amendments were made that were defeated or withdrawn. A motion to amend by removing the words "one to" in the last line and adding in place thereof the words "or less" so that the Article read: "To see if the Town will vote to ratify the policy of the Board of Selectmen, which was established around 1948, of charging a sewer entrance fee of $100.00 for each sewer connection from one to five living units, and an additional $100.00 for each additional five units, or less." Motion passed as amended. See pages A-4, 25 and 26 of the Annual Town Report.

Sewers for Warner Lane and Roberts Drive

On petition of Everett C. Pillsbury and twenty-two other legal voters of the Town of Hampton, to see if the Town will vote to raise and appropriate the sum of $25,000 for the installation of a sanitary sewer system on Warner Lane and Roberts Drive and authorize the Board of Selectmen to reimburse the Town of Exeter for disposal of the sewage collected.

Article 20 of the warrant for the Annual Town Meeting of March 11, 1969, was moved and seconded. Amendment changed the amount to $18,000. The amended main motion passed. See pages 6-A and 33 of the Annual Town Report.

Treatment Plant Named

See if the Town will vote to name the wastewater treatment facility the "Leavitt E. Magrath Wastewater Treatment Plant." In honor of Leavitt E. Magrath who has dedicated forty (40) years of his life in the service of the Town of Hampton as Superintendent of the Sewer Department.

Article 22 of the warrant for the Annual Town Meeting of March 4, 1975, was moved, seconded and voted in the affirmative. See pages 8-A and 38 of the Annual Town Report.

Aid for Sewer Construction

To see if the Town will vote to authorize the Selectmen, until directed to the contrary at a subsequent Town Meeting, to apply, negotiate and do all other things necessary to obtain such federal, state or other assistance as may be available for the design of, and construction of a sewage disposal system, and to authorize the Selectmen to borrow money in anticipation of said assistance as outlined in N.H. R.S.A. 33:7-b et seq., as amended, and pass any vote relative thereto.

Article was moved, seconded and passed. See Article 16 of the March 13, 1979, Annual Town Meeting. See pages 43 and A-7 of the Annual Town Report.

SEWERS

Selectmen to Apply for Federal or Other Funding for Sewers

To see if the Town will vote to authorize the Selectmen, until directed to the contrary at a subsequent Town Meeting, to apply, negotiate and do all other things necessary to obtain such Federal, State, or other assistance as may be available for the report for, design of, and construction of a sewage disposal system, and to authorize the selectmen to borrow money in anticipation of said assistance as outlined in the NH RSA 33:7-b et seq., as amended, and pass any vote relating thereto.

Article 19 of the warrant for the Annual Town Meeting of March 14, 1981, was moved, seconded and voted in the affirmative. See page 46 of the Annual Town Report.

Sewer Construction Grants, Aid and Borrowing

To see if the Town will vote to authorize the Selectmen, until directed to the contrary at a subsequent Town Meeting, to apply, negotiate and do all other things necessary to obtain such Federal, State, or other assistance as may be available for the construction of sewage disposal system, and to authorize the Selectmen to borrow money in anticipation of said assistance as outlined in RSA 33:7-b et seq., as amended, and pass any vote relating thereto.

Article 45 of the Annual Town Meeting of March 11, 1986, was moved, seconded and passed. See page 52 of the Annual Town Report.

Discontinue Rye Sewer Connection

To see if the Town will vote to notify the Town of Rye that, under Section 13, Hampton wishes to terminate the agreement to send Rye's sewage to Hampton for treatment and disposal in our harbor and dump, such agreement being the one signed by a majority of Hampton Selectmen on October 23, 1989, one day before Town Meeting was to vote on removing the Selectmen's authority to do so under RSA 149-1, and nearly one month before the agreement's effective date when the Selectmen no longer had the authority to sign under RSA 149-I, and, further, such signing being done for a $382,531 "buy-out" price (which did not consider the cost of decades-long Hampton appropriations for management involvement in the development and maintenance of our system) when the 1987 Annual Town Meeting had overwhelmingly voted "No" when offered up to $3 million of the 20-year bonding cost of the Northeast Interceptor.

Article 46 of the warrant for the Annual Town Meeting of March 17, 1990, was moved, seconded and voted in the affirmative. See page 26 of the Annual Town Report.

Renewal of Inter-Municipal Agreement for Treatment and Disposal of Wastewater

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

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

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

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

Motion made and seconded to amend to by adding before (majority vote required) "in addition to paying a proportionate share of costs based on gallonage treated and capital costs, Rye shall pay $100k for the 5-year first renewal period by April 1, 2010, in keeping with the $382,000 prepaid in 1990 for the original 20-year period." Motion failed.

Motion made and seconded to amend the first line to designate "three years (instead of 5) from November 17, 2009, as the length of the first renewal period, to be reviewed in 2012." Motion withdrawn.

Results of balloting on March 10, 2009: Yes 2226, No 364. Article 43 passed.

Nonrenewal of Inter-Municipal Agreement

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

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

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

Motion made and seconded to amend by replacing the word "timely" with "immediately" in the first line of Article 44. Motion passed.

Motion made and seconded to restrict reconsideration of Articles 40-44.

Results of balloting on March 10, 2009: Yes 1681, No 777. Article 44 passed.

SEWERS

Renewal of Inter-Municipal Agreement

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.

Results of balloting on March 9, 2010: Yes 2116, No 735. Article 20 passed.

Sewer Billing Rates

Shall the Town of Hampton vote to authorize the Board of Selectmen to establish sewer billing rates for the connection of State property to the Town of Hampton Municipal Sewer System so that the Town may recover its costs and expenses for receiving and treating sanitary sewer wastes discharged from State owned facilities? (Majority vote required)

Results of balloting on March 8, 2011: Yes 2,632, No 326. Article 35 passed.

Septage Tipping Fees

Shall the Town of Hampton vote to authorize the Board of Selectmen to establish septage tipping fees at the Town's Wastewater Treatment Plant on an annual basis following a public hearing so that such fees recover the Town's actual cost of tipping and processing of septage and so that such receipt and processing does not impact the tax rate or impose costs upon the taxpayers of the Town of Hampton? (Majority vote required)

Results of balloting on March 8, 2011: Yes 2,557, No 364. Article 37 passed.

Connection Agreement

Shall the Town of Hampton vote:

To authorize the Board of Selectmen to enter into a Memorandum of Agreement between the Towns of Hampton and Rye and the State of New Hampshire Department of Resources and Economic Development, Division of Parks and Recreation, whereby the State will implement the above connection with the Town of Rye force main sewer line and the Town of Hampton will be paid by the Town of Rye for the resulting additional input into Hampton's wastewater treatment plant of wastewater from the North Hampton State Beach, which is not expected to have any significant effect on the available capacity or process capability of the wastewater treatment plant, on the same terms as the Town of Rye now pays the Town of Hampton under the October 1989 Agreement? (Majority vote required)

Motion was made and seconded to restrict reconsideration of Article 19. Motion passed.

Results of balloting on March 13, 2012: Yes 2611, No 596. Article 19 passed.

Sewer Entrance Fee

Shall the Town of Hampton vote to amend its vote under Article 7 of the Warrant of March 16, 1963, by repealing said vote that read "To see if the Town will vote to ratify the policy of the Board of Selectmen, which was established around 1948, of charging a sewer entrance fee of $100.00 for each sewer connection from one to five units, and an additional $100.00 for each additional five living units, or less" and to enact the following fees for sewer connections to the Town's Municipal Sewer System:

The residential sewer entrance fee shall be $300.00 for each residential sewer connection from one to five living units, and an additional $300.00 for each additional five units, or less, and shall be payable at the time of application for sewer connection to the Town's Municipal Sewer System. (Majority vote required)

Motion made and seconded to amend Article 21 to read as follows:

Sewer Connection Fees/Wastewater System Development Charge

Shall the Town of Hampton vote to amend its vote under Article 7 of the Warrant of March 16, 1963, by repealing said vote that read "To see if the Town will vote to ratify the policy of the Board of Selectmen, which was established around 1948, of charging a sewer entrance fee of $100.00 for each sewer connection from one to five units, and an additional $100.00 for each additional five living units, or less" and to enact the following fees for sewer connections and system charges to the Town's Municipal Sewer System:

Shall the Town of Hampton vote to establish the following fees for connection to the Town's Municipal Sewer System for single and multiple residential units, and establish a Wastewater System Development Charge for each as follows:

A single unit residential sewer entrance inspection/connection fee shall be $300. A multiple residential unit sewer entrance inspection/connection fee shall be $300 per unit. These fees for connection sites shall be payable at the time of application for the sewer connection(s).

In addition, for single and multiple residential units, there shall be assessed a Wastewater System Development Charge (SDC) for the right and ability to connect to the existing municipal wastewater treatment system and to utilize a specific portion of the capacity of that system.

The Wastewater System Development Charge (SDC) shall be calculated as follows for all new residential and wastewater system users:

The total system treatment capacity is predicated upon equivalent bedroom units (EBU) and will be calculated by the total permitted system treatment capacity divided by the average flow per day based upon the NHDES design manual. For purposes of SDC one EBU corresponds to the sanitary flow from a single bedroom unit of 150 gallons per day.

The average cost per EBU is calculated as the present value of the system replacement cost less the system's return of equity, divided by the calculated total system treatment capacity EBU's.

For each unit the SDC is calculated as an average cost per equivalent bedroom unit (EBU) times the number of proposed EBUs.

The SDC charge shall be payable upon application for a sewer service connection. The BOS shall hold a public hearing at any time that the formulas for residential need to be revised to keep them current and without impact to the property taxpayers.

The amendment failed.

Motion made and seconded to delete from after residential - to shall be payable. And add unit after residential and before sewer. Motion passed.

Motion made and seconded to Restrict Reconsideration of all Articles through 21. Motion passed.

Results of balloting on March 12, 2013: Yes 1885, No 398. Article 21 passed.

ARTICLE II
Sewer Use and Construction
[Adopted 10-24-1989,[1] as amended through 3-13-2007 (Ch. 2, Art. 6, of the Code of Ordinances)]

§ 406-1. Purpose.

A. This article regulates the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system, and provides penalties for violations thereof, in the Town of Hampton, County of Rockingham, State of New Hampshire.

B. There shall be no additional out of town sewage and sewer systems added to our Hampton sewer system, except that the Town of Hampton will accept wastewater originating from the North Hampton State Beach in conjunction with the rehabilitation by the State of its bathhouse at said State Beach to be commence in 2012, via a connection into the Town of Rye force main sewer pipe that conducts wastewater to Hampton's wastewater treatment plant under the Agreement for Treatment and Disposal of Wastewater, October 1989 for however long that Agreement remains in effect. **[Amended by 3-13-2012 ATM, Art. 19, ballot vote: Yes 2611, No 596]**

1. **Editor's Note: This vote provided for the adoption of the ordinance which had been adopted by the Board of Selectmen 4-4-1988.**

§ 406-2. Definitions.

As used in this article, the following terms shall have the meanings indicated. "Shall" is mandatory; "may" is permissive.

BIOCHEMICAL OXYGEN DEMAND (BOD) — The quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20° C., expressed in milligrams per liter, under standard laboratory procedure as prescribed in the then current edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association.

BOARD — The Board of Selectmen, Town of Hampton, New Hampshire.

BUILDING DRAIN — That part of the lowest horizontal piping of a drainage system which receives the discharge from sanitary waste pipes that are on or below ground (including embedded in concrete) inside the walls of the building and conveys it to the building sewer which begins 3 1/2 feet from the outside face of the building wall.

BUILDING SEWER — The extension from the building drain to the public sewer or other place of disposal; also called "house connection."

COMBINED SEWER — A sewer designed to receive both wastewater and stormwater or surface water.

DIRECTOR — The director of public works facilities, and/or wastewater treatment works, and/or water pollution control of the Town of Hampton, or his designee, authorized deputy, agent, or representative.

EASEMENT — An acquired legal right for the specific use of land owned by others.

FEDERAL — The United States Environmental Protection Agency.

FLOATABLE OIL — Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

GARBAGE — The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

INDUSTRIAL WASTES — The wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

NATURAL OUTLET — Any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

PERSON — Any individual, firm, company, association, society, corporation or group.

pH — The reciprocal of the logarithm of the hydrogen ions in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10-7.

PROPERLY SHREDDED GARBAGE — The wastes from the preparation, cooking, and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

PUBLIC SEWER — Any sewer controlled by the Town of Hampton.

SANITARY SEWER — A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

SEWAGE — The spent water of a community. The preferred term is "wastewater."

SEWER — A pipe or conduit that carries wastewater.

SLUG — Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

STORM DRAIN (sometimes termed "storm sewer") — A drain for conveying water, groundwater, subsurface water, or unpolluted water from any source.

SUSPENDED SOLIDS — Total suspended matter that either floats on the surface of or is in suspension in water, wastewater, or other liquids and that is removable by laboratory filtering as prescribed in the then current edition of Standard Methods for the Examination of Water and Wastewater and referred to as "nonfilterable residue."

TOWN — The Town of Hampton, County of Rockingham, State of New Hampshire and/or the Board of Selectmen or any duly authorized officer, deputy, agent, or representative of the Town of Hampton, New Hampshire.

UNPOLLUTED WATER — Water which if introduced into a receiving water would not degrade the quality of the receiving water.

WASTE TREATMENT FACILITY — An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "wastewater treatment works" or "water pollution control facility."

WASTEWATER — The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions.

WASTEWATER FACILITIES — The structures, equipment and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

WATERCOURSE — A natural or artificial channel for the passage of water either continuously or intermittently.

§ 406-3. Required use of public sewers.

A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Hampton or in any area under the jurisdiction of said Town any human or animal excrement, garbage, objectionable waste or wastewater.

B. It shall be unlawful to discharge to any natural outlet or municipal storm sewer system within the Town of Hampton, or in any area under the jurisdiction of said Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article. Connection to municipal storm drain system shall require the prior written approval of the Director of Public Works.

C. When public sewer is available, it shall be unlawful to construct, repair or replace any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater, except as hereinafter provided.

D. Given the Town of Hampton, New Hampshire 201 Facilities Plan for Wastewater Collection and Treatment, the Board of Selectmen for the Town of Hampton hereby finds and declares that it is in the best interest of the Town in order to protect the health, safety and general welfare of the public to control sanitary sewer connections. Therefore, until such time as said 201 Facilities Plan as adopted by the Town and amendments thereto for relieving the hydraulically surcharged public sewer system have been fully implemented, where that portion of the public sewer system servicing a particular lot or parcel of land is hydraulically surcharged, any request for approval of a sanitary sewer connection shall be granted only in accordance with the standards set forth below.

   (1) All wastewater shall be conducted into the public sewer system if there is a public sewer located in an abutting section of street, easement or right-of-way and further provided that any portion of the public sewer located in the downstream service area is not hydraulically surcharged. The determination of whether a public sewer is hydraulically surcharged shall be made by the Director of Public Works or his designee, who shall make his determination based upon the data recorded in the Town of Hampton, New Hampshire 201 Facilities Plan for Wastewater Collection and Treatment, and amendments thereto. This subsection does not apply to failed septic systems, as specified in § 406-4F.

§ 406-4. Private wastewater disposal.

A. Where a public sanitary sewer is not available, the building drain shall be connected to a private wastewater disposal system complying with the provisions of this section.

B. Before commencement of construction of a private wastewater disposal system, the owner(s) shall apply for a permit from the New Hampshire Water Supply and Pollution Control Commission. The application for such permit shall be made on a form furnished by the Commission which the applicant shall supplement by any plans, specifications, and other information as deemed necessary by the Commission.

C. The type, capacities, location and layout of a private wastewater disposal system shall comply with all laws and regulations of the New Hampshire Water Supply and Pollution Control Commission. In addition, no holding tank (monomatic system) will be allowed in the construction of a new system. However, holding tanks (monomatic systems) may be allowed on the reconstruction of existing systems due to nonconforming lot and/or poor percolation, provided that the Health Officer of the Town shall determine that such system will not be detrimental to the public health. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

D. The Town shall be allowed to inspect the work at any stage of construction, and, in any event, the owner shall notify the Town when the work is ready for final inspection and before any underground portions are covered. This inspection shall be made within 72 hours of the receipt of notice by the Town, and a certificate of operation shall be issued by the Director if the system is accepted.

E. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town.

F. At such time as a public sewer becomes available to a property served by a private wastewater disposal system and the existing system fails to function properly and can no longer be made to function properly by routine cleaning, a direct connection shall be made to the public sewer, and abandoned holding tanks shall be filled and sealed at the owner's(s') expense.

G. Disposal of septic tank waste at the Hampton Wastewater Treatment Plant (hereinafter referred to as "WWTP") must comply with the following requirements:

(1) The WWTP will not accept grease (grease holding tanks) or any prohibited wastes defined under § 406-6B, C and D.

(2) The Director of Public Works or his designee may reject, with the approval of the Town Manager, any septic tank waste that in his judgment may be detrimental to the WWTP operation, personnel and/or receiving waters.

(3) Each hauler and/or trucking company delivering sludge and/or wastewater will provide a statement to the effect of the maximum capacity of gallonage the truck will hold that will be utilizing the WWTP facility. This statement will include model, color, dimensions of tank, registration, and New Hampshire public health and septic disposal license number. No truck will be allowed to dump prior to the submittal of this statement. Blank statements can be obtained from the Director of

Public Works or his designee. In the event that the Director questions the size of any tank, he may require that the tank be sized by an independent agency at the expense of the owner.

(4) Each hauler and/or trucking company that may, on occasion, be dumping partial loads will provide a calibrated site glass or float device that is conveniently located for visual confirmation by Wastewater Treatment Plant personnel with permanent lettering stating gallonage at each five-hundred-gallon increment. If this site gauge is unable to be readily read, the hauler will be charged for a full load.

(5) Each hauler and/or trucking company will be responsible for the proper upkeep of the disposal site as required by the Director of Public Works or his designee.

(6) The WWTP facility will only accept septic tank sludge and/or wastewater from the following towns:

Brentwood	North Hampton
Danville	Raymond
Exeter	Rye
Fremont	Sandown
Hampton	Seabrook
Hampton Falls	South Hampton
Kensington	Stratham

(7) Fees.

(a) The fees for disposal of septic tank sludge and/or wastewater are as follows:

[1] Zero to 1,000 gallons.

[a] Resident: $35.

[b] Nonresident: $55.

(b) Disposal of sludge from campers, recreational vehicles, and carpet cleaning services with a maximum capacity of less than 150 gallons:

[1] Resident: $3.

[2] Nonresident: $4.50.

(8) Each hauler and/or trucking company will be supplied with blank (permit for disposal of septic waste) forms which must be completely filled out and signed by the property owner and the hauler prior to the dumping of sludge and/or wastewater into our WWTP.

(9) Each hauler and/or trucking company will be billed monthly. Any bill not paid within 30 days will result in a charge of 1 1/2% as authorized by law. Any bill not paid within 60 days will result in the termination of dumping privileges for a

period of time to be determined by the Director of Public Works or his designee and Town Manager. Policy changed: all septage is done on a pre-paid basis.

§ 406-5. Construction of building sewers and connections.

A. Sewer Connection Fee. A fee of $300 per sewer connection shall be charged for each residential and non-residential property being connected to the Town's wastewater system to offset the cost of connection inspection and the production of connection location data and plans. **[Amended 3-11-2014 by Art. 27, ballot vote: Yes 2,466, No 416]**

B. Each lot of record shall have its own separate building sewer and connection to the public sewer system, except that a single building situated on more than one lot shall not be required to have more than one building sewer and connection.

C. No person or persons shall proceed to construct, add to or alter any portion of the building drain of any building which leads into or in any way connects with the public sewer system of the Town of Hampton without first notifying the Director of Public Works or his designee in writing of the work to be performed. No such work shall commence until the plans have been approved in writing by the Director of Public Works or his designee, and all entrances shall be made under the supervision of the Director of Public Works or his designee or his authorized agent.

D. The Director of Public Works or his designee or his authorized agent shall inspect all underground plumbing, including that which is beneath a basement floor, if it is to be connected to the public sewer system. No part of any underground plumbing that is to be connected to the public sewer system shall be concealed or made inaccessible for inspection until approved by the Director of Public Works or his designee or his authorized agent.

E. Any connection or method of conveying stormwater or groundwater into the public sewer system is prohibited. All waste pipes, special waste, and drains from water closets, washing machines, sinks, tubs, showers, etc., must have an opening above the grade of the adjacent highway. For additional protection, mechanical means to prevent backflows (backflow preventatives) will be allowed but are not a requirement. Existing connections with openings that are below the grade of the adjacent highway equipped with/without backflow preventatives or similar mechanical devices that existed prior to the effective date of this provision may remain at the full responsibility of the owner. Periodic inspection and maintenance are recommended to ensure against the backflow of sewage from the street sewer into the premises.

F. Floor drains in commercial or industrial buildings and all outside facilities such as showers and sinks shall be allowed to connect with the public sewer system in the case where suitable holding tanks with baffles are provided to prevent dirt from entering the public sewer system. If holding tanks are to be used, they shall have easy access for periodic maintenance and inspection.

G. The main drain within the building, underground or otherwise, must not be less than three inches in diameter and shall consist of either cast-iron pipe, No-Hub, PVC schedule 40 pipe or type K or L copper pipe laid underground for a spur line shall not exceed a

distance of eight feet. The main drain shall have a four-inch cleanout close to the cellar wall.

H. The main drain from its connection with the public sewer system to a point inside the foundation wall shall be not less than four inches in diameter. Cast-iron pipe is to be used through the foundation wall and must extend at least 3 1/2 feet away from the outside of the foundation wall and any parallel wall. The remainder of the pipe to the public sewer system shall consist of either cast-iron pipe, vitrified clay pipe with molded joints, No-Hub pipe, PVC schedule 40 pipe or asbestos cement pipe with proper adaptors. Vitrified clay pipe, PVC or asbestos cement pipe laid under driveways must have at least three feet of cover and elsewhere such pipe must have at least two feet of cover.

I. All joints are to be made thoroughly watertight as required by the then current edition of the National Plumbing Code.

J. The connection of the building sewer into the public sewer shall conform to the requirements of the then current edition of the National Plumbing Code. All such connections shall be made gastight and watertight and verified by Town inspection. Any deviation from the prescribed procedures and materials must be approved by the Town before installation as provided in Subsection N of this section.

K. Old building drains may be used in connection with new buildings only when they are found, on examination and testing, to be gastight and watertight.

L. Installed pipe will be tested under the supervision of the Director of Public Works or his designee or his authorized agent prior to being covered. The test shall be either by air or water and shall be conducted by the standards prescribed by the then current edition of the National Plumbing Code and at no expense to the Town.

M. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of work shall be restored in a manner satisfactory to the Town.

N. Variances. Whenever in the opinion of the Director of Public Works or his designee and the Town Manager special conditions arise that render it impracticable to comply with all the provisions specified in this section, modifications may be allowed. The granting of a variance which in the judgment of the above officials is not adverse to the public interest shall be made on a case-by-case basis and shall not constitute a precedent for any future determination or action. Permission for a variance must be obtained in writing from the Director of Public Works or his designee and the Town Manager.

§ 406-6. Use of public sewers.

A. No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer.

B. Stormwater shall be discharged to storm sewers or to a natural outlet approved by the Town and other regulatory agencies. Unpolluted industrial cooling water or process

waters may be discharged, on approval of the Town and other regulatory agencies, to a storm sewer or natural outlet.

C. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(2) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the wastewater works.

(3) Solid or viscous substances in quantities or size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities, such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(4) Strong acid pickling waste and concentrated plating.

D. The following described substances, materials, waters, or wastes shall be limited in discharge to the municipal sewerage system in concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger life, limb, or public property or constitute a nuisance. The Town may set more restrictive limitations than those established herein to meet the above objectives. In forming an opinion as to acceptability, the Town will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste by the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Town include, but are not limited to, the following:

(1) Wastewater having a temperature higher than 140° F.

(2) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.

(3) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides, heavy metals, strong acids and basic wastes, etc.

(4) Any garbage that has not been properly shredded (§ 406-2). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from

the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

(5) Any waters or wastes containing iron, chromium, copper, zinc, arsenic, cadmium, cyanide, lead, mercury, nickel, silver or similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Town, state or federal effluent limitations.

(6) Any water or wastes containing phenols or other taste- or odor- producing substances in such concentrations exceeding limits which may be established by the Town as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town in compliance with applicable state or federal regulations.

(8) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(b) Excessive discoloration.

(c) Unusual chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(d) Unusual volume of flow or concentration of wastes constituting slugs as defined herein.

(9) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such a degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(10) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

(11) Any waters or wastes having a pH in excess of 9.5.

(12) Any water or wastes having a five-day biochemical oxygen demand greater than 250 milligrams per liter.

(13) Any water or wastes containing more than 300 milligrams per liter of suspended solids.

(14) Any water or wastes containing floatable oils, fats or grease.

E. If any water or wastes are discharged or are proposed to be discharged to the public sewers, which waters or wastes contain the substances or possess the characteristics enumerated in Subsection D and which, in the judgment of the Town, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Town may:

(1) Reject the wastes,

(2) Require pretreatment to an acceptable condition for discharge to the public sewers,

(3) Require control over the quantities and rates of discharge, and/or

(4) Require payment to cover added cost of handling and treating the waste not covered by existing taxes or sewer charges.

If the Town or federal effluent limitations require pretreatment of waste flows, the design and installation of such facilities shall be subject to the review and approval of the Town and the New Hampshire Water Supply and Pollution Control Commission.

F. Grease, oil, and sand holding tanks shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amount, as specified in Subsection D(14), or any flammable wastes, sand, or other harmful ingredients, except that such holding tanks shall not be required for private living quarters or dwelling units. All holding tanks shall be of a type and capacity approved by the Town and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil holding tanks shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. In the maintaining of these holding tanks the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which shall be subject to review by the Town. Any removal and hauling of the collected materials not performed by the owner's(s') personnel must be performed by currently licensed waste disposal firms.

G. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Director of Public Works or his designee at least 45 days prior to the proposed change or connection.

H. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

I. The Town, with the advice of a consulting engineer, shall determine the quantity and quality of all industrial wastes which can be properly taken into the sewerage system and

treated at the sewage treatment plant, in addition to the sanitary sewage from the Town, and the Town may regulate by separate industrial user agreement(s) approved by the Board of Selectmen the flow of industrial wastes into the sewerage system.

J. When required by the Town, the owner(s) of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Town. The structure shall be installed by the owner(s) at his expense and shall be maintained by him so as to be safe and accessible at all times.

K. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the then current edition of Standard Methods for Examination of Water and Wastewater published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Town.

L. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Board or duly authorized employees of the Town may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Board. Such records shall be made available upon request by the Board to other agencies having jurisdiction over discharges to the receiving waters.

M. No provisions or combination of provisions in this section shall be construed as preventing any special agreement or arrangement between the Board and any industrial concern which contains provisions for acceptance by the Town of an industrial waste of unusual strength of character for treatment upon terms and conditions agreed to by the Board and the industrial concern, or which contains provisions which are consistent with any provisions of this article either expressly or by implication, provided that the validity of any such agreements entered into by the Town prior to the effective date of this article is hereby ratified and confirmed, and provided further that if any provisions of any such agreements are expressly or by implication inconsistent with provisions contained in this article or rules and regulations promulgated hereunder, the provisions of such special agreements shall control.

§ 406-7. Protection from damage.

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct and destruction of public property.

§ 406-8. Powers and authority of inspectors.

A. Duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this article.

B. Duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system, and no person(s) shall withhold any information pertaining to what is being discharged into the public sewer system.

C. While performing the necessary work on private properties referred to in Subsection A above, duly authorized employees of the Town shall observe all safety rules applicable to the premises, and the owner(s) shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the owner(s) against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the owner(s) and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner(s) to maintain safe conditions.

D. Duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspections, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

§ 406-9. Conflict of laws.

If a provision of this article shall conflict with any applicable provision of any zoning, building, safety, health or other ordinance of the Town of Hampton, or any applicable law or regulation of the State of New Hampshire or the United States government existing on or subsequent to the effective date of this article, that provision which in the judgment of the Town establishes the higher standard of safety and protection of health shall prevail so far as this article may lawfully provide; provided, however, that the provisions of § 406-6K shall in no event be superseded, declared invalid or be repealed by the operation of this section.

§ 406-10. Violations and enforcement.

A. Any person, firm, partnership or corporation found to be violating or in violation of any provision of this article shall be served by the Town of Hampton with a written notice stating the nature of the violation and providing a reasonable time limit, as determined by the Town, for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all such violation.

B. The Director of Public Works or his designee or his authorized agent(s) is responsible for the enforcement of this article.

§ 406-11. Penalties.

Any person, firm, partnership or corporation who or which shall willfully violate this article shall be guilty of a violation for each day of violation after written notice to desist has been given in accordance with RSA 252:8.

§ 406-12. Liability.

Any person, firm, partnership or corporation violating any of the provisions of this article shall become liable to the Town of Hampton for any expense, loss, or damage incurred by the Town by reason of such violation.

§ 406-13. Ordinance in force.

This article shall be in full force and effect from passage, approval, recording, and publication as provided by law.

Chapter 413

SMOKING

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

On petition of Ann L. Moore and 13 other legal voters of the Town of Hampton, to see if the Town will vote, on a yea or no ballot, to forbid smoking by all persons in any and all public sessions of Town Boards, Departments, Committees, Commissions or such similar groups held in the Town of Hampton.

Article 38 of the warrant for the Annual Town Meeting of March 6, 1976 was moved and seconded. Amendment to change "all persons" to "all audiences" was defeated. The main motion passed. See pages 16A and 59 of the Annual Town Report.

Chapter 420

SOLID WASTE

ARTICLE I
Town Meeting Votes

ARTICLE II
Transfer Station

§ 420-1. Authority and purpose.
§ 420-2. Hours of operation.
§ 420-3. Use restricted to residents and property owners.
§ 420-4. Permits.
§ 420-5. Scavenging.
§ 420-6. Segregation of stumps and burnables.
§ 420-7. Violations and penalties.
§ 420-8. When effective.

ARTICLE III
Recycling and Solid Waste Ordinance

§ 420-9. Authority.
§ 420-10. Purpose.
§ 420-11. Definitions.
§ 420-12. Use of solid waste facility restricted.
§ 420-13. Operation.
§ 420-13.1. Operation curbside collection.
§ 420-14. Utilization of facility.
§ 420-15. Permits.
§ 420-16. Violations and penalties.
§ 420-17. Severability.
§ 420-18. When effective; repealer.

ARTICLE IV
Public Event Recycling

§ 420-19. Authority.
§ 420-20. Purpose.
§ 420-21. Recycling of beverage containers required.
§ 420-22. Number and type of containers.
§ 420-23. Signage required.
§ 420-24. Commercial establishments.
§ 420-25. Disposal of recyclable materials.
§ 420-26. Penalties.

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Littering — See Ch. 286.
Polystyrene food containers — See Ch. 358.
Storage of tires — See Ch. 457.
Solid waste — See Ch. 761.

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Provide a Public Dump

To see if the Town will vote to stop the dumping of rubbish along our highways and provide a public dumping place. Voted that the Selectmen be given power to select such a dumping place or places, and take suitable measures to put this article into effect.

Article 8 of the Annual Town Meeting of March 14, 1916, was moved, seconded and voted in the affirmative. See pages 7 and 12 of the Annual Town Report.

Regional Refuse Disposal Planning Committee

To see if the Town will vote to instruct the moderator to appoint three (3) citizens to serve on a special unpaid committee to be known as the Regional Refuse Disposal Planning Committee for the purpose of studying the advisability of establishing a regional refuse disposal district and drawing up a proposed agreement therefor as authorized by RSA 53:b.

Article 36 of the Annual Town Meeting of March 10, 1987, was moved, seconded and passed. See page 31 of the Annual Town Report.

Recycling Program

To see if the Town will vote to raise and appropriate the sum of $45,000 to start a solid waste recycling program for the purpose of handling stumps and tree limbs over three inches in diameter, and to pay for the grinding up and removal thereof, and for a voluntary program for handling separation of paper and aluminum cans, thereby extending the life of the Town landfill by reducing the volume of solid waste deposited there.

Article 16 of the warrant of March 18, 1989, was moved, seconded and voted in the affirmative. See page 18 of the Annual Town Report.

Rescinding Membership in Solid Waste Planning District

Are you in favor of rescinding membership in the RSA 149-M solid waste planning district that was set up in 1987 (Article 36) to draft an agreement establishing an RSA 53-B solid-waste operating district, which has been accomplished with the town's membership therein being voted in 1988 (Article 17)?

Article 39 of the Annual Town Meeting of April 8, 1997, was passed by ballot vote: Yes 1,933, No 903. See page 49 of the Annual Town Report.

Agreement with Concord Regional Solid Waste/Resource Recovery Cooperative

Shall the Town of Hampton vote, pursuant to RSA 149-M:17, to approve, confirm and ratify the 15 year Agreement for the disposal of recyclable materials entered into by the Hampton Board of Selectmen with the Concord Regional Solid Waste/Resource Recovery Cooperative (the "Cooperative"), whereby significant revenue to the Town will be generated from the Town's delivery of acceptable recyclable materials to the Cooperative's publicly owned single stream recycling facility now under construction? (Majority vote required)

Results of balloting on March 8, 2011: Yes 2,655, No 343. Article 12 passed.

Withdrawal from Southeast Regional Refuse Disposal District 53-B

Shall the Town of Hampton vote to authorize the Board of Selectmen to withdraw the Town from the Southeast Regional Refuse Disposal District 53-B effective June 30, 2015, if said action is found by the Board of Selectmen to be in the best interests of the Town of Hampton? (Majority vote required).

Results of balloting on March 12, 2013: Yes 2,032, No 190. Article 25 passed.

Withdrawal from Southeast Regional Refuse Disposal District

Shall the Town of Hampton vote to authorize the withdrawal of the Town from the Southeast Regional Refuse Disposal District in ratification of the Town's vote on March 12, 2013 under Article 25 and approved by vote of the Solid Waste District Executive Committee on June 11, 2014 and to approve the withdrawal agreement with the District as signed by the Board of Selectmen? (Majority vote required)

Results of balloting on March 10, 2015: Yes 2,071, No 235. Article 34 passed.

ARTICLE II
Transfer Station
[Adopted 3-14-1967 by Art. 8, as amended through 2001 (Ch. 2, Art. 2, of the Code of Ordinances)]

§ 420-1. Authority and purpose.

In accordance with RSA 147:23[1] and 31:39 and any other applicable chapter or amendment thereto the following article was enacted pertaining to the use of any public dump within the limits of the Town of Hampton.

§ 420-2. Hours of operation.

A. Any transfer station within the limits of the Town of Hampton owned or maintained by the Town shall be open at such times and under such conditions as the Selectmen may from time to time determine.

1. **Editor's Note: Revised Statutes Annotated 147:23 was repealed in 1981.**

B. The transfer station in Hampton shall be open to any legal resident or real property owner of the Town in accordance with the following schedule:

(1) Winter hours: 9:00 a.m. to 3:00 p.m.; closed Tuesday and Sunday.

(2) Summer hours: 8:30 a.m. to 4:00 p.m. Monday and Wednesday to Saturday; 12:00 noon to 4:00 p.m. Tuesday and Sunday.

§ 420-3. Use restricted to residents and property owners.

A. Any legal resident of the Town of Hampton or any person owning real property in said Town shall be permitted to use any public transfer station under the terms and conditions herein set forth.

B. Any person, firm, or corporation not a legal resident or real property owner of the Town of Hampton shall not be permitted to enter or use any public transfer station within said Town.

C. In keeping with this article, no non-Hampton trash, refuse, sludge, etc., shall be brought onto the Town land except for a chemical or fire emergency.

§ 420-4. Permits.

A. Any legal resident or real property owner of the Town of Hampton shall be entitled to obtain from the Selectmen, without charge, a permit to use said public transfer station in accordance with § 420-2 hereof, and any permit so issued shall expire on the first day of January following the date of issuance.

B. Any person, firm or corporation engaged or employed by any legal resident or property owner of the Town shall be entitled to obtain a permit without charge to use said public dump for the sole purpose of removing rubbish from the property of the owner or legal resident by whom said person, firm or corporation may be engaged, provided that such property is within Hampton boundaries.

C. Dump permit regulations. All dump permits shall be issued by the Public Works Director, who shall keep a numerical and alphabetical listing as well as the motor vehicle registration number for each permit issued.

(1) Legal residents: one permit for each motor vehicle registered in Hampton. Registration(s) shall be presented to the Public Works Director.

(2) Real property owners: one permit for each registered motor vehicle in the property owner's name. A Hampton business or corporation is entitled to a permit for each motor vehicle it owns. Registration must be presented to the Public Works Director for each permit desired. Property owner shall be determined to be the name(s) that appears in the real estate tax warrant and any amendments thereto.

(3) Nonresident rubbish collector: one permit for each registered motor vehicle. Contractor shall supply the Public Works Director with a list of his customers and his collection schedule. Contractor shall update said list as necessary.

(4) Others. Any person, firm, or corporation engaged or employed by any legal resident or property owner of the Town shall be entitled to obtain a permit for not more than one day to use the transfer station for the sole purpose of removing rubbish from the property of the owner or legal resident by whom he is engaged, provided that such rubbish comes from property located in Hampton. Applicants for permits under this subsection shall supply the Public Works Director with the name, address and telephone number of his employer as well as the motor vehicle

registration(s) of the vehicle(s) to be used. Said permit shall be renewed for another one-day period for the same employer.

D. Sticker location. Sticker shall be affixed to the left front door window.

E. Expiration. All stickers shall expire on December 31.

§ 420-5. Scavenging.

Any Hampton resident who is 18 and above wishing to pick the metal section of the dump must submit an application to the Public Works Department. The applicant shall certify his/her age by providing copies of his/her driver's license and/or property tax bill. The applicant shall indemnify and hold harmless the Town for any of his/her actions while on Town property in the dump. An annual fee of $10 will be required.

§ 420-6. Segregation of stumps and burnables.

A. Clean wood, cardboard, building materials (combustibles), or brush shall be deposited as designated by the dump attendant or in the stump dump. Roofing materials shall not be considered burnable.

B. Stumps and brush loads with over three-inch-diameter limbs must be sorted and separated and deposited in an area designated by the dump attendant, or, at the expense of the party, be required to carry such material to a facility provided by the Southeast Waste Disposal District.

§ 420-7. Violations and penalties.

A. Any person violating any of the provisions of this article shall be subject to a fine not exceeding $1,000 for each offense. The Selectmen of the Town of Hampton shall prosecute all violations upon notification by any Town employee of a violation.

B. Upon a second conviction within a twelve-month period, loss of dump privileges for a period of time as set by the court, or subsequent to such conviction by the Board of Selectmen, after a hearing, if requested, may be imposed.

§ 420-8. When effective.

This article shall take effect upon its passage.

ARTICLE III

Recycling and Solid Waste Ordinance

[Adopted 3-10-2009 by Art. 33[2] ; amended 3-9-2010 by Art. 24, ballot vote: Yes 2489, No 300; 3-8-2011 by Art. 36, ballot vote: Yes 2562, No 342; 3-11-2014 ATM, Art. 28, ballot vote: Yes 2174, No 606]

§ 420-9. Authority.

In accordance with the provisions of RSA 31:39 and 149-M:17, authorizing the Town of Hampton to enact ordinances, this article is adopted by the Town of Hampton in Annual Town Meeting.

§ 420-10. Purpose.

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

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

C. The Town declares that its intent is to achieve the maximum and permanent removal of recyclables from the waste stream as a result of mandatory recycling.

§ 420-11. Definitions.

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

CERTIFIED WASTE-DERIVED PRODUCT — A constituent of solid waste which is no longer regulated as a solid waste when certified by the state to be recyclable for its original use or alternate uses and which poses no greater risk to the environment, public health, and safety than exists by producing, distributing, using or disposing comparable products which are not waste-derived.

COMPOST — A stable, humus-like substance which is derived from a process involving the biological decomposition of any readily biodegradable material, such as animal manure, garbage, yard waste, septage, sludge, or other organic solid wastes, which can be beneficially reused for land application.

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2. **Editor's Note: The Town Meeting voted 3-9-2010 under Art. 39 to amend this ordinance "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; except that the Board of Selectmen may accept commercial wastes brought to the transfer station and collect, accept, process and dispose of such waste by the Town. Receipt of such material must conform to mandatory recycling regulations." Results of balloting: Yes 1334, No 1133. Article 39 passed.**

CONSTRUCTION AND DEMOLITION DEBRIS — Nonputrescible waste building materials and rubble, which is solid waste resulting from the construction, remodeling, repair or demolition of structures or roads. The term includes, but is not limited to, bricks, concrete and other masonry materials, wood, wall coverings, plaster, dry wall, plumbing, fixtures, nonasbestos insulation or roofing shingles, asphaltic pavement, glass, plastics that are not sealed in a manner that conceals other wastes, and electrical wiring and components incidental to any of the above and containing no hazardous liquid or metals. The term does not include asbestos waste, garbage, corrugated containerboard, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, furniture, appliances, tires, drums and containers, and fuel tanks.

DISPOSAL — The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or onto any land or water with the result that such solid waste or any constituent of it may enter the environment, be emitted into the air, or be discharged into any waters, including groundwater.

FACILITY — A location, system, or physical structure for the collection, separation, storage, transfer, processing, treatment, or disposal of solid waste.

MANURE — Animal feces and urine with natural organic bedding materials such as hay, sawdust, straw, or wood chips, but exclusive of human waste.

ORDER — An official written notice requiring compliance with a statute, rule, ordinance or permit.

PERMIT — An authorization from the Town for use of the facility.

PERSON — Any individual; business entity, including a trust, firm, joint-stock company, corporation (including a government corporation), partnership, or association; government agency; or political subdivision.

PUBLIC BENEFIT — The protection of the health, economy, and natural environment of the Town of Hampton consistent with RSA 149-M.

PUBLIC FACILITY — The solid waste facility of the Town of Hampton licensed by the State of New Hampshire.

RECYCLABLE MATERIALS — Materials that can be used to produce marketable goods, including but not limited to separated clear and colored glass, aluminum, ferrous and nonferrous metals, plastics, corrugated cardboard, motor vehicle batteries, tires from motor vehicles, paper and other designated products.

RECYCLING — The collection, storage, processing, and redistribution of recyclable materials.

REFUSE — Includes any waste product, solid or having the character of a solid rather than a liquid in that it will not flow readily without additional liquid, and which is composed wholly or partly of such materials as garbage, swill, sweepings, cleanings, trash, rubbish, litter, industrial or domestic solid wastes, organic wastes, or residue of animals sold as meat, fruit, vegetable or animal matter from kitchens, dining rooms, markets, food establishments or any place dealing in or handling meat, fowl, fruits, grain or vegetables; offal, animal excreta, or

other carcasses of animals; construction and demolition debris; or accumulated waste materials, cans, containers, tires, junk or other such substances which may become nuisances.

SOLID WASTE — Any matter consisting of putrescible material, refuse, residue from an air pollution control facility, and other discarded or abandoned material. It includes solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities. For purposes of this article, it does not include hazardous waste as defined in RSA 147-A:2; solid or dissolved materials in irrigation return flows; cut or uprooted tree stumps buried on site with local approval if required, provided that such burial locations are not located within 75 feet of any drinking water supply; municipal and industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended; source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended; or septage or sludge as defined in RSA 485-A:2, IX-a and XI-a.

SOLID WASTE MANAGEMENT — The systematic administration of activities for the collection, separation, processing, treatment, transportation, transfer, storage, recovery, and disposal of solid waste.

SOURCE REDUCTION — Changing industrial processes, technologies, and product components with the specific objective of reducing the amount or toxicity of waste at the source.

SPECIAL WASTE — Any matter consisting of medical or infectious wastes.

TOWN — The Town of Hampton, New Hampshire.

TRANSFER STATION — A solid waste collection, storage, and transfer facility which collects, stores, and transfers solid waste, including nonrecyclable waste.

VIDEO DISPLAY DEVICE — A visual display component of a television or a computer, whether separate or integrated with a computer central processing unit/box, and includes a cathode ray tube, liquid crystal display, gas plasma, digital light processing, or other image-projection technology, greater than four inches when measured diagonally, and its case, interior wires, and circuitry.

§ 420-12. Use of solid waste facility restricted.

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

§ 420-13. Operation.

A. In general. The operation of the solid waste transfer station and disposal facility will be in accordance with this article and such additional rules, regulations, procedures and policies as may be adopted by the Board of Selectmen for the effective management,

separation, recycling and disposal of solid wastes within the facility or may be enacted by the State of New Hampshire and/or the United States of America.

B. Placement of materials. Only solid wastes originating within the Town of Hampton shall be placed at the facility, and such placement shall be in accordance with these regulations, the directions of personnel employed by the Town and the posted signage providing directions for the disposal of designated materials in designated areas.

C. Operational authority. The operation and supervision of the solid waste transfer facility is under the Town Manager and his designated and authorized representatives, including but not limited to the exclusive right to inspect solid wastes, refuse or rubbish brought to the facility and the vehicles transporting the same to determine compliance with this article and the laws of the State of New Hampshire and the United States of America.

D. Right to inspect and exclude materials. The owner, operator or other person in charge of a vehicle transporting solid wastes, as a condition of use, to be deposited at the solid waste facility shall present evidence and/or the origin of the materials to be deposited as the person in charge of the facility or his designated representative(s) may request. Failure to comply with this article or to present creditable evidence when requested shall be sufficient cause for the Town Manager, or his authorized representative(s), to revoke, suspend or modify a license, permit, or privilege for the use of the facility as provided in this article, to exclude from the facility those materials in question, and/or to enforce or impose any other penalties as provided by law or by this article.

E. Hours of operation. The hours of operation shall be established by the Town Manager for the convenient use of the residents and property owners of the Town of Hampton and those engaged in privately hauling and disposing of their solid wastes and in consideration of the financial burdens upon the taxpayers of the Town for the hours of operation of the facility. Use of the facility, except during the established hours of operation, is strictly prohibited. The Town Manager reserves the right to change the days and hours of operation for the convenience of the residents and landowners and to conserve funds, as specified in this article. The Town Manager has the right to temporarily close the facility, with or without notice, in cases of emergency.

F. Changes in the hours of operation. The Board of Selectmen may change the hours of operation of the solid waste facility by holding a public hearing with at least seven days' notice of the hearing published in a newspaper of general circulation in the Town. Such seven-day period shall not include the day of publication or the day of the hearing. Changes approved in the hours of operation shall not become effective for at least 30 days following approval by the Board.

§ 420-13.1. Operation curbside collection.

A. The operation of the curbside collection of recycling materials and solid wastes shall be in accordance with this article and such rules, regulations, procedures, policies and penalties as may be adopted by the Board of Selectmen for the efficient management and enforcement of the separation, recycling and disposal of recycling and solid wastes for curbside collection in order to protect the environment, the Town's Solid Waste

Collection Personnel and to enforce the Clean Air and Clean Water Acts and the laws of the Town, State of New Hampshire and the United States of America.

B. Town employees shall not be required to handle the following:

(1) Barrels, boxes or any other type of container not issued by the Town;

(2) Town issued collection cart(s) that are filled over the cart's weight capacity.

C. Placement of Materials at Curbside.

(1) Recycling materials and solid wastes that are to be collected at curbside shall be placed in designated Town issued carts on the frontage of the property to which they relate or in the position assigned by the Town for collection. Carts must be placed at least 2 feet apart to accommodate automated collection with the top opening facing the street. The cover must be closed with all materials to be removed contained within the cart and under the closed lid. If materials extend beyond the closed lid, the cart will not be collected and the materials can be taken by the resident or business to the Transfer Station for disposal.

(2) Materials placed within the recycling collection cart cannot be bagged in any form and must be clean and free from any and all organic wastes.

(3) Materials placed within the solid waste trash collection cart must be in a bag and contain only nonrecyclable trash wastes.

D. Enforcement. The enforcement for violations under this section 420-13.1 shall be as stated in section "420-16 Violations and Penalties" of this ordinance and/or the suspension of curbside collection from the property violating the provisions of this section. Suspensions shall be in writing and shall state the term of the suspension. Suspensions may be appealed under the Administrative Enforcement Ordinance as adopted by the Town under RSA 31:39-c.

§ 420-14. Utilization of facility.

A. Refuse.

(1) Acceptable materials. Refuse derived from the normal operations of households and businesses within the Town of Hampton and usual and acceptable in nature and that is acceptable at the solid waste landfill or co-generation facility contracted with by the Town for refuse disposal may be deposited at the Town's solid waste facility or placed at curbside for collection in accordance with this article.

(2) Unacceptable materials. All special wastes; wastes derived from or contaminated with or by radioactive materials; explosives; ammunition for firearms or weapons of any kind; an item that is regulated by state or federal law and requires the issuance of special permits for its disposal; any item with a temperature beyond its burning point; paints; regulated chemicals; and wastes which when in contact with acceptable materials deposited at the facility may cause injury to the facility or the persons using or employed at the facility.

(3) Town departments. Town departments operating Town-owned equipment and contractors engaged in work for the Town of Hampton may deposit refuse generated by the department or by a contractor engaged in the execution of work for the Town at the facility without charge, under the same terms and conditions as all others under this article.

(4) State of New Hampshire. The State of New Hampshire operating state-owned equipment and contractors engaged in work for the state at the Hampton Beach State Park and state-owned Hampton beaches may deposit refuse collected at the state park and beaches and from refuse collection receptacles on Ocean Boulevard at the facility at a cost or a services exchange agreement worked out between the Town of Hampton and the State of New Hampshire.

B. Recycling.

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

(2) Recycling diversion goal. It is the goal of the Town of Hampton to reduce, by means of mandatory recycling, the volume of the solid wastes deposited in landfills and co-generation facilities from Hampton by 50% before the conclusion of the calendar year 2012.

(3) Materials to be recycled. The Town shall provide for the recycling of glass containers, aluminum containers, aluminum foils, steel containers, plastics, newspapers, magazines, paperboard containers, cardboard, yard wastes, clean wood, wood chips, leaves and other materials that may be designated by the Town.

(4) Recycling of selected materials required. The Board of Selectmen shall designate materials that must be recycled. Once materials are designated for recycling, they will not be received for disposal with non-recyclable materials, either at curbside pickup or at the facility, but must be separated for separate collection or disposal by recycling.

(5) Preparation of recycled materials. The Department of Public Works will provide guidance in the form of printed materials for distribution to those disposing of solid wastes that accurately describes the necessary preparation of materials for recycling.

(6) Disposal of recyclable materials. Residents and property owners may select to dispose of recyclable materials at curbside, when that service is offered, or may deposit their recyclable materials in the appropriately designated recycling receptacles at the facility.

(7) No charge for recycled materials. Recycled materials will be accepted at the facility without cost to any resident or property owner, provided that such materials are presented for recycling in accordance with the preparation requirements for recycled materials.

(8) Recyclables property of the Town. Recycled materials left at curbside for pickup or deposited at the solid waste facility are the property of the Town of Hampton and removal except by those authorized by the Town constitutes the illegal taking of public property.

(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 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.

C. Nonrecyclable materials.

(1) Brought to solid waste facility. Residents and property owners may deposit nonrecyclable solid wastes at the solid waste transfer haul facility during the normal hours of operation in accordance with this article. The first 1,000 pounds of solid waste may be deposited daily free of charge from households. Solid wastes derived from the operation of nonresidential locations shall be charged the Town's cost for handling and disposal. For the purposes of this section, solid wastes derived from single- and two-family structures are excluded from the definition of nonresidential structures or locations.

(2) Fees for nonrecyclable solid wastes. A schedule of fees to be known as the "Transfer Station Fees" shall be established and from time to time amended by the Board of Selectmen. Said fees shall contain the costs necessary to reimburse the Town for the acceptance and disposal of special, unusual, metal, bulky and regulated wastes. Such fees shall be revised by the Board of Selectmen when required to maintain a neutral disposal cost for the items contained in the Transfer Station Fees list.

(3) Private packer trucks. Packer trucks are not permitted to deposit materials at the solid waste facility. Excluded from this provision are packer trucks operated by or contracted to the Town of Hampton for curbside collection of solid wastes.

D. Yard wastes.

(1) Compostable wastes accepted. Compostable materials derived from the annual or regular maintenance of real property will be accepted at the solid waste facility at no charge provided the materials are separated in accordance with posted instructions and match the size requirements when applicable.

(2) Tree removal wastes. Trees removed from private property may be deposited at the solid waste facility provided the log sections are not longer than 15 inches in length or over six inches in diameter. Large log sections may be split into sections to comply with the six-inch diameter regulations. Logs will be deposited in a designated area, and the materials so deposited may be taken free of charge by any resident or property owner for his personal use on a first-come basis.

(3) Tree chips. Chips derived from the removal or trimming of trees on public property shall be deposited at the solid waste facility in a designated area. Chips not used on public property for landscaping or beautification purposes may be taken free of charge by any resident or property owner for his personal use on his property located in the Town of Hampton. All tree companies engaged in the removal or trimming of trees and utility line clearance on public property shall deposit the chips and logs derived therefrom at the solid waste facility or be subject to the penalties contained in this article.

(4) Compostable papers. Paper products that are certified as compostable may be deposited at the composting site free of charge provided they are contained within a biodegradable (paper) bag.

§ 420-15. Permits.

A. Issuance. The Town may issue permits to facilitate the entrance and use of the solid waste facility.

B. Revocation of permits. The Board of Selectmen or its authorized representative(s) may revoke permits issued for use and entrance to the solid waste facility for infraction of this article. Such revocation may be for a temporary period or may be permanent depending upon the infraction and its seriousness.

C. Appeal of permit revocations. Any holder of a permit that is revoked may appeal the revocation to the Board of Selectmen, which shall hold a public hearing concerning the revocation. The Board may uphold the revocation or may overturn the revocation and restore the permit to the original permit holder.

D. Permits not transferable. Permits issued by the Town for the use of the solid waste facility are not transferable. Such permits shall not be loaned to others and are for the exclusive use of the resident or property owner to whom the permit is issued. Violation of this subsection may cancel the issued permit.

E. Permit fees not returnable or refundable. If a fee has been charged for the issuance of a permit under this article and the permit is subsequently revoked or suspended for violation of this article, the permit holder is not entitled to a refund of any or all of the permit fee.

§ 420-16. Violations and penalties.

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

§ 420-17. Severability.

If any provision, word, clause, section, paragraph, phrase or sentence of this article 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 article, provided that the purposes of this article can still be achieved in the absence of the invalid provisions.

§ 420-18. When effective; repealer.

This article 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 IV
Public Event Recycling
[Adopted 3-10-2009 by Art. 48, ballot vote: Yes 1891, No 620]

§ 420-19. Authority. [Amended 3-11-2014 ATM, Art. 28, ballot vote: Yes 2174, No 606]

In accordance with the provisions of RSA 31:39 and RSA 149-M:17 authorizing the Town of Hampton to enact bylaws, the following article is adopted by the Annual Town Meeting.

§ 420-20. Purpose.

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

§ 420-21. Recycling of beverage containers required.

Any indoor or outdoor public event or gathering of more than 25 persons within the Town of Hampton shall be required to place containers in prominent view for the collection and recycling of glass, aluminum and plastic beverage containers.

§ 420-22. Number and type of containers.

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

§ 420-23. Signage required.

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

§ 420-24. Commercial establishments.

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

§ 420-25. Disposal of recyclable materials.

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

§ 420-26. Penalties.

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

Chapter 429

STREET RAILWAY

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Study Committee

To see what action the Town will take to purchase the property and assets, or the stock of the Exeter, Hampton and Amesbury Street Railway; to raise and appropriate money therefor and to provide for the election or appointment of agents in relation thereto; and to see what action the Town will take relative to the provision of a bill before the New Hampshire Legislature in relation to said Railway.

Voted that a committee of five members be appointed by the Moderator and Town Clerk to confer with like committees from other towns and with the railroad officials with authority to investigate into the subject matter and make a report to an adjournment of this meeting two months from date at eight o'clock p.m. In accordance with the foregoing vote the Moderator and Town Clerk chose the committee as follows: Herbert L. Tobey, Horace M. Lane, Edwin L. Batchelder, Howell M. Lamprey and Irvin M. Leavitt.

Article 7 of the warrant for the Annual Town Meeting of March 11, 1919. See pages 7 and 12 of the Annual Town Report.

Report of the Committee

For a report of the committee and their recommendations see pages 9 through 17 of the Warrant for the March 11, 1919 Annual Town Meeting adjourned session held on May 12, 1919. The adjourned session voted that the Selectmen appoint a Committee of five to carry out the recommendations of the committee on Street Railways. The meeting was adjourned until September 8, 1919.

For a report of the committee see pages 18 through 21 of the adjourned session of the March 11, 1919 Annual Town Meeting held on September 8, 1919. The adjourned session voted to purchase all the Railroad property of the Corporation at a price not exceeding $60,000 if they can make satisfactory arrangements with the Towns of Hampton Falls and Exeter. That the committee be authorized to form a plan for operating the road and make all arrangements necessary to take over the road and report their doings in the matter to an adjournment of this meeting to be held on the first Tuesday in November, 1919.

The adjourned session of November 4, 1919 received the report of the committee that the sum offered was entirely inadequate to purchase the railroad and they are awaiting an offer to purchase. The meeting was again adjourned until the first Tuesday in January 1920.

Purchase of Street Railway

Voted that the report of the committee be placed on file and that the Town purchase the properties of the Exeter, Hampton and Amesbury Street Railway as described in the report, or the securities representing the same for a price not to exceed $80,000.

Voted under the warrant for the Special Town Meeting of December 20, 1920 by ballot, yes 155, no 118. See page 15 of the Annual Town Report.

Reconsider Purchase

To see if the Town will re-consider any vote or votes relative to the purchase of the properties of the Exeter, Hampton and Amesbury Street Railway taken at adjourned meetings of the annual Town meeting of 1919 or at any special meetings of the Town held subsequent thereto.

To see what action the Town will take relative to the purchase of the properties of the Exeter, Hampton and Amesbury Street Railway.

Voted under Articles 7 and 8 of the warrant for the Annual Town Meeting of March 8, 1921 that the report of the Committee be accepted, and its agreement to purchase the properties of the Exeter, Hampton and Amesbury Street Railway be ratified and confirmed. See pages 6, 8 and 9 of the Annual Town Report.

Further Appropriations and Actions

For further appropriations and actions regarding the Street Railway see actions of the Annual Town Meeting of March 14, 1922, page 11 of the Annual Town Report.

STREET RAILWAY

Cease Operations and Dispose of Railway

To see if the Town will vote to discontinue all service on the Exeter, Hampton and Amesbury Street Railway and see what disposition will be made with the property.

Article 9 of the warrant for the Annual Town Meeting of March 9, 1926 voted that the Railroad Committee be discharged and the operation of the railroad be discontinued and that a committee elected by acclamation at this meeting to sell and dispose of the Franchise and physical property used in the operation of the railroad to the best advantage of the Town, etc.

Use of Right-of-Way by Exeter and Hampton Electric Co.

The adoption of Article 15 was moved and seconded.

The following amendment to Article 15 was made and seconded.

"The Exeter and Hampton Electric Company to remove at their expense any line, wire, or poles on a three months notice from the town if it is felt by the Selectmen that it is in the best interest of the town."

A second amendment was made and seconded as follows:

"After a public meeting in Hampton within 60 days from date to explain the request for the easement."

Both amendments passed.

Article 15 of the Annual Town Meeting of March 11, 1969, was passed as amended and reads:

To see if the town will authorize the Selectmen, in their discretion to grant rights of way, and to sign and execute a deed or deeds to Exeter and Hampton Electric Company to construct and maintain a line or lines of poles and wires over parcels of land owned by the Town, [after a public meeting in Hampton within 60 days from date, to explain the reason for the requested easement—] the first parcel being located on the northerly side of the road of the Treatment Plant and acquired from Homer A. Johnson by deed dated March 2, 1962, and recorded in Rockingham County Registry of Deeds, Book 1617 page 388. The second parcel being the "Treatment Plant" lot so called, and acquired from Charles H. Brown by deed dated July 31, 1933, and recorded in Book 890, page 432; and the third parcel acquired from Tower Realty, Inc., by deed dated Feb. 27, 1965 and recorded in Book 1755 page 303. The proposed right-of-way is in part coincident with an existing sewer line and is shown on a certain plan entitled "Proposed Right of Way of Exeter and Hampton Electric Company across Land of the Town of Hampton, Hampton, New Hampshire" by John Durgin, Civil Engineers, Scale 1 inch - 100 feet, January, 1969. [The Exeter and Hampton Electric Company to remove at their expense any line, wire, or poles on a three months notice from the town if it is felt by the Selectmen that it is in the best interest of the town. Poles to be placed at their own risk, and the town not to be responsible for any damage to poles.]

Amendments are enclosed in brackets: [. . .]

Chapter 438

TATTOOING, BRANDING AND BODY PIERCING

ARTICLE I
Town Meeting Votes

ARTICLE II
Regulations

§ 438-1. Prohibition.

§ 438-2. Violations and penalties.

§ 438-3. Authority.

§ 438-4. Definition.

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes

[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Tattooing

To see if the Town will vote to direct the Town Manager in his capacity as health officer to prohibit the opening and for operation of any tattoo parlor within the Town. Tattooing shall include any similar type of business in which entries are made into the skin of a human body by needles or other instruments. The reason for said prohibition being to promote the public health by reducing the possibilities of transmitting infectious diseases such as hepatitis.

The article was moved and seconded. An amendment was made to eliminate "direct the Town Manager in his capacity as a health officer to" and "for" (preceding operation of any tattoo). Amendment passed.

Article 23 of the warrant for the Annual Town Meeting of March 17, 1984, was voted in the affirmative. See pages 25 and 26 of the Annual Town Report.

Prohibit Tattooing, Branding and Body Piercing

To see if the Town of Hampton will vote to exercise its authority under RSA 31 to prohibit tattooing, branding and body piercing within the Town of Hampton.

The article was moved and seconded. Motion to amend by adding at the end of the article "unless performed by a licensed medical doctor." The amendment was passed.

Article 37 of the warrant for the Annual Town Meeting of March 18, 1995, was voted in the affirmative. See pages 37 and 38 of the Annual Town Report.

ARTICLE II
Regulations
[Adopted as Ch. 2, Art. 16, of the Code of Ordinances]

§ 438-1. Prohibition.

Tattooing, branding and body piercing within the Town of Hampton are prohibited except when performed by a license medical doctor.

§ 438-2. Violations and penalties.

A fine of $1,000 for each offense, said fines to inure to such uses as directed by the Board of Selectmen.

§ 438-3. Authority.

This article is authorized through Article 37 of the 1995 Town Meeting warrant and RSA 31:39, I and III, effective July 22, 1996.

§ 438-4. Definition. [Added 3-8-1997 by Art. 40]

"Body piercing" means the act of penetrating the skin, excluding the lobes and outer perimeter of the ear, to make, generally permanent in nature, a hole, mark or scar.

Chapter 442

TAXATION

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Assessors to Print List of Taxable Property

Voted that when the Assessors have completed their work, and made their return to the State, there be printed for distribution the invoice of taxable property for 1912.

Voted under the warrant for the Annual Town Meeting of March 12, 1912. See page 9 of the Annual Town Report.

Elderly Exemption

On petition of Minnie E. Philbrook and 11 other legal voters of the Town of Hampton, to see if the Town will vote to adopt the Homeowners Exemption provisions of RSA Chapter 72 granting $5,000 exemption based upon equalized assessed valuation on all owner occupied units and a $10,000 exemption based on equalized valuation on all owner occupied units owned by persons over 65 years of age.

Ballot vote: Yes 1,061, No 585. Annual Town Election of March 5, 1974, see page 35 of the Annual Town Report.

Solar Energy Exemption

Shall the Town adopt the provisions of RSA 72:62 for a property tax exemption on real property equipped with a solar energy heating or cooling system.

Ballot vote: Yes 1,084, No 301. Annual Town Election of March 2, 1976. See pages 53, A4 and A5 of the Annual Town Report.

Elderly Expanded Exemptions

Shall the Town adopt the provisions of RSA 72:43-b and 43-c relative to expanded exemptions on real estate for the elderly.

Ballot vote: Yes 1,084, No 301. See Article 11 of the March 2, 1976, Annual Town Meeting. See page 53 of the Annual Town Report.

Elderly Expanded Exemptions

To see if the Town will vote to adopt the provisions of RSA 43-C to expand exemptions on real estate for the elderly, changing the eligibility requirement that a person may own no more than $35,000 in assets of any kind to a requirement that a person may own no more than $50,000 in assets of any kind.

Ballot vote: Yes 1,335, No 491. Article 27 of the Annual Town Election of March 14, 1978. See pages 36 and 37 of the Annual Town Report.

Elderly Exemption Basis Change

To see if the Town will vote to adopt the following concerning the amendment which bases elderly exemption upon the assessed value of real estate and not the equalized value. Shall the Town adopt the new provisions of RSA 72:43-B relative to expanded exemption on real estate for the elderly, changing the basis of the exemption from the equalized assessed value to the actual assessed value.

Ballot vote: Yes 1,035, No 603. Article 28 of the Annual Town Election of March 14, 1978. See page 37 of the Annual Town Report.

Adjusted Elderly Exemption

To see if the Town will adopt the Adjusted Elderly Exemptions from residential property taxes, as authorized by the 1981 Session of the General Court. Shall we adopt the provisions of RSA 72:43-f for the adjusted elderly exemptions from property tax? These statutes provide for the following exemptions, based on assessed value, for qualified taxpayers: for a person 65 years of age up to 75 years, $10,000; for a person 75 years of age up to 80 years, $15,000; for a person 80 years of age or older, $20,000. To qualify, the person must have been a New Hampshire resident for at least 5 years; own the real estate individually or jointly, of if the real estate is owned by the spouse, they must have been married for at least 5 years. In addition, the taxpayer must have a net income of less than $10,000 or if married, a combined net income of less than $12,000, and own net assets of $30,000 or less, excluding the value of the person's residence.

Ballot vote: Yes 1,834, No 262. See Article 36 of the Annual Town Election of March 9, 1982. See page 29 of the Annual Town Report.

Adopt Optional Adjusted Elderly Exemption

On the petition of Ann W. Kaiser and ten or more registered voters of the Town of Hampton. To see if the Town will vote to adopt optional adjusted elderly exemption from property tax? The optional exemptions, based on assessed value, for qualified taxpayers shall be as follows: for a person 65 years of age up to 75 years, $20,000; for a person 75 years of age up to 80 years, $30,000; for a person 80 years of age or older, $40,000. 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 his spouse, they must have been married for at least 5 years. In addition, the taxpayer must have a net income of less than $10,000, if married, a combined net income of less than $12,000, and own net assets of no more than $30,000 excluding the value of the person's residence.

Article 2 of the March 14, 1989, Annual Town Election voted by Ballot: Yes 1,276, No 216. See pages 11 and 12 of the Annual Town Report.

Optional Veterans' Exemption

On petition of twenty-five or more legal voters, "Shall we adopt the provisions of RSA 72:28, V and VI for an optional veterans' exemption and an expanded qualifying war service for veterans seeking the exemption? The optional veterans' exemption is $100, rather than $50."

Article 26 was approved by ballot at the Annual Town Election on March 12, 1991: Yes 916, No 240. See page 19 of the Annual Town Report.

Veterans' Service-Connected Total Disability Exemption

On petition of twenty-five or more legal voters, "Shall we adopt the provisions of RSA 72:35, IV for an optional property tax exemption on residential property for a service-connected total disability? The optional disability exemption is $1,400, rather than $700."

Article 27 was voted on by ballot at the Annual Town Election on March 12, 1991: Yes 843, No 300. See page 19 of the Annual Town Report

Modify Elderly Exemptions

Shall we modify the elderly exemptions from property tax in the Town of Hampton, based on assessed value, for qualified taxpayers, to be as follows: for a person 65 years of age up to 75 years, $30,000; for a person 75 years of age up to 80 years, $40,000; for a person 80 years of age or older; $50,000. To qualify, the person must have been a New Hampshire resident for at least five 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 at least 5 years. In addition, the taxpayer must have a net income of not more than $16,000, or if married, a combined net income of less than $23,000 and own assets not in excess of $50,000 excluding the value of the person's residence.

Article 2 of the Annual Town Meeting of April 4, 1997, was amended by changing the net income from $16,000 to $19,000 for a single person and from $23,000 to $28,000 for a married couple. Amendment passed.

The article was further amended to increase net income to $21,000 for a single person and $30,000 for a married couple. The amendment passed.

The amended main motion was passed by ballot of Yes 2,662, No 676. See page 21 of the Annual Town Report.

Modify Elderly Exemptions

Shall we modify the elderly exemptions from property tax in the Town of Hampton, based on assessed value, for qualified taxpayers, to be as follows: for a person 65 years of age up to 75 years, $50,000; for a person 75 years of age up to 80 years, $70,000; for a person 80 years of age or older $90,000? 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. In addition, the taxpayer must have a net income of not more than $21,000 or, if married, a combined net income of less than $30,000; and own net assets not in excess of $60,000 excluding the value of the person's residence.

Results of balloting on March 13, 2001: Yes 1,966, No 431. Article 33 passed.

Modify Elderly Exemptions

Shall we modify the elderly exemptions from property tax in the Town of Hampton, based on assessed value, for qualified taxpayers, to be as follows: for a person 65 years of age up to 75 years, $50,000; for a person 75 years of age up to 80 years, $70,000; for a person 80 years of age or older $90,000? 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. In addition, the taxpayer must have a net income of not more than $26,000 or, if married, a combined net income of less than $43,000; and own net assets not in excess of $95,000 excluding the value of the person's residence.

Results of Balloting on March 12, 2002: Yes 2,234, No 320. Article 35 passed.

Modify Elderly Exemptions

Shall we modify the elderly exemptions for property tax in the Town of Hampton, based on assessed value, for qualified taxpayers, to be as follows: for a person 65 years of age up to 75 years, $82,000; for a person 75 years up to 80 years, $115,000; for a person 80 years of age or older $147,000? 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. In addition, the taxpayer must have a net income of not more than $30,000 or, if married, a combined net income of less than $50,000, and own net assets not in excess of $95,000 excluding the value of the person's residence.

Selectman Workman moved to amend the language in the article due to a revision in the statute. The Workman Amendment is as follows: Shall we modify the existing exemptions for property tax in the Town of Hampton in accordance with RSA 72:39-a and b based on assessed value, for qualified taxpayers, to be as follows: for a person 65 years of age up to 75 years, $82,000; for a person 75 years up to 80 years, $115,000; for a person 80 years of age or older $147,000? To qualify, the person must have been a New Hampshire resident for at least 5 consecutive 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 consecutive years. In addition, the taxpayer must have a net income of not more than $30,000 or, if married, a combined net income of less than $50,000; and own net assets not in excess of $95,000 excluding the value of the person's residence, or if married, combined net assets not in excess of $145,000 excluding the value of the person's residence. The additional conditions for an elderly exemption set forth in RSA 72:39-a shall also apply. Seconded by Virginia Bridle. The Workman Amendment passed.

Results of balloting on March 9, 2004: Yes 3,711, No 703. Article 4 passed.

Modify Exemption for the Disabled

Shall we modify the exemption for the disabled under the provisions of RSA 72:37-c from the assessed value of residential real estate for property tax purposes to the value of $41,000 to address significant increases in property values? To qualify, the person must have been a New Hampshire resident for at least 5 years and own and occupy the real estate individually or jointly, or if the real estate is owned by a spouse, they must have been married for at least 5 years. In addition, the taxpayer must have a net income of not more than $21,000 or, if married, a combined net income of not more than $30,000; and own assets not in excess of $50,000 excluding the value of the person's residence.

James Workman moved to amend the language of the article due to a new RSA. Seconded by Virginia Bridle. The Workman Amendment is as follows: Shall we adopt the provisions of RSA 72:37-b and thereby modify the existing exemption for the disabled under the provisions of RSA 72:37-c from the assessed value of residential real estate for property tax purposes to the value of $41,000 to address significant increases in property values? In order to qualify, the taxpayer must have a net income of not more than $21,000 or, if married, a combined net income of not more than $30,000; and own assets as defined by RSA 72:37-b not in excess of $50,000, or if married, combined net assets not in excess of $75,000. The additional conditions for an exemption for the disabled set forth in RSA 72:37-b shall also apply, including but not limited to the requirements of ownership by a resident or the resident's spouse. The Workman Amendment passed and the article will go on the ballot as amended.

Results of balloting on March 9, 2004: Yes 3,412, No 882. Article 5 passed.

Modify Exemption for the Blind

Shall we modify the exemption for the blind under the provisions of RSA 72:37 from the assessed value of residential real estate for property tax purposes to the value of $25,000 to address significant increases in property values? This statute provides that every inhabitant who is legally blind shall be exempt each year, for property tax purposes, from the assessed value on a residence in the amount determined by the Town.

Results of balloting on March 9, 2004: Yes 3,351, No 933. Article 6 passed.

Optional Veterans' Tax Credit

Shall the Town of Hampton adopt a $500 Optional Veterans' Tax Credit pursuant to the provisions of RSA 72:28, II to replace the existing $100 Optional Veterans' Tax Credit adopted at the 1991 Town Meeting?

Results of balloting on March 9, 2004: Yes 3,448, No 942. Article 7 passed.

Modify Elderly Exemptions

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

Results of Balloting on March 10, 2009: Yes 2,329, No 381. Article 11 passed.

Tax Credit for Surviving Spouse

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)

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).

Motion made and seconded to restrict reconsideration of Articles 18-21. Motion passed.

Results of balloting on March 9, 2010: Yes 2,595, No 288. Article 22 passed.

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)

Results of balloting on March 9, 2010: Yes 2199, No 577. Article 34 passed.

Collection of Taxes

Shall the Town of Hampton vote to authorize the submission to the State Legislature of the following Act so that the Town can transition from a calendar fiscal year to a fiscal year beginning July 1 and ending the following June 30, entailing an 18-month transitional budget and tax payment schedule as outlined in said Act, which will involve no change in the schedule of periodic tax payments? Majority vote required)

AN ACT AUTHORIZING THE TOWN OF HAMPTON TO COLLECT TAXES FOR ONE 18-MONTH ACCOUNTING PERIOD

Be it Enacted by the Senate and House of Representatives in General Court convened:

Section 1. Notwithstanding any general provisions of law to the contrary, the collection of taxes in the Town of Hampton shall be governed by the following provisions:

Taxes assessed as of April 1, 2012, shall be assessed for a single 18-month accounting period running from January 1, 2012 to June 30, 2013. The town shall budget receipts and expenditures, and raise and appropriate revenues, on the basis of a single 18-month period. Taxes for the 18-month period shall be paid as follows: On July 1, 2012, a payment on the taxes for said period shall be due and payable, which will equal 1/2 the amount of taxes paid on the 2011 assessment. A second payment shall be due and payable on or before December 1, 2012, which shall be equal to 2/3 of the 18-month assessment made on April 1, 2012, less the amount of the payment due July 1, 2012. The balance of the taxes due on the then current 18-month assessment shall be due and payable on or before July 1, 2013. Taxes assessed as of April 1, 2013 and in all subsequent years shall be due and payable as follows: 1/2 on or before December 1st of each year thereafter, and 1/2 on or before July 1st of each year thereafter and the fiscal year of the Town shall thereafter be July 1st to the following June 30th.

Interest on taxes assessed in the Town of Hampton as provided in paragraph I shall be charged upon all taxes not paid on or before the due date as set forth in RSA 80, which shall be collected from that date with the taxes as incident thereto.

Section 2. This act shall take effect upon its passage.

Results of Balloting on March 8, 2011: Yes 2,136, No 783. Article 30 passed.

Chapter 445

TAX DEEDS

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Transfer of tax-deeded property — See Ch. 786.

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Obtain Proper Titles

Voted that the Selectmen be instructed to take the necessary steps to secure proper deeds or titles on all property sold for taxes or sewer easements.

Voted under an article in the warrant for the Annual Town Meeting of March 13, 1917. See pages 7 and 8 of the Annual Town Report.

Selectmen Authorized to Administer or Dispose of Tax Deeded Land

To see if the Town will authorize the Selectmen to administer or dispose of any real estate acquired by the Town through tax deeds.

Article 9 of the warrant for the Annual Town Meeting of March 8, 1938, was moved, seconded and voted in the affirmative. See pages 6 and 20 of the Annual Town Report.

Selectmen Authorized to Administer or Dispose of Tax Deed Real Estate

To see if the Town will authorize the Selectmen to administer, sell or otherwise dispose of any real estate acquired by the Town through tax deeds.

Article 5 of the warrant for the Annual Town Meeting of March 9, 1948, was moved, seconded and voted in the affirmative. See pages 4 and 29 of the Annual Town Report.

Power to Dispose of Real Estate Acquired Through Tax Deeds

To see if the town will vote to give the Selectmen power to administer, sell or otherwise dispose of any real estate acquired through tax deeds.

Article 5 of the warrant of the Annual Town Meeting of March 11, 1958, was so voted. See page 188 of the Town Records of 1955-1960.

Selectmen Authorized to Administer or Dispose of Tax Deeded Real Estate; Marshland To Be Retained for the Town

To see if the Town will vote to give the Selectmen power to accept, administer (including leasing for a term of years), or sell any Real Estate acquired through tax deeds; any sale to be at public auction or by requesting sealed bids therefor with reserve, with the exception that all Tidal and fresh water marsh acquired through tax deeds be kept by the Town and placed under the jurisdiction of the Conservation Commission.

Article 11 of the warrant for the Annual Town Meeting of March 4, 1975, was moved, seconded and voted in the affirmative. See pages 4A, 35 and 36 of the Annual Town Report.

Chapter 448

TAXI BUSINESSES

§ 448-1. Authority.

§ 448-2. Purpose.

§ 448-3. Definitions.

§ 448-4. Authority of Board of Selectmen.

§ 448-5. Office of Taxi Inspector created.

§ 448-6. Enforcement by Taxi Inspector.

§ 448-7. Licenses required.

§ 448-8. Taxi operator's license requirements.

§ 448-9. Taxicab business license requirements.

§ 448-10. License term and fees.

§ 448-11. License suspension or revocation.

§ 448-12. Application for renewal of license.

§ 448-13. Transfer of license.

§ 448-14. Expiration of license.

§ 448-15. Insurance.

§ 448-16. Posting of rates.

§ 448-17. Vehicle markings.

§ 448-18. Reciprocity with other municipalities.

§ 448-19. Taxicab stands.

§ 448-20. Licenses to be displayed.

§ 448-21. Taxi condition.

§ 448-22. General provisions.

§ 448-23. Internal postings.

§ 448-24. Violations and penalties.

§ 448-25. Severability.

§ 448-26. When effective; repealer.

[HISTORY: Adopted by the Town Meeting of the Town of Hampton 3-9-2010 by Art. 30; ballot vote: Yes 2217, No 549. Amendments noted where applicable.]

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§ 448-1. Authority.

In accordance with the provisions of RSA 31:40 authorizing the Town of Hampton to enact bylaws, the following chapter for the regulation of taxi businesses is adopted by the Town of Hampton by the Annual Town Meeting assembled.

§ 448-2. Purpose.

It is the declared purpose of the Town of Hampton, through the adoption of this chapter, 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.

§ 448-3. Definitions.

The following words shall have the meanings indicated within this chapter:

LICENSED MOTOR VEHICLE — Any motor vehicle licensed as a taxi or taxicab by the Town of Hampton and/or holds a valid taxi license from another municipality.

LICENSEE — Any person who has been issued a license under this chapter by the Board of Selectmen.

OPERATOR — The person driving or having control or possession of said motor vehicle while the same is being used in the taxi business.

OWNER — The person having the ownership or leasehold of any motor vehicle used or to be used in the taxi business.

PERMIT — 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.

PERSON — Any person, individual, employee, business, firm, or corporation, partnership, association, owner or operator, and/or any other legal entity.

TAXI BUSINESS or TAXI BUSINESS LICENSE — Any taxi or taxicab business, operation or service licensed by the Board of Selectmen to operate within the Town of Hampton.

TAXI OPERATOR'S LICENSE — Any person licensed by the Board of Selectmen to operate a taxi or taxicab within the Town of Hampton.

TAXI or TAXICAB — Any rubber-tired motor vehicle, having a manufacturer's rated capacity of not more than seven 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 chapter shall not apply to the following:

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

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

C. The vehicle is rated by its manufacturer for a capacity of more than seven passengers.

TAXI STAND — 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.

§ 448-4. Authority of Board of Selectmen.

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.

§ 448-5. Office of Taxi Inspector created.

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 chapter. 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.

§ 448-6. Enforcement by Taxi Inspector.

If the Taxi Inspector determines that any violation of this chapter has occurred, the Inspector may take one 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.

§ 448-7. 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.

§ 448-8. Taxi operator's license requirements.

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

(1) 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.

(2) Provide evidence of possession of a valid motor vehicle operator's license.

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

(4) Provide two clear photographs of the person who is applying for a license using the following guidelines:

(a) The photographs are identical.

(b) In color.

(c) Two inches by two inches in size.

(d) Taken within the past six months, showing current appearance.

(e) Full face, front view with a plain white or off-white background.

(f) Between 1 3/8 inches from the bottom of the chin to the top of the head.

(g) Taken in normal street attire.

(h) Uniforms should not be worn in photographs except religious attire that is worn daily.

(i) Do not wear a hat or headgear that obscures the hair or hairline.

(j) If you normally wear prescription glasses, a hearing device, wig or similar articles, they should be worn for your picture.

(k) Dark glasses or nonprescription glasses with tinted lenses are not acceptable unless you need them for medical reasons (a medical certificate may be required).

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

C. 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 15 full years prior to the date of the application.

§ 448-9. 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. The applicant has complied with the requirements of § 448-8 under this chapter.

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 chapter. 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 chapter.

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

§ 448-10. License term and fees.

A. All licenses granted under this chapter shall remain in full force and effect until the annual expiration date of their required insurance. **[Amended 3-13-2013 ATM, Art. 27, ballot vote: Yes 2056, No 160]**

B. Taxi business license.

(1) The fee for a taxi business license shall be $100 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.

(2) In addition to the fees payable pursuant to this chapter, the person shall reimburse the Town for any expense occasioned by the issuance of the license for the taxi business.

C. Taxi operator's license.

(1) The fee for a taxi operator's license shall be $25 per year or any part thereof plus the cost of criminal and motor vehicle checks.

(2) The fee for restoration of any taxi operator's license that has been revoked shall be $25.

(3) In addition to the fees payable pursuant to this chapter, the person shall reimburse the Town for any expense occasioned by the issuance of the taxi operator's license.

§ 448-11. License suspension or revocation.

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

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 therefor. 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 $100, 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 days after revocation.

§ 448-12. Application for renewal of license.

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.

§ 448-13. Transfer of license.

A. No license may not be transferred from one licensed motor vehicle to any other unlicensed 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 chapter.

(4) The Board of Selectmen has received payment of a transfer fee of $25 per vehicle.

(5) In addition to the fees payable pursuant to this chapter, the person shall reimburse the Town for any expense occasioned by the transference of the 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 chapter, 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 a transfer fee of $25 per license.

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

§ 448-14. Expiration of license.

A 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.

§ 448-15. Insurance. [Amended 3-8-2011 ATM, Art. 44, ballot vote: Yes 1,196, No 1,720; 3-13-2013 ATM, Art. 27, ballot vote: Yes 2,056, No 160]

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 Commercial Auto Policy with personal injury coverage (Bodily Injury and Property Damage) shall not be less than five hundred thousand dollars Combined Single Limit ($500,000), or a combination of a Commercial Auto Policy and Excess Liability Policy with Split Limit Coverage totaling not less than five hundred thousand dollars ($500,000). Medical coverage shall not be less than $5,000 per person. **[Amended 3-10-2015 ATM, Art. 36, ballot vote: Yes 1,740, No 499]**

B. Notice of cancellation of insurance for non-payment shall be sent to the Board of Selectmen ten days in advance by the insured and 30 days in advance by the insured for non-renewal, cancellation and cancellation warning.

§ 448-16. Posting of rates.

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

§ 448-17. 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 name and phone number of the licensed business permanently affixed/displayed on the sides thereof, in letters not less than three inches in height.

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

§ 448-18. 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 pick up passengers by prior arrangement in the Town for delivery to destinations outside the Town.

§ 448-19. 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.[1]

§ 448-20. Licenses to be displayed.

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

B. 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.

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1. **Editor's Note: See Ch. 805, Vehicles and Traffic.**

§ 448-21. Taxi condition.

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

§ 448-22. 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 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."

§ 448-23. Internal postings.

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 point.

C. All licenses and permits shall be posted.

D. Posting of:

(1) Fares: actual rates and the date of effectiveness.

(2) "Operator to give requested written receipt for the fare paid to the said passenger."

(3) "Multiple fares are prohibited without the consent of each passenger."

(4) "No Smoking."

§ 448-24. Violations and penalties.

A. Any person violating the provisions of this chapter 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.

§ 448-25. Severability.

If any provision, word, clause, section, paragraph, phrase or sentence of this chapter 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 chapter, provided that the purposes of this chapter can still be achieved in the absence of the invalid provisions.

§ 448-26. When effective; repealer.

This chapter 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.

Chapter 451

TAX MAPS

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Property Tax Maps

On petition of J. Walter Hollis and 10 other legal voters of the Town of Hampton to see if the Town will vote to raise and appropriate the sum of $5,000 for the purpose of providing property tax maps for the Town.

Article 32 of the warrant for the Annual Town Meeting of March 9, 1954 was moved and seconded. Amendment was made as follows: "At the end of Article 32 after the word Town, — to read: "and the surveying for and making of aforesaid maps to be let by contract to the lowest bidder." Amendment was defeated. The main motion was voted in the affirmative. See pages 11, 35 and 36 of the Annual Town Report.

Complete Tax Maps

To see if the Town will vote to raise and appropriate the sum of $5,000 for completion of work on the property tax maps of the Town.

Article 9 of the warrant for the Annual Town Meeting of March 8, 1955 was moved, seconded and voted in the affirmative. See pages 7, 23 and 24 of the Annual Town Report.

Continuing Tax Map Work

To see if the Town will vote to raise and appropriate the sum of $6,000 for the purpose of hiring a full-time engineer to prepare property tax maps for the Town.

Article 8 of the warrant for the Annual Town Meeting of March 13, 1962 was moved, seconded and voted in the affirmative. See pages 13 and 14 of the Annual Town Report.

Chapter 457

TIRES, STORAGE OF

§ 457-1. Authority.
§ 457-2. Storage restrictions.
§ 457-3. Violations and penalties.

[HISTORY: Adopted by the Town Meeting of the Town of Hampton 3-4-1975 by Art. 16 (Ch. 2, Art. 9, of the Code of Ordinances). Amendments noted where applicable.]

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§ 457-1. Authority.

In accordance with the authority in RSA 31:39 and any other applicable chapter in the Revised Statutes Annotated of New Hampshire, the following chapter is adopted.

§ 457-2. Storage restrictions.

It shall be unlawful to store, discard or otherwise cause to be placed or left automotive tires of all types in areas which are open to the weather and elements, unless the tires are completely covered or otherwise protected against the accumulation of water therein. Tires displayed for retail sales purposes are excluded from the operation of this chapter.

§ 457-3. Violations and penalties.

Any person violating this chapter shall be subject to a fine of $25 for each offense.

Chapter 463

TOWN FOREST

§ 463-1. Establishment of forest, committee and fund.

[HISTORY: Adopted by the Town Meeting of the Town of Hampton 3-10-2015 by Art. 33, ballot vote: Yes 1,837, No 504. Amendments noted where applicable.]

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§ 463-1. Establishment of forest, committee and fund.

The Town of Hampton votes to:

Establish a Town Forest in accordance with RSA 31:110 to consist of land already owned by the Town and known as the "Twelve Shares", and

Establish a Town Forestry Committee that shall be the Conservation Commission and the Tree Warden as an ex-officio member in accordance with RSA 31:112, and

Establish a Forest Maintenance Fund. Funds appropriated for establishing and maintaining the Town Forest and from the proceeds of timber harvesting in the Town Forest shall be placed in the Forest Maintenance Fund, and said funds shall not be a part of the general fund, and shall be allowed to accumulate from year to year in accordance with RSA 31:113.

Chapter 467

TOWN MANAGER

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Create Town Manager Position

On petition of Alton P. Tobey and twenty other legal voters of the Town of Hampton to see if the Town will vote to adopt the Town Manager Plan as provided by Chapter 55 of the Revised Laws of New Hampshire as amended.

Article 18 of the warrant for the Annual Town Meeting of March 9, 1954, was voted by ballot: Yes 442, No 434. See pages 7 and 39 of the Annual Town Report.

Vote on Continuation of Town Manager Plan

On petition of Theodore J. Clough and nine other legal voters of the Town of Hampton, to see if the town will vote to abolish the Town manager Plan as provided in Chapter 55 of the Revised Laws of New Hampshire as amended.

Article 4 of the warrant for the Annual Town Election of March 8, 1955, was voted by ballot: Yes 979, No 321. See pages 6 and 41 of the Annual Town Report.

Vote on Continuation of Town Manager Plan

On petition of Raymond Sturgis and nine other legal voters of the Town of Hampton, to see if the town favors continuation of the town manager plan as now in force in this town.

Article 24 of the warrant for the Annual Town Meeting of March 12, 1957, was voted by ballot: Yes 603, No 376. See pages 13 and 47 of the Annual Town Report.

Town Manager as Tax Collector

Shall the powers and duties of the Office of Collector of Taxes be transferred from said office to that of Town Manager.

Article 6 of the warrant for the Annual Town Election of March 12, 1962, was voted by ballot: Yes 365, No 796. See page 35 of the Annual Town Report.

Vote on Continuation of Town Manager Plan

On petition of William R. Kennedy and ten legal voters of the Town of Hampton: To see if the Town favors rescinding the adoption of the Town Manager Plan as provided in Chapter 37 of the Revised Statutes Annotated.

Article 24 of the warrant for the Annual Town Election of March 9, 1965, was voted by ballot: Yes 817, No 469. See pages 7A, 8A and 35 of the Annual Town Report.

Vote on Continuation of Town Manager Plan

On petition of Arthur L. Fellows and 33 other legal voters of the Town of Hampton, to see if the Town will vote to rescind the adoption of the provisions of New Hampshire Revised Statutes Annotated, Chapter 37, relative to the Town Manager, and in voting on the question of revoking the provisions of the chapter the balloting procedures prescribed in section 15 of said chapter be followed by having the following question appear on the ballot:

Do you favor the continuation of the Town Manager plan as now in force in this Town?

Article 8 of the warrant for the Annual Town Election of March 2, 1976, was voted by ballot: Yes 972, No 516.

Hire Executive Secretary if Town Manager Plan Revoked

On petition of Arthur L. Fellows and 33 other legal voters of the Town of Hampton, to see if the Town will vote to recommend that the Board of Selectmen hire an Executive Secretary if the Town votes to rescind the Town Manager position.

Article 9 of the warrant for the Annual Town Election of March 2, 1976, was voted by ballot: Yes 604, No 735.

Vote on Continuation of Town Manager Plan

On petition of Allen R. Bridle and 16 other legal voters of the Town of Hampton, to see if the Town will vote to rescind the adoption of the provisions of New Hampshire Revised Statutes Annotated, Chapter 37, relative to the Town Manager, and in voting on the question of revoking the provisions of this chapter the balloting procedure prescribed in section 15 of said chapter be followed by having the following question appear on the ballot:

Do you favor the continuation of the Town Manager plan as now in force in this Town?

Article 29 of the warrant for the Annual Town Election of March 14, 1978, was voted by ballot: Yes 1070, No 779. See page 37 of the Annual Town Report.

TOWN MANAGER

Hire Executive Secretary if Town Manager Plan Revoked

On petition of Allen R. Bridle and 16 other legal voters of the Town of Hampton, to see if the Town will vote to recommend that the Board of Selectmen hire an Executive Secretary of the Town votes to rescind the Town Manager position.

Article 30 of the warrant for the Annual Town Election of March 14, 1978, was voted by ballot: Yes 927, No 743. See pages 37 and 38 of the Annual Town Report.

Selectmen to Request Resignation of the Town Manager

On petition of Marion E. Brown and 14 other legal voters of the Town of Hampton, to see if the Town will vote on the following question:

Are you in favor of asking the members of the Board of Selectmen to ask for the resignation of the present Town Manager, Peter C. Lombardi?

Article 31 of the warrant for the Annual Town Election of March 14, 1978, was voted by ballot: Yes 930, No 835. See page 38 of the Annual Town Report.

Hire Administrative Assistant if Town Manager Plan Revoked

Is it recommended that the Board of Selectmen hire an Administrative Assistant if the Town voted to rescind the Town Manager for government?

Article 29 of the warrant for the Annual Town Election of March 13, 1979, was voted by ballot: Yes 1124, No 880. See page 31 of the Annual Town Report.

Vote on continuation of Town Manager Plan

Do you favor the continuation of the Town manager plan as now in force in this Town?

Article 30 of the want for the Annual Town Election of March 13, 1979, was voted by ballot: Yes 1537, No 574. See page 31 of the Annual Town Report.

Chapter 468

TOWN MEETINGS AND ELECTIONS

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Annual Town Meeting Warrants

Vote that the Annual Warrant or call for the Annual Town Meeting, also the records of the present meeting, be printed with the Selectmen's Report at the end of the coming year.

Voted under the warrant for the Annual Town Meeting of March 13, 1906. See page 7 of the Annual Town Report.

Print Petitioners Names

Voted that the Selectmen be and are hereby requested to publish in the warrant for the Annual Town Meeting, the names of the petitioners by whose request any of the Articles are published in said Warrant.

Voted under the warrant for the Annual Town Meting of March 13, 1906. See page 8 of the Annual Town Report.

Australian Balloting

Voted that the Town adopt the use of the Australian Ballot in our annual Town elections.

Voted at the Annual Town Meeting of March 10, 1914. See page 9 of the of the Annual Town Report.

Australian Balloting

Article 1. Ballots were called for under this Article, whether we should adopt the proposed system of electing Town Officers.

The result of balloting was as follows:

Number of ballots cast	37
Necessary for choice	19
Those voting "yes"	9
Those voting "no"	25

The Moderator declared that the vote was not for adopting the Australian system of electing Town Officers.

Voted at the Special Town Meeting of February 20, 1922. See pages 5 and 6 of the Annual Town Report.

Holding Town Meeting in the Evening or on Saturday

To transact any other business that may legally come before said meeting.

There was some discussion as to holding Town Meeting in the evening or on Saturday P.M. but it was decided that Town Meetings had to be held on the second Tuesday of March each year.

See the warrant for the Annual Town Meeting of March 8, 1949, pages 7 and 20 of the Annual Town Report.

Adopt Non-Partisan Ballot System

On petition of Victor A. Bogrett, Jr. and ten other legal voters to see if the Town will vote to adopt the non-partisan ballot system for all future Town elections, regular or special.

Article 4 of the warrant for the Annual Town Meeting on March 13, 1951, was voted by ballot: Yes 272, No 521. See pages 5 and 26 of the Annual Town Report.

Holding Town Meetings in the Evening

Wilfred Cunningham read letters from the Attorney General in regard to holding Town Meetings in the evening. This was discussed more or less than a Motion: by Mr. Cunningham that the Selectmen write the Attorney General in regard to this question.

Voted under the warrant for the Annual Town Meeting of March 13, 1951. See page 25 of the Annual Town Report.

Warrant Article over $750

On petition of David M. Hamilton and forty-two other legal voters of the Town of Hampton, to see if the Town will vote to have all special articles in the warrants for all annual and all Special Town meetings, with the exception of those articles in the warrant to raise and appropriate such sums of money as may be necessary for the Budget so-called, placed on the Australian Ballot if such special articles involve or are likely to involve expenditures of the sum of $750 or more; and to have a public meeting for the discussion of the articles in the warrant for each Town meeting, said public meeting to be held at a time and place designated by the Board of Selectmen at the time of the posting of said warrant and to be held at least seven days before said Town Meeting.

Article 3 of the warrant for the Annual Town Meeting of March 8, 1955, was voted by ballot: Yes 818, No 255. See pages 5 and 41 of the Annual Town Report.

Expenditures Involving $750 or More

To see if the Town will vote to rescind the action taken on Article 3 of the Town Warrant for 1955 relative to placing on the ballot all special articles involving the expenditure of $750 or more.

Article 3 of the warrant for the Annual Town Meeting of March 13, 1956, was moved, seconded and voted in the affirmative. See pages 5, 22 and 23 of the Annual Town Report.

Non-Partisan Voting

On petition of John P. Dunfey and twelve other legal voters of the Town of Hampton, to see if the Town will vote to adopt the non-partisan ballot system for all future Town elections, regular and special, as provided by Chapter 22 of the New Hampshire Laws of 1943 and any subsequent amendments.

Article 28 of the warrant for the Annual Town Meeting of March 13, 1956, was voted by ballot: Yes 324, No 461. See pages 10 and 43 of the Annual Town Report.

Non-Partisan Ballot System

On petition of James W. Tucker, Sr. and fifteen other legal voters of the Town of Hampton, to see if the town will vote to adopt the non-partisan ballot system for all future town elections, regular and special, as provided by Chapter 22 of the New Hampshire Laws of 1943 and any subsequent amendments.

Article 29 of the warrant of the March 11, 1958, Annual Town Meeting was so voted. See page 192 of the Town Records of 1955-1960.

Voting Machines

To see if the Town will vote to use voting machines at the March 1965 Town Meeting provided voting machines are available and permitted for use at the 1965 Town Meeting on a trial basis.

Voting Machines

The Article was moved, seconded and amended to change the period at the end to a comma and that the words "at no expense" be added. Motion to adopt as amended was approved and voted under Article 11 of the Annual Town Meeting of March 10, 1964. See pages 21 and A3 of the Annual Town Report.

Rescind Non-Partisan Ballot System

On petition of Arthur A. Hinkley and 23 other legal voters of the Town of Hampton, to see if the Town will vote to rescind the action taken at the last annual Town meeting that adopted the non-partisan ballot system, and return to the Australian Ballot System.

Article 38 was voted on by ballot at the Annual Town Meeting of March 10, 1964: Yes 574, No 921. The article was defeated. See pages 28 and A15 of the Annual Town Report.

Town Meeting Two Sessions

On petition of George Hardardt and 10 other legal voters: to see if the Town will adopt the following question:

Do you approve of having two sessions for the Annual Town Meeting in this Town, the first session for choice of Town officials elected by official ballot and the other action to be inserted on said official ballot and the second session, on a date set by the Selectmen, for transaction of other business?

Article 10 of the warrant for the 1973 Annual Town Meeting was voted by ballot: Yes 1,324, No 591. See page 42 of the Annual Town Report.

Vote to Rescind Two Dates for Town Meetings

To see if the Town will vote to rescind its actions of the 1973 Annual Town Meeting relative to having two sessions for the Annual Town Meeting.

Article 12 of the warrant for the Annual Town Meeting of March 2, 1976, was voted by ballot: Yes 452, No 858. See pages A5 and 54 of the Annual Town Report.

Sale of Land Requires Plan at Town Meeting

To see if the Town will vote to require that any article to come before the Town Meeting regarding the sale or lease of any Town owned land be accompanied by a map or plan to be displayed at said Town Meeting of sufficient quality to provide ready identification of the parcel to be sold or leased and that the names and addresses of the abutters be listed on said plan.

Article 60 of the warrant for the Annual Town Meeting of March 16, 1991, was moved, seconded and voted in the affirmative. See page 30 of the Annual Town Report.

Record Town Meetings on Audio Tapes

In accordance with RSA 91-A2, to see if the Town will vote to require that each Annual Town Meeting and any Special Town Meeting that may be called between each Annual Town Meeting be recorded in its entirety on audio tape. Said tapes are to be available for public inspection at the Town Office during normal business and retained for a period of not less than five years.

Article 23 of the warrant for the Annual Town Meeting of March 21, 1992, was moved, seconded and voted in the affirmative. See page 27 of the Annual Town Report.

Annual Report from Private Agencies Funded by the Town

To see if the Town will vote to increase accountability by making a requirement that any outside organization (other than elected Town Officials and Appointed Officers) that received funding from the Town Budget shall file a current annual report with the Board of Selectmen and the Budget Committee at the close of a year.

Said report shall indicate specifically: the type of work done, number of staff hours used, number of Hampton men, woman and children involved per activity, total income from all sources, and total income received as direct payment by Hampton residents for services rendered.

Article 46 of the warrant for the Annual Town Meeting of March 21, 1992, was moved and seconded. Amendment to add "along with their operating budgets" at the end was passed. The amended main motion was passed. See page 37 of the Annual Town Report.

Adoption of Official Balloting RSA 40:13

Shall we adopt the provisions of RSA 40:13 to allow official ballot voting on all issues before the Town?

Article 14 of the warrant for the Annual Town Meeting of March 12, 1996, was voted by ballot: Yes 1,916, No 660. See page 35 of the Annual Town Report.

Print Wages Paid to Town Employees

The following voters petition to see if 1999 and subsequent Annual Reports include the name, position, and gross wages of any person earning a wage or stipend paid by the Town of Hampton. Additional information may be included. The intent is that the taxpayers of Hampton have a right to ascertain what wages and salaries they are supporting with their tax dollars, and the Town has an obligation to present that information.

Article 33 of the warrant for the Annual Town meeting of March 9, 1999, was voted by ballot: Yes 1,850, No 1187. See pages 36, 37 and 38 of the Annual Town Report.

Financial Disclosure on Warrant Articles

On petition of Carolyn Fetter and at least 25 registered voters of the Town of Hampton: Shall the Town of Hampton require full financial disclosure for all Warrant Articles put before the voters? Financial disclosure should include both one-time and on-going costs (if any) per year, and the number of years, if known. Examples of one-time costs would be initial payments for capital expenditures, and installation or removal costs. Examples of on-going costs would be estimated financing or interest charges, electric, heat, maintenance, additional labor costs, etc.

These costs should be expressed as cost per thousand as assessed property value for the year just passed, as valuations and exemptions for coming years are not fully known at the time the Warrant Articles are prepared. Where costs are not fully known, best-guess estimates should be provided. The intent is to give voters a more complete understanding of the short and long-term financial implications of decisions they are asked to make.

Article 42 of the warrant for the Annual Town meeting of March 13, 2007, was voted by ballot: Yes 1,992, No 621. See pages 24 and 25 of the Annual Town Report.

Requiring a Future Town Meeting Vote To Sell Property.

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

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

Motion made and seconded to restrict reconsideration of Articles 33 & 34.

Results of balloting on March 10, 2009: Yes 2096, No 393. Article 34 passed.

Requiring Tax Impact Notation on Certain Warrant Articles

Shall the Town of Hampton vote in accordance with RSA 32:5, V-b, to require that the annual budget article and all special warrant articles having a tax impact, as determined by the governing body (the Board of Selectmen), shall contain a notation stating the estimated tax impact of the warrant article, with the determination of the estimated tax impact being subject to the approval of the governing body? (Majority vote required)

Motion made and seconded to restrict reconsideration of Articles 4-5. Motion passed.

Results of balloting on March 12, 2013: Yes 2108, No 172. Article 5 passed.

Chapter 469

TOWN PROPERTY

ARTICLE I
Town Meeting Votes

ARTICLE II
Surplus Town Equipment and Materials

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Rent or Lease of Municipal Property for Terms Over One Year

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.

Results of balloting on March 9, 2010: Yes 1960, No 766. Article 25 passed.

ARTICLE II
Surplus Town Equipment and Materials
[Adopted 3-13-2012 ATM, Art. 30; ballot vote: Yes 2639, No 439]

Authority. In accordance with the provisions of New Hampshire Revised Statutes Annotated, Chapter 31, Section 3 and Chapter 31, Section 39, I, (1) authorizing the Town of Hampton to

enact by-laws, the following Ordinance for the disposal of non-real estate and financial assets property is adopted for the Town of Hampton by its Annual Town Meeting assembled.

Purpose. It is the declared purpose of the Town of Hampton, through the adoption of this Ordinance, to regulate the disposition of its non-real estate property by establishing a uniform method of disposal that will protect the public interest, secure its assets, and ensure accountability.

Section 1. Exclusions.

Excluded from this Ordinance is the disposal of Town owned real estate that shall be disposed of in accordance with existing laws; the disposal of any financial assets; assets retained by insurance carriers the result of an insurance settlement; and the disposal of materials that have no resale value as defined herein.

Section 2. Property of No Resale Value.

Materials that have no value by virtue of its destruction, its inability to be used for the purpose for which it was designed or materials that have no or extremely low value are excluded from this Ordinance. Such property shall be designated in writing that it has no value and verified by at least two Town Officials before its disposal.

Section 3.

All property not otherwise excluded from this Ordinance shall be sold only by sealed bid or by public auction at such times and under such conditions as the Selectmen shall direct.

Section 4. Effective.

This Ordinance shall take effect at the time of its passage.

Chapter 473

TREES

ARTICLE I
Town Meeting Votes

ARTICLE II
Tree Warden

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes

[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Removal of Moth Nests from Apple Trees

Voted that in case the Town cuts or removes the nests of the Moth from apple trees, the individual owner thereof shall be assessed therefor.

Vote under the warrant for the Annual Town Meeting of March 10, 1914. See page 7 of the Annual Town Report.

Shade Tree Committee

On petition of Mrs. John Philip Knoblock and fifty-two other legal voters of the Town of Hampton to see if the Town will raise and appropriate the sum of $1,200 for the care, maintenance and improvement of shade trees in the Town of Hampton, especially to spray the elm trees for Dutch Elm disease, such money to be expended at the direction of the Selectmen, with the advice of a Town Shade Tree Committee to be appointed by the Selectmen.

Article 25 of the warrant for the Annual Town Meeting of March 10, 1953, was moved, seconded and voted in the affirmative. See pages 12, 13 and 32 of the Annual Town Report.

Shade Tree Survey

On petition of Ester T. Proctor and 25 other legal voters of the Town of Hampton, to see if the Town will vote to raise and appropriate the sum of $300 to hire in 1957 a consultant forester: (1) to make a Hampton Shade Tree Survey along the roads in Residential Areas A and B, Business Areas, and along Route 101 from Exeter line; (2) to make a written report to the Selectmen and in the newspapers regarding findings; present conditions, present needs, and specific recommendations on a future replacement plan, to try to maintain the attractiveness of Hampton's shade trees in the future; (3) to supervise the timing and adequacy of the insecticidal spraying of the Town's shade trees.

Article 21 of the warrant for the Annual Town Meeting of March 12, 1957, was moved, seconded and voted in the affirmative. See pages 12 and 32 of the Annual Town Report.

Shade Tree Commission

On petition of Roland W, Paige and twenty-two other legal voters of the Town of Hampton to see if the Town will vote to establish a Committee of Three to Five members which shall be known as the Shade Tree Commission, the purpose of said committee will be to recommend plans to Coordinate all phases of Town expenses in regard to Trees, and to set up a Long Range Program for Planting, Removal, and Professional Protection of Trees on Town Property, and for an Annual Appropriation Committed to this program.

Article 21 of the warrant for the Annual Town Meeting of March 8, 1960, was moved, seconded and voted in the affirmative. See pages 21 and 32 of the Annual Town Report.

Create Shade Tree Commission

To see if the Town will vote to establish a Shade Tree Commission, consisting of three members appointed by the Board of Selectmen for three years. The respective terms of two of the members first appointed shall be 1 and 2 years and the third member for three years. The purpose of the Commission shall be to recommend policy and plans to the Selectmen in the planting, care, and removal of trees on Town property. An annual report describing the activities of the Commission shall be submitted to the Selectmen by December 1st of each year for inclusion in the Annual Town Report. The Shade Tree Commission established by Article 21 of the 1960 Town Warrant is hereby abolished.

Article 27 of the warrant of the Annual Town Meeting of March 4, 1975, was moved and seconded. An amendment adding "encourage a shade tree planting and maintenance program by the citizens on their private property in Hampton" was passed. The main motion as amended was vote in the affirmative. See pages 10A and 39 of the Annual Town Report.

TREES

Rescind Vote to Create Shade Tree Commission; Create New Commission

To see if the Town will vote to rescind the 1975 Town Meeting action on Article 27 and adopt the following: Establish a Shade Tree Commission, consisting of three members, appointed by the Board of Selectmen for three years. The respective terms of two of the members first appointed shall be one and two years, and the third member for three years. An annual report describing the activities of the Commission shall be submitted to the Selectmen by December 1st of each year for inclusion in the Annual Town Report.

Article 45 of the warrant for the Annual Town meeting of March 6, 1976, was moved, seconded and voted in the affirmative. See page 60 of the Annual Town Report.

Appointment of Tree Warden

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 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, Chapter 231:139, 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 therefore 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.

Results of Balloting on March 9, 2010: Yes 1,899, No 921. Article 28 passed.

ARTICLE II
Tree Warden
[Adopted 3-11-2014 ATM, Art. 34; ballot vote: Yes 2065, No 757]

The Town of Hampton voted pursuant RSA 231:139 to provide for the appointment of a Tree Warden and to determine the Tree Warden's duties in the following manner:

Section 1.

Notwithstanding any general or special provisions of law to the contrary, the Town Manager with the advice and consent of the Board of Selectmen, shall appoint a Tree Warden who shall have the powers of Tree Wardens contained in New Hampshire Revised Statutes Annotated, Chapter 231 and amendments thereto.

Section 2.

The Tree Warden shall promulgate rules and regulations for the protection, preservation, maintenance, and removal of public shade trees that if approved by the Selectmen after a public hearing and upon being filed with the Town Clerk and being posted in two public places shall become effective.

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.

The Tree Warden shall receive such compensation as the Selectmen shall determine.

Section 5.

This article shall take effective upon its passage.

And further the Town of Hampton Shade Tree Commission shall be abolished.

Chapter 478

TRUST FUNDS

ARTICLE I
Town Meeting Votes

Internal Controls Policy

Agreement

Investment Policy

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes

[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Fogg Estate

Voted that the Town accept the trust fund of one hundred dollars from the estate of the late John H. Fogg, the income of the same to be used in keeping his cemetery lot in good condition.

Voted under the warrant for the Annual Town Meeting of March 13, 1906. See page 6 of the Annual Town Report.

Campbell Sports Scholarship

To see if the Town will vote to accept the Campbell Sport Scholarship Trust Fund from the "Tidbits" sports program of the 1950's and 1960's, and from the heirs of Mr. Campbell, who was an organizer of early sports programs for the children of Hampton, with the following conditions:

A. The principal of $1,800, with accumulated interest of about $115; each year one-half of the income earned by the fund will be placed with, and become a part of, the principal, and the remainder will be used by the Town's Recreation and Parks Department, or its successor, as scholarships for tuition and expenses of summer sports camps or recreation programs for children as organized or sponsored by the department or associated with it via use of facilities scheduled by it, or via municipal appropriations.

B. Additional private donations to the principal fund are permitted.

C. In any year that the full amount available to be expended for scholarships is not needed, the remaining amount shall be placed with the principal and become part of it. If the income fund available for scholarships is totally unused for a period of five full calendar years in succession, the principal and income funds shall be dissolved and the Trustees of Trust Funds shall deposit the balance from each in the General Fund as an offset to any municipal appropriations that benefit children's sports and/or recreation, or athletic field maintenance.

Article 62 of the warrant for the Annual Town Meeting of March 16, 1991, was passed. See pages 30 and 31 of the Annual Town Report.

Revoke Cemetery Burial Trust Fund

Are you in favor of revoking the Cemetery Burial Trust Fund of approximately $162,000 to benefit the property tax in 1997?

Article 38 of the Annual Town Meeting of April 8, 1997, passed by ballot vote: Yes 2,212, No 873. See pages 48 and 49 of the Annual Town Report.

Increase Number of Trustees of Trust Funds

On petition of at least 25 registered voters of the Town of Hampton: Are you in favor of increasing the number of trustees of the Hampton Trust Funds from 3 to 5, as authorized by RSA 31:22? The Hampton Trust Funds include the Cemetery & Perpetual Care Funds, the Cemetery Burial Trust Funds, the Lane Memorial Library Fund, the Hampton Real Estate Trust Fund, the Campbell Children's Sports Fund, the Town Management Information Systems Fund, the Capital Reserve Funds (roads), the Hampton Beach Village District Funds, and the Poor Fund.

Increasing the number of trustees will provide additional talent to manage the $17 million in trust funds that, in part, help to reduce Hampton taxes. The increased number of trustees will also provide better business continuity for the trust funds in case of a trustee vacancy. There is no cost to the Town for additional trustees because they are volunteers.

Article 39 of the warrant for the Annual Town Meeting of March 13, 2007, was voted by ballot: Yes 1,843, No 843. See pages 22 and 23 of the Annual Town Report.

Compensated Leave Trust Fund

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

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

Motion made and seconded to restrict reconsideration of Articles #25-30. Motion passed.

Results of balloting on March 10, 2009: Yes 1833, No 725. Article 30 passed.

Acceptance of Gifts, Legacies and Devises To Be Held in Trust

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

Results of balloting on March 10, 2009: Yes 1329, No 1181. Article 50 passed.

478 Attachment 1

Town of Hampton

TRUSTEES OF THE TRUST FUNDS
HAMPTON, NEW HAMPSHIRE

INTERNAL CONTROLS POLICY

Requirements

The Board of Trustees shall maintain internal control polices and procedures reasonably designed to prevent embezzlement or other misappropriation of trust funds or capital reserve funds.

The NH Revised Statutes Annotated ("RSAs") shall govern all actions of the Board of Trustees. This Policy is the local implementation of the RSAs.

Fiduciary Responsibility

Duty of Loyalty:

Trustees of the Trust Funds shall always act in the best interest of the trusts held in their custody. Unless the trust instrument specifies otherwise, no one can override the Trustees' decision-making power in the administration of these funds.

Duty of Care:

Trustees of the Trust Funds shall take the due diligence necessary to monitor the management and investment of the trust funds. They shall ensure that decisions made are in the trusts' best interests.

Duty to Manage:

Trustees of the Trust Funds shall have the duty to manage and administer the trusts in accordance with directives of the donor, to establish investment policies, to exercise due diligence, and to act within the scope of authority as stated in the NH Revised Statutes Annotated.

Classification of Trust Funds

For ease of discussion, trust funds in the Town of Hampton are classified as follows:

Hampton Real Estate Trust Fund (HRETF): Principal is derived from the sale of leased lots at Hampton Beach. Because of its size and perpetual nature, this trust fund requires specific handling.

Non-HRETF funds: All other trusts and capital reserve funds.

Investment Policies

The Board of Trustees shall formally adopt investment policies for all trust funds and capital reserve funds in their custody. See RSA 31:25 (trust funds) and RSA 35:9 (capital reserve funds). The investment policies shall be reviewed and confirmed at least annually. Copies of the investment policies shall be filed with the attorney general.

The Board of Trustees shall be responsible for the preparation of the investment policies and submitting them to the Board of Trustees for approval. The Chairman shall coordinate the execution of the investment policies by the organizations for which the trust fund or capital reserve fund is being managed, or appoint another Trustee in his or her stead for this purpose.

NH Public Deposit Investment Pool

The New Hampshire Public Deposit Investment Pool (the "Pool") was established in 1991 under RSA 383:22 for the purpose of investing funds in the custody of NH governmental units.

The Hampton Trustees of the Trust Funds voted on June 16, 2007, to deposit the numerous Non-HRETF trust funds and capital reserve funds in the Pool.

Checking Account

The Board of Trustees shall maintain a checking account in the name of the Trustees of the Trust Funds, which may be a non-interest-bearing checking account. The checking account is primarily a conduit to the Pool and is not expected to have a significant balance.

The checking account shall have three trustee signatories. Two trustee signatures are required on all checks rendered.

Physical custody of the checkbook shall be with a trustee who does not have signatory authority on the checking account. The trustee who has custody of the checkbook shall bring the checkbook to each Board of Trustees meeting.

The trustee holding the checkbook shall receive the checking account monthly bank statement at his or her residence. The trustee shall promptly reconcile the checking account monthly bank statement and provide a copy of the monthly reconciliation to the Bookkeeper.

Cash Receipts Journals

The Bookkeeper shall show the Cash Receipts Journals for all trust funds and capital reserve funds to another trustee who is not responsible for maintaining the Journals at each regularly scheduled meeting of the Board of Trustees.

Transfers of Non-HRETF Monies

Receipts and disbursements of monies for Non-HRETF trust funds and capital reserve funds shall be transacted as follows:

Receipts:

Monies received shall be deposited in the checking account.

The Bookkeeper shall then electronically transfer the money from the checking account to the appropriate Pool account through an Automated Clearing House (ACH) transaction.

Disbursements:

The Trustees shall ensure that statutory requirements are met prior to releasing funds. Upon authorization from the Board of Trustees, the Bookkeeper shall transfer money from the specific trust fund or capital reserve fund Pool account to the checking account through an ACH transaction for eventual disbursement.

The trustee with custody of the checkbook shall write a check payable to the receiving entity. Two of the three trustee signatories shall sign the check. The Bookkeeper shall deliver or mail the check to the entity entitled to the money upon receipt of a signed voucher, per RSA 31:22.

Transfers of Hampton Real Estate Trust Fund Monies

Receipts and disbursements of monies for the HRETF shall be transacted as follows:

Receipts:

Monies received by the Trustees from the sale of leased lots shall be deposited directly into the HRETF brokerage or investment advisory account.

Disbursements:

Upon authorization from the Board of Trustees, the Bookkeeper shall request a cashier's check from the investment advisor for the income to be transferred to the Town to offset the tax rate.

Upon receipt of a signed voucher from the Town, the Bookkeeper shall deliver the cashier's check to the Town of Hampton.

Custodial Accounts

The Trustees may maintain a brokerage account or investment advisory account ("custodial account") in the name of a specific trust fund.

The Board of Trustees may engage a bank, trust company, brokerage firm, portfolio management department or investment advisor to assist in the management of such trust funds (RSA 31:38-a).

A monthly portfolio statement for each custodial account shall be mailed directly by the custodial firm to each Trustee's home address.

Spreadsheets are not an unacceptable substitute for the portfolio statement (custodial statement) produced directly by the brokerage or custodial firm.

Performance Reports

The Trustees shall review performance reports provided by investment advisory firms. The beginning and ending balance figures on the performance reports shall be cross-checked by the Bookkeeper against the custodial account statements provided directly by the custodial firms.

Minutes of Trustee Meetings

The Board of Trustees shall document their meetings, including but not limited to names of the Trustees, other persons appearing, and a brief description of the subject matter discussed and final decisions. Meeting minutes shall be open to public inspection within 144 hours (6 days) of the public meeting. See RSA 91-A:2, II.

Commingling of Accounts

Capital reserve funds shall each be kept in a separate account and may not be intermingled with other funds. See RSA 35:9. A sub-account within the Pool is acceptable separation for a capital reserve fund.

Common trust funds may be used for the purpose of facilitating investments, providing diversification and obtaining reasonable income. Participation in units of the Pool is one such common fund. See RSA 31:27.

Accounts Receivable

The Board of Trustees should monitor Town activities and news articles relative to potential incoming trust funds or capital reserve funds. The Board of Trustees should ensure that these funds are turned over to the Trustees in a timely fashion.

The Chairman of the Board of Trustees shall work closely with the Board of Selectmen to recommend the acceptance or rejection of prospective trust funds so that the Trustees are not encumbered by unacceptable trust funds.

Petty Cash

The Trustees shall not maintain a petty cash fund.

Expenses of Trustees

Trustees incurring incidental expenses shall provide documentation of the expenses to the Board of Trustees for approval. Upon Board approval, the Trustee shall be reimbursed by the Town as incidental town charges, per RSA 31:24.

Investment Advisor Fees

The Board of Trustees shall approve the fees of an investment advisor under RSA 31:38-a who manages account(s) under contract with the Board of Trustees. The investment advisor shall submit a signed voucher for approval by the Board of Trustees prior to receiving a disbursement for fees, or debiting fees against the account(s), per RSA 31:22.

Compensation

The Board of Trustees shall determine the proposed compensation of the Bookkeeper, administrative assistant or coordinator.

The Chairman shall submit the compensation amount to the Selectmen and/or the Budget Committee for annual budgetary purposes, for approval at town meeting, per RSA 31:35.

Recordkeeping

The Trustees shall keep a record of all trusts in a record book, which shall be open to the inspection of all persons in the Town, per RSA 31:34.

The Bookkeeper is responsible for maintaining the books and records for the Trustees, the execution of which may be delegated to an administrative assistant or coordinator.

The checking account reconciliations shall be maintained on file by the Bookkeeper for a period of three years.

The Trustees' minutes of meetings, quarterly reports and banks statements shall be archived for permanent retention. See RSA 33-A:3-a, CXXXVIII.

The Trustees' paper records shall be electronically archived for long-term preservation.

The electronic records shall be backed up and stored in a separate location from the main electronic archives. The backup shall include the trust documents, books, records and reports to the extent that they are available.

Reports

At each meeting of the Board of Trustees, the Bookkeeper shall:

- Apprise the Board of trust fund or capital reserve fund accounts opened or closed since the last Trustees' meeting.
- Apprise the Board of all transactions in trust funds and capital reserve funds since the last Trustees' meeting.
- Provide a transaction report detailing Pool activities, as well as a list of funds on deposit with the Pool, and their current balances.

The Bookkeeper shall be responsible for preparing the annual MS-9 and MS-10 reports for the Board of Trustees. The Board of Trustees shall approve and sign the MS-9 and MS-10 reports in time to meet the annual filing deadline of March 1.

A copy of reports required of the Town and of the auditor shall be filed annually with the NH Attorney General, per RSA 31:38.

Responsibilities

The Chairman of the Board of Trustees is responsible for monitoring and enforcing this Internal Controls Policy.

Trustees shall report any violation or suspected violation of this Internal Controls Policy to the Chairman of the Board of Trustees.

Sanctions

Failure to follow these internal control policies will result in an oral warning. Further violations of these written internal control policies are cause for removal as a trustee, administrative assistant, or coordinator.

Amendment

This policy may be amended at any time by a majority vote of the Board of Trustees.

Adoption

Adopted by the Board of Trustees:

Robert V. Lessard

John J. Kelley, Sr.

Glyn P. Eastman

Edward Atwood

Warren J. Mackensen

Date: August 13, 2007

478 Attachment 2

Town of Hampton

AGREEMENT

Agreement made this 30th day of July, 2007 by and between TD Banknorth, N.A., a banking corporation having a principal place of business at 143 North Main Street, Concord, New Hampshire (hereinafter referred to as "Bank"), and the Town of Hampton Trustees of the Trust Funds of 100 Winnacunnet Road, Hampton, New Hampshire (hereinafter referred to as "Trustees").

WITNESSETH:

In consideration of the mutual covenants herein the Bank and Trustees agree:

1. That the Bank shall act as a investment manager for the Trustees in the investing and safekeeping of funds realized by the Trustees from the sale of land or interest in land by the Town of Hampton. Said monies received to be placed in the "Hampton Real Estate Trust Fund". The Fund shall include monies received from the sale of land or interest in land in Hampton as approved in Senate Bill SB-19-FN, 1983 which became Chapter 3, Laws of 1993. The powers of the Town of Hampton Trustees of the Trust Funds are granted under New Hampshire RSA 31:19., et seq., as amended.

2. The responsibilities and duties of the Trustees and of the Bank are outlined in the Town of Hampton Real Estate Trust Funds Investment Policy as adopted on July 30, 2007.

COMPENSATION

The Bank shall be paid fees for their services as a professional manager as follows:

5/10ths of 1% (50 basis points) of market value annually.

Each month, one-twelfth of the fee is calculated based upon the previous month-end market value. Fees are invoiced monthly on the 10th of the month. Fees are debited against income on the 25th of the month.

A voucher shall be provided to the Trustees prior to debiting fees.

SECTION IV — EXCULPATORY CLAUSE

Except for willful default or gross negligence, the Bank shall not be liable for any act, omission, loss, damage or expense arising from the performance of its duties under this Agreement. The Bank shall not act as Trustee but rather a professional manager for the Trustees and, accordingly, not assume trustee powers. The Trustees retain the exclusive Fiduciary powers for decisions relating to the investment of funds. The Bank has limited discretionary powers for

decisions relating to the investment of funds. The Bank has limited discretionary powers within the guidelines set up by the Trustees. In advising the Trustees, the Bank shall exercise the judgement and care under the circumstances then prevailing, which persons of ordinary prudence, discretion and intelligence exercise in the management of their own affairs in regard to the disposition of their funds, considering the probable income as well as the probable safety of their capital.

SECTION V - TERM OF AGREEMENT

This Agreement shall be in effect from the effective date of the agreement cited above until the 9th day of October, 2008, unless earlier terminated.

SECTION VI - SITUS, EXECUTION AND NOTICES

This Agreement shall be construed under the regulated laws of the State of New Hampshire. The Bank shall administer this Agreement from an office having a location within the State of New Hampshire.

This instrument contains the entire agreement between the parties and can be changed or renegotiated at anytime but only by joint consent of the Trustees and the Bank. It may be executed in one or more counterparts, each of which will be deemed an original, but all of which together shall constitute one and the same instrument.

Any notice to be given hereunder shall be given in writing and delivered personally or by certified mail, postage paid, as follows:

A. If to the Bank, address to the TD Banknorth Wealth Management Group, 143 North Main Street, P.O. Box 477, Concord, New Hampshire 03302-0477.

B. If to the Trustees, address to Trustees of Trust Funds, c/o Town Offices, 100 Winnacunnet Road, Hampton, New Hampshire 03842.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

TD Banknorth, N.A.

By

John W. O'Dowd
Vice President

Robert V. Lessard, Chairman
Trustee of Trust Funds

Glyn P. Eastman
Trustee of Trust Funds

John J. Kelley, Sr.
Trustee of Trust Funds

Edward Atwood
Trustee of Trust Funds

Warren J. Mackensen
Trustee of Trust Funds

Town of Hampton

Investment Policy

Hampton Real Estate Trust Fund

Town of Hampton

Trustees of the Trust Funds

Town of Hampton

100 Winnacunnet Road

Hampton, NH 03842

Investment Policy Discussion

Definition of an Investment Policy

An investment policy outlines and prescribes a prudent and acceptable investment philosophy. The policy defines the investment management procedures and goals of the portfolio.

The Need for a Written Policy

The formal requirement for a written investment policy is required by RSA 31:25:

> The trustees shall formally adopt an investment policy for all investments made by them or by their agents for any trust funds in their custody in conformance with the provisions of applicable statutes. Such investment policy shall be reviewed and confirmed at least annually. A copy of the investment policy shall be filed with the attorney general.

The development of an investment policy follows the basic approach of assessing financial condition, setting goals, developing a strategy to meet the goals, implementing the strategy, regularly reviewing the results and adjusting the strategy or the implementation as circumstances dictate.

A written investment policy helps maintain a long-term policy when short-term market movements may be distressing and the policy is in doubt.

Overview

Client: Town of Hampton, New Hampshire

Account Information:

Investment Account: Hampton Real Estate Trust Fund (the "Fund")

Authorized Decision Maker: Trustees of the Trust Funds, Hampton, NH

Assets to be Considered Under this Investment Policy:

Equities, fixed income, and cash equivalents

Investment Objectives

The first objective of this Investment Policy is to maintain the principal of the Fund intact.

The second objective is to provide income to the Town of Hampton to offset the tax rate.

The third objective is to produce an annual income amount greater than the prior year amount.

The fourth objective is to grow the portfolio of the Fund annually by the Consumer Price Index.

Responsibilities

The oversight of the Fund is the responsibility of the Trustees of Trust Funds. In this oversight role, the Trustees shall be responsible for monitoring the investment process and will adhere to the provisions of N.H. RSA 31:25, as amended, in the exercise of their actions or decisions.

The Trustees may delegate investment management responsibility to one or more investment managers (collectively, the "Investment Manager").

The Investment Manager shall maintain sole investment authority of the portfolio, subject to quarterly review by the Trustees. Operating within the parameters set forth, the Investment Manager shall have the discretion to allocate and rebalance funds to equities, fixed income investments or cash reserves based on the provisions of the Investment Policy stated herein.

The Trustees may hire investment consultants or investment advisors (collectively, the "Investment Advisor") to consult to the Trustees on investment management matters.

Time Horizon

The time horizon for the Fund is perpetual. The Fund is effectively an endowment fund. The Fund has no unusual liquidity needs.

Risk Tolerance

Investment theory and historical capital market return data suggest that, over long periods of time, there is a relationship between the level of risk assumed and the level of return that can be expected while investing in the capital markets. In general, higher risk (e.g., volatility of return) is associated with higher return.

Given this relationship between risk and return, a fundamental step in determining the investment policy for the Fund is the determination of an appropriate risk tolerance. There are two primary factors that affect risk tolerance:

- Financial ability to accept risk within the investment program, and;
- Willingness to accept return volatility.

Taking these two factors into account, this Fund will be managed based on a moderate risk level. Thus, higher returns involve some volatility and declines in the value of this Fund could range between 0% and 10% in a given year. Acceptable losses could occur as often as two out of ten times to achieve higher returns.

Investment Risks

Risk drives returns. Theoretically, the greater the risk, the greater the potential for a higher return over time. All investment decisions involve calculated risks. The challenge is to

maximize a portfolio's return while minimizing its downside risk. There are several types of risks inherent in portfolio management.

Systematic Risks

Systematic risks are those risks affecting the entire market that cannot be diversified.

Market Risk: The price of a security, bond, mutual fund, or market may drop rapidly and stay low for a long period of time. This type of risk is caused by external factors independent of a security's particular underlying circumstances. For example, political, economic and social conditions may trigger market events.

Interest-rate Risk: Fluctuations in interest rates may cause investment prices to fluctuate. For example, when interest rates rise, yields on existing bonds may become less attractive, causing their market values to decline.

Inflation Risk: A dollar today will not buy as much next year, because purchasing power is eroding at the rate of inflation. Inflation is commonly measured by the Consumer Price Index.

Non-systematic Risks

Non-systematic risks are those unique to a specific asset that can be reduced through diversification.

Business and Financial Risk: These risks are associated with a particular industry or company within an industry. For example, oil-drilling companies depend on finding oil and then refining it. They carry a higher risk of profitability than an electric company, which generates its income from a steady stream of customers who buy electricity no matter what the economic environment is like. Also, during periods of financial stress, a company's inability to meet loan obligations may result in bankruptcy and/or a declining stock market value.

Liquidity Risk: Liquidity is the ability to readily convert an investment into cash. If there is no buyer immediately available for your investment when you want to sell it, the investment is illiquid. Real estate is relatively illiquid. Blue-chip stocks are traded on major stock exchanges and are generally liquid. Mutual funds are similarly liquid.

Country/Currency Risk: Overseas investments are subject to fluctuations in the value of the dollar against the currency of the investment in a particular country. For example, when the value of the dollar declines relative to a foreign currency, an investment in that country increases in value per dollar.

Reinvestment Risk: This is the risk that future proceeds paid from investments may have to be reinvested at a different rate of return (i.e., interest rate). This risk primarily relates to income-producing securities.

No guarantees can be given about future performance, and this Investment Policy shall not be construed as offering such a guarantee.

Investment Strategies

Total Return

The Fund has a primary total return objective of exceeding the long-term rate of inflation, as measured by the CPI, by 3%. The Investment Manager shall maintain a portfolio employing **a moderate growth investment strategy** to achieve the required total return.

Equity Strategy

The goal of the equity component is to invest in a well-diversified portfolio of stocks where growth in dividends and earnings exceeds the long-term rate of inflation. Emphasis in the selection and retention of equities should favor issues that combine reasonable market valuations with superior long-term operating characteristics. Investment in non-dividend paying equities is permissible but should not exceed 10% of the market value of the equity portfolio.

Fixed Income Strategy

The goal of the fixed income component is to maximize income given the constraints cited in this Investment Policy.

Asset Allocation

Academic research suggests that the decision to allocate total investment assets among various asset classes outweighs security selection and other decisions that impact Fund performance.

The following is the Fund target asset allocation (as a percentage of Fair Market Value):

Category	Target Allocation	Acceptable Ranges
Cash & Cash Equivalents	5%	0% - 10%
Fixed Income	55%	35% - 65%
Equities	40%	20% - 50%
Total	100%	

Adjustment of the Asset Allocation Targets and Ranges

The target allocation and acceptable ranges may be amended annually by the Trustees.

Rebalancing Procedures

Market conditions will cause the Fund's investment in various asset classes to vary from the established allocation. To remain consistent with the asset allocation established by this Investment Policy, every year the Trustees and the Investment Manager and/or the Investment Advisor shall review the Fund and each asset class in which the Fund is invested. If the actual

weighting differs from the target range by 5% or more from the recommended range, the Fund will be rebalanced.

If the cash equivalents and fixed income portion of the Fund falls below 40% of the total Fund, the Trustees will decide whether to rebalance.

Frequency of Review

The Trustees will conduct an annual review of the Investment Policy and the investment accounts in January of each year, or more frequently. Modifications to the Investment Policy shall be made when warranted.

The reports cited in the *Investment Monitoring and Control Procedures* section of this Investment Policy shall be provided to the Trustees each year during a January meeting to support the annual review of the Investment Policy.

Proposed modifications to this Investment Policy will be documented in writing and provided to the Trustees for review at least one week prior to the meeting wherein the adoption of such changes will be considered.

In accordance with RSA 31:25, a copy of the Investment Policy will be filed with the NH Attorney General on an annual basis.

Liquidity

In order to maintain liquidity for the distributable net income to the Town, a base of 5% of the Fund will remain invested in cash equivalents.

Diversification

Permitted Asset Classes

1. Cash and Cash equivalents
2. Fixed Income - domestic and non-U.S.
3. Equities - domestic, non-U.S. and emerging markets

Permitted Security Types

1. Individual stocks, including preferred stocks
2. Individual bonds
3. No-load and low-load mutual funds
4. US Treasury or investment grade corporate issues traded on major U.S. exchanges

5. Bank certificates of deposit
6. Government agency bonds rated AAA or better
7. Exchange-Traded Funds (ETFs)
8. Real Estate Investment Trusts (REITs)
9. Commodity Funds

Prohibited Asset Classes, Strategies and/or Security Types

1. Precious metals
2. Venture capital
3. Short sales
4. Purchases of letter stock, private placements, or direct payments
5. Leveraged transactions
6. Direct commodities transactions through the futures markets
7. Puts, calls, straddles, or other option strategies, except as permitted above
8. Purchases of real estate and land
9. Unit investment trusts

Overall Constraints

The minimum number of individual securities (stocks, bonds, and mutual funds) for this Fund may not be less than 30.

Not more than 5% of the Fund (at market value) shall be invested in the securities of any one issuer, except for government and government-guaranteed securities.

The Fund will be diversified by sector. Further, equity investments in any one sector group will not exceed more than twice the sector weighting based upon the S & P 500 sector categories.

The Fund shall comply with the provisions of N.H. RSA Chapter 31, Sections 19 through 38.

Selection and Retention Criteria for Investments

Cash Equivalent Vehicles

Investments in cash and cash equivalents shall be limited to:

Insured or collateralized bank deposits

U.S. Treasury Bills

Repurchase agreements

Money market funds whose investments are limited to short-term direct obligations of the U.S. Treasury, U.S. government agencies or domestic corporations, where the fund's share price is intended to remain constant and the fund's yield is comparable with the current risk-free rate of return.

Fixed Income

Securities must have a minimum rating of Baa3 or BBB- (investment grade) by Moody's or S&P.

The fixed income portfolio may invest in the following securities:

U.S. Government bonds, including Treasury Inflation Protected Securities (TIPS)

Federal agencies, including Mortgage Backed Securities (MBS)

Certificates of Deposit up to the limits of FDIC insurance

U.S. corporate bonds

Asset Backed Securities (ABS) rated AAA

Preferred stocks

Mutual funds and other pooled asset portfolios that are invested in fixed income securities.

Fixed income securities shall have a weighted average maturity of not more than ten (10) years, and a maximum single issue maturity of thirty (30) years.

Equities

Investments must comply with N.H. RSA Chapter 31:25, which generally limits equity investments to the top three grades of Moody's, Standard & Poor's or Fitch rating agencies.

No single equity will comprise more than 5% of the total value of the equity portfolio. The portfolio may be diversified across capitalizations and may include international holdings, as follows:

Large /Mid capitalization equities	within target strategy
Small capitalization equities	0% - 15% of equity portion of portfolio
International equities	0% - 15% of equity portion of portfolio
REITS	0% - 10% of equity portion of portfolio
Commodities	0% - 5% of equity portion of portfolio

Mutual Funds

Mutual funds shall be pooled investment vehicles, such as publicly traded open-end or closed-end mutual funds, providing daily asset valuations. The following criteria will be used for the selection and retention of any pooled investment vehicles:

The mutual fund will have an investment track record of no less than three years.

The mutual fund shall not charge 12b-1 fees.

The mutual fund is qualified for sale in the State of New Hampshire.

The mutual fund is registered with the U.S. Securities and Exchange Commission (SEC).

A prospectus is available to the Trustees outlining the investment philosophy of the mutual fund and the major holdings in the mutual fund.

The mutual fund can invest in equities or bonds or both.

Performance reviews of each of the mutual funds will be conducted on an annual basis.

In the event any mutual fund underperforms the applicable averages for a period of three years, the mutual fund will be placed on probation for the subsequent twelve months. If over the subsequent year the fund's average return for the applicable three-year period remains below that earned by the average equivalent pooled investment vehicle sharing the same investment objective, a determination will be made by the Investment Manager as to whether the mutual fund continues to be a prudent and appropriate investment.

Exchange-Traded Funds

Exchange-Traded Funds shall be publicly traded on major exchanges, providing daily asset valuations.

Investment Monitoring and Control Procedures

Quarterly Reports

The Investment Manager or the Investment Advisor will provide the Trustees with quarterly performance data and be available to meet with the Trustees at least quarterly. The agenda for the meeting will include, at a minimum, the following:

Current investment strategy.

Prospective economic climate.

The Portfolio performance with respect to the Investment Objectives, the Investment Strategies and the relative benchmarks.

The expected level of cash flow projected over the next twelve months.

Adherence to the investment goals and strategies on a year-to-date, one-, three-, and five-year basis.

Annual Reports

The Trustees shall make available to the citizens of Hampton upon request an annual report that lists all assets held, values for each asset and all transactions affecting assets within the Fund, including additions and withdrawals.

The Trustees shall receive no less frequently than on an annual basis the following management reports:

Year-end Fund statements on the investment accounts.

Yield-to-maturity report for the fixed income portion of the Fund.

Fund performance results over the last year, 3 years and 5 years once historical data has been achieved.

Equity performance shall be measured against the Standard and Poor's 500.

Fixed income performance shall be measured against the Lehman Intermediate Government Credit Index.

End-of-year status regarding asset allocation — current versus policy.

Any recommendations for changes to the above.

Duties and Responsibilities

The Investment Manager is expected to manage the Fund in a manner consistent with this Investment Policy and in accordance with State and Federal law and the Uniform Prudent Investor Act.

The Investment Manager or Investment Advisor shall be responsible for:

1. Designing, recommending and implementing an appropriate asset allocation plan consistent with the investment objectives, time horizon, risk profile, guidelines and constraints outlined in this Investment Policy.

2. Approving appropriate custodians to safeguard the Fund assets.

3. Reviewing the selection of and the allocation of asset categories.

4. Identifying specific assets and investment managers within each asset category.

5. Ensuring that the custodians provide a current prospectus, where applicable, for each investment proposed for the Fund.

6. Monitoring the performance of all assets.

7. Recommending changes to any of the above.

8. Exercising all rights, including voting rights, as are acquired through the purchase of securities, where practical.

9. Voting proxies according to the guidelines and restrictions outlined herein where applicable and otherwise using the best judgment possible.

10. Periodically reviewing the suitability of the investments for the Fund.

11. Being available to meet each quarter, and being available at such other times within reason at the Trustees' request.

12. Reviewing periodic investment reports.

Custody and Discretionary Control

The Trustees may appoint an Investment Manager to execute securities transactions on behalf of the Trustees. All transactions shall be approved by the Investment Manager prior to being executed. The Investment Manager will not take title to any assets.

The Investment Manager shall be responsible to implement the Investment Policy as directed by the Trustees. The Trustees must approve changes to the Investment Policy other than specific investment selection decisions.

Investment Manager Evaluation

Every three years the Trustees shall conduct a formal review of the Investment Manager. The Trustees shall solicit proposals from alternative investment managers to compare investment strategies, historical performance and fees. The criteria for this review will be set by the Trustees and communicated via a formal request for proposals.

The Trustees reserve the right to terminate the Investment Manager and/or the Investment Advisor at any time with 30-days written notice.

Adoption

Adopted by the below signed:

Robert V. Lessard

John J. Kelley, Sr.

Glyn P. Eastman

Edward Atwood

Warren J. Mackensen

Adopted July 30, 2007

Chapter 484

TUCK FIELD

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

American Legion Easement

To transact any other business that may legally come before the meeting.

Resolved: that this meeting is in favor of the Board of Selectmen granting to the Hamptons' Post No. 35, American Legion, an easement over Tuck Field for the purpose of permitting access to an area bounded on the westerly side of Tuck Field and on the easterly side of the proposed new location of Park Avenue upon said American Legion acquiring said premises.

Voted under Article 21 of the warrant for the Annual Town Meeting of March 16, 1963. See pages A-10 and 42 of the Annual Town Report.

Chapter 495

VEHICLES AND TRAFFIC

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Parades and public gatherings — See Ch. 706.
Streets, sidewalks and public places — See Ch. 769.
Vehicles and traffic — See Ch. 805.

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Speed of Automobiles

Voted that the Selectmen enforce the law in relation to the speed of automobiles.

Voted under an article in the warrant for the Annual Town Meeting of March 8, 1910. See page 7 of the Annual Town Report.

Speed of Automobiles

Voted that the Selectmen be requested to enforce the law relating to the speed of automobiles.

Voted under an article in the warrant for the Annual Town Meeting of March 12, 1912. See page 9 of the Annual Town Report.

Marking Town Automobiles

Upon a petition of the following legal voters of the Town: Fred R. Batchelder, Lavinia M. Chair, Annette M. Batchelder, Emily C. Hutchings, James H. Hutchings, Ellsworth D. Spinney, Abbie M. Spinney, Frank H. Meader, Margaret M. Wingate and Marvin F. Young.

(a) To see if the voters of the Town of Hampton will adopt the following resolution with reference to the duties of police officers and to the head of the police department.

Whereas it may have been customary in some instances for officers of the Hampton Police Department to engage in the work of soliciting voters to go to the polls and to use automobiles belonging to the Town of Hampton for the purposes of transporting these voters to the polls at regular and special town meetings and elections; and

Whereas it has, in some instances, been the practice for one member of the Board of Selectmen to act, either directly or indirectly as Chief of the Hampton Police Department and

Whereas the offices of Selectmen and Chief of the Police Department are not compatible in that a selectmen acting as police chief would in a certain degree be answerable for his official conduct only to himself,

Now therefore be it resolved that the voters of the Town of Hampton in Annual Town Meeting assembled on March 13, 1934 instruct and order the present Board of Selectmen and all future Boards of Selectmen to forbid, under pain of dismissal, all police officers, regular or special, of the Town of Hampton to spend any portion of their time or to use automobiles belonging to the Town of Hampton for the purpose of bringing voters to the polls to vote for any candidate for any office, either local, county, state or national or to vote for any other purpose, and

Be it further resolved that from this date henceforth no selectmen of the Town of Hampton shall serve the Town either directly or indirectly as Chief of the Hampton Police Department or as the acting head thereof and

This resolution shall take effect immediately upon its passage and shall have all the effect of a Town Ordinance.

(b) To see if the Town of Hampton will vote to employ a competent public stenographer to take down in shorthand, under oath, the minutes of the Annual Town Meeting to be held on March the 13th, 1934 and each subsequent Town meeting and to transcribe the same; said shorthand notes when transcribed to constitute the official minutes of the Town meetings; and to appropriate a sum not exceeding $1,500 for said service for each Town meeting.

(c) To see if the Town of Hampton will vote to have all passenger automobiles owned by the Town of Hampton marked plainly so as to designate the ownership and the department in question.

Article 24 of the warrant for the Annual Town Meeting of March 13, 1934, was moved, seconded and voted in the affirmative to adopt paragraph C of the resolution. See pages 8, 9, 10 and 25 of the Annual Town Report.

Establish and Operate New Parking Area

To see if the Town will vote to raise and appropriate the sum of $10,000 for the purpose of developing the new parking area at Hampton Beach and to authorize the Selectmen to proceed with the development thereof, to make such parking charges as they deem reasonable and to do all things necessary to operate the same.

Article 13 of the warrant for the Annual Town Meeting of March 12, 1946, was moved and seconded. Motion to amend was made and subsequently withdrawn. A motion to amend was offered to change the appropriation from $10,000 to $13,000. Strike out the period at the end of the article as written, insert a comma in place thereof and add the following:

Provided that out of the appropriations such sums as are necessary be expended to make possible a traffic and parking survey during the summer of 1946 by competent traffic and parking engineers in order to determine many facts which will have an important bearing on the eventual development of the necessary parking project and provided further that the selectmen at the next annual Town meeting present for the information of the voters and for action a detailed plan of the completed area, together with all pertinent data based on an efficient engineering survey, including the eventual cost of the project, length of time necessary for the completion and a method for the long term financing of its costs. Names included were Leo Haggerty, Mrs. Ralph Harris, Armas Guyon, Alton Tobey and James W. Tucker, Jr. The amendment passed.

Article 13 as amended was voted in the affirmative. See pages 5, 20 and 21 of the Annual Town Report.

Island Path Parking Area

On petition of Charles F. Butler and 10 other legal voters to see if the Town will vote to raise and appropriate the sum of $3,000 for the purpose of developing a new parking area at Hampton Beach on land owned by the Town of Hampton on the southerly side of Island Path, so-called, and to authorize the Selectmen to proceed with the development thereof, to make such parking changes as they shall deem reasonable and to take all steps necessary to enable the Town to operate the same.

Article 17 of the warrant for the Annual Town Meeting of March 13, 1951, was moved indefinite postponement, with that motion withdrawn. The Article was moved, seconded and voted in the affirmative. See pages 8 and 24 of Annual Town Report.

Parking in Business Area of Town

On petition of William W. Treat and nine other legal voters of the Town of Hampton to see if the Town will, vote to have a survey made of the need for additional parking space in the business section of the Town and to have a committee of five appointed for that purpose from the floor; said committee to report its recommendation to the next Annual Town Meeting.

Article 19 of the warrant for the Annual Town Meeting of March 11, 1952, was moved to adopt the article with the committee to be John Malek, Norman N. Merrill, Douglass E. Hunter, William W. Treat and Alton Tobey to report to the Town Meeting of 1953, seconded and voted in the affirmative. See pages 8 and 27 of the Annual Town Report.

Parking Fees, No Free Resident Parking

To raise and appropriate such sums of money as may be necessary for Town Officers' salaries and expenses, election and registration, municipal court, care and supplies for Town Hall, police department, fire department, moth department, highways and bridges, street lighting, library, Town poor, Memorial Day, parks and playgrounds, cemetery, sewer department, sidewalks, comfort station, Town notes, Hampton Beach and all other necessary charges arising within the Town.

Article 3 of the warrant for the Annual Town Meeting of March 10, 1953, was moved and seconded under Parking Space to raise and appropriate $3,500 and omit oiling and tarring for present year. 1st amendment: Move this money be raised and appropriated provided the Selectmen install a system of collecting fees and accounting similar to that employed in the State parking areas at Hampton Beach. Said fees to be collected in Beach Parking lots only, and the policy of free resident parking be abolished. Money for installation not to exceed $1,000, and to be taken from appropriation. Seconded and voted in the affirmative. 2nd amendment. To see if the Town will vote by show of hands to admit Town people free in Parking Area. Amendment defeated by hand vote. See pages 5 and 26 of the Annual Town Report.

High Street Parking Lot and Footpath

Article 21. On petition of J. Fred Hayward and 10 other legal voters of the Town of Hampton to see if the Town will vote to instruct the Selectmen to purchase or take by eminent domain proceedings for use as a public parking lot the following lots of land: (1) Lot bordering on High Street belonging to Kenneth W. Langley and (2) lot bordering on High Street belonging to the Hampton Associates, Inc.; and to raise and appropriate such sum or sums of money as may be necessary for this purpose.

Article 22. On petition of J. Fred Hayward and 10 other legal voters of the Town of Hampton to see if the Town will vote to instruct the Selectmen to purchase or take by eminent domain proceedings a right of way 10 feet in width leading from Lafayette Road to land now owned by Kenneth W. Longley across land now owned by Myron Williams for the purpose of a public foot path and to raise and appropriate such sum or sums of money as may be necessary for this purpose.

Article 21 and 22 of the warrant for the Annual Town Meeting of March 10, 1953 we voted to be combine the articles. 1st amendment. That the words Eminent Domain be stricken from therein and the word Negotiation be substituted therefor. Seconded. 2nd amendment. That action be postponed and survey be made by Committee appointed by Selectmen to report at 1954 Town Meeting. Seconded. Both amendments were voted in the affirmative. See pages 10, 11, and 31 of the Annual Town Report.

High Street Parking Lot

On petition of Norman N. Merrill and 21 other legal voters of the Town of Hampton, to see if the Town will vote to instruct the Selectmen to purchase or take by eminent domain proceedings for use as a public parking lot the following lots of land or portions thereof:

(1) Lot bordering on High Street belonging to Kenneth W. Langley;

(2) Lot bordering on High Street belonging to Hampton Associates, Inc.; and to raise and appropriate such sum or sums of money as may be necessary for this purpose, said sum not to exceed in the aggregate the amount of $15,000.

Article 14 of the warrant for the Annual Town Meeting of March 8, 1955, was moved and seconded as follows: To see if the Town will vote to instruct the Selectmen to purchase for use as a public parking lot, the following lot of land: Lot bordering on High Street belonging to the Hampton Associates, Inc., and to raise and appropriate such sum or sums of money as may be necessary for this purpose, said sum or sums not to exceed in the aggregate, the amount of Fifteen Thousand Dollars. Article was voted in the affirmative. See pages 7, 8, 26 and 27 of the Annual Town Report.

High Street Parking Lot Addition

On petition of Alton W. Tobey and 15 other legal voters of the Town of Hampton, to see if the Town will vote in instruct the Selectmen to purchase for use as a public parking lot the following lot of land: A lot 68 feet bordering on High Street belonging to Kenneth W. Langley; and to raise and appropriate such sum or sums of money as may be necessary for this purpose, said sum or sums not to exceed in the aggregate the amount of $12,500.

Article 13 of the warrant for the Annual Town Meeting of March 13, 1956 moved and seconded the raising and appropriating of $10,000 that was voted in the affirmative. See pages 7 and 31 of the Annual Town Report.

Purchase Lot No. 409 Seabrook Beach for Parking Lot

To see if the Town will vote to raise and appropriate the sum of $4,000 for the purpose of purchasing Lot No. 409 as per Sun Valley Corporation plan for a parking lot, and to authorize the Selectmen to establish fees for the use of the lot.

Article 12 of the warrant for the Annual Town Meeting of March 13, 1962, was moved and seconded to lay the matter on the table. Motion defeated. The article as read was voted in the affirmative. See pages 15, 16 and 33 of the Annual Town Report.

Land for Parking Returned to Previous Owner

On petition of James W. Tucker, Jr. and 17 other legal voters of the Town of Hampton, to see if the Town will adopt the following Article:

We, the legal voters of the Town of Hampton, in Town Meeting assembled, hereby authorize and direct the selectmen, of behalf of the Town, to restore a clear and acceptable title, with the exception of existing easements, to the marshland on the westerly side of Marsh Avenue, now known as Ashworth Avenue, which was taken away from James W. Tucker, Jr. of Hampton, by the Town of Hampton, through eminent domain proceedings in the year 1945, said land being that section consisting about 60,000 square feet or about 1 1/2 acres removed from the center of a 3 1/2 acre tract fronting on Ashworth Avenue and being the same land described in notice of taking as recorded in Rockingham County Records Office on May 28, 1945 at 10:20 AM Book 1038, Page 188. Said Proceedings, arising from Article 10 of the Town Warrant for 1945 which authorized the selectmen to purchase, or take by eminent domain proceedings, land for a parking space and police station said land having been condemned and taken from the owner, as necessary for the public good for the parking of automobiles, and has never been required, or used to any accountable extent for said purpose. Said title to be restored at no expense to the dispossessed owner in consideration of his loss of use for a 17 year period, and legal cost incurred in his defense of said property. Said title to be restored by means of a deed executed for the Town of Hampton by its empowered officials, in favor of said James W. Tucker, Jr. Wherein the Town of Hampton relinquishes any and all claims and/or demands that the said Town may have, or had, or have made against said marshland of James W. Tucker, Jr. of Hampton.

Article 27 of the warrant for the Annual Town Meeting of March 13, 1962, was moved and seconded indefinite postponement. That motion was defeated. Article 27 was voted in the affirmative as read. See pages 28, 40 and 41 of the Annual Town Report.

Purchase Parking Lot Land, Brown Avenue and High Street

To see if the Town will vote to raise and appropriate the sum of $26,300 for the purpose of purchasing land from Kenneth W. Swain for a parking lot and also in the event that this Article is passed, to see if the Town will vote to authorize the Selectmen to sell at public auction or private sale, Lot No. 1, together with the buildings thereon.

Article 1 of the warrant for the Special Town Meeting of June 11, 1963, was moved and seconded. Amendment "That every reasonable attempt shall be made to preserve the majority of healthy trees on the land to be acquired by the Town as described in Article 1" was made and seconded. The amendment was voted by written ballot: Yes 40, No 34. The main motion as amended was voted by written ballot: Yes 50, No 46. See pages 44 through 49, inclusive, of the Annual Town Report. Note the Special Town Meeting was approved by the Rockingham County Superior Court on May 21, 1963.

VEHICLES AND TRAFFIC

Winnacunnet Road Parking, Town Hall

On petition of Arthur J. Moody and 16 other legal voters of the Town of Hampton to see if the Town will vote to: Permit the nine vehicle parking spaces along Winnacunnet Road near the main entrance to the Town Office Building, such parking having been permitted ever since the site became solely the Town Hall in 1843 and prior to that the Church and Town Meeting House from 1797.

Article 20 of the warrant for the Annual Town Meeting of March 13, 1979, was moved, seconded and voted in the affirmative. See pages A-8 and 44 of the Annual Town Report.

Church Street Parking Lot Lease Authority

To see if the Town will vote to authorize the Board of Selectmen to enter into a Three year lease with the Diocese of Manchester for the use of their Hampton, N.H., Church Street parking lot, for a fee of $1 and other considerations, including the provision of traffic control, and to raise and appropriate the sum of $25,000 for improvements to same.

Article 25 of the warrant for the Annual Town Meeting of March 12, 1983, was moved, seconded and voted in the affirmative. See page 18 of the Annual Town Report.

Church Street Parking Lot Lease Authority

To see if the Town will vote to authorize the Selectmen to negotiate and enter into agreement to lease the Church Street parking lot from the Roman Catholic Bishop of Manchester.

Article 47 of the warrant for the Annual Town Meeting of March 11, 1986, was moved, seconded and voted in the affirmative. See page 54 of the Annual Town Report.

Appropriate from Income Restricted Account

To see if the Town will appropriate only $45,000 or 20% of the gross lease and rental from the town's parking areas located within the Hampton Village District for the purpose of preparing a master plan for infrastructure repairs ($5,000), install donated basketball hoops ($2,000) and to install drainage, granite curb and sidewalks on Church Street ($38,000). This appropriation will not effect the 1997 Town Tax Rate. (By Petition).

Article 33 of the 1997 Annual Town Meeting was passed by written ballot: Yes 1,854, No 1,453. See page 46 of the Annual Town Report.

Chapter 501

VETERANS

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Tax exemptions for veterans — See Ch. 442.

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Honor Roll

To see what action in regard to an honor roll of the soldiers of the late war. Voted under Article 8 of the warrant for the Annual Town Meeting of March 11, 1919 that a committee of three be appointed by the Chair to prepare an Honor Roll of the Soldiers and Sailors of our Town in the late, and other wars. The Chair appointed as committee, Edgar Warren, Horace M. Lane and Howell M. Lamprey.

In conformity to a vote passed at the Annual Town Meeting on the 11th of March, the legal voters of the Town of Hampton assembled at the Town Hall in said Town on Monday, the 12th day of May, 1919, and were called to order by the Moderator of the Town, at eight o'clock in the afternoon.

On motion of Edgar Warren it was voted — To take up Article eight before Article seven was considered. Mr. Warren reported for the committee that there were 115 Civil War veterans, 45 of the late World War and others of the Indian, Colonial and War of 1812. The committee recommended that Bronze Tablets be placed on either side of the entrance of the Lane Memorial Library. The Committee recommended that eight hundred dollars be appropriated for said purpose.

Voted — That the report of the committee be accepted.

Voted — That the recommendations of the Committee be adopted.

The Moderator then appointed the same Committee consisting of Edgar Warren, Horace M. Lane and Howell M. Lamprey to attend to the purchase of said tablets and erection of the same with proper ceremony.

World War II

To see if the Town will vote to authorize the Selectmen to erect an Honor Roll in honor of the Veterans of World War II and to raise and appropriate the sum of $2,500 therefor. Article 11 of the warrant of the Annual Town Meeting of March 12, 1946 was moved, seconded and voted in the affirmative. See pages 5 and 19 of the Annual Town Report.

Resolution of Honor

Resolved by the voters of the Town of Hampton in Annual Town Meeting assembled in the year 1947.

That on days of the arrival of the body of each of Hampton's Gold Star heroes, public flags be at half mast and a police escort be available.

Resolution was vote unanimously.

Korean War

To transact such other business that may legally come before said meeting.

Resolution. Mr. Roland Paige proposed the following resolution from The Hampton's Post No. 35, American Legion.

The Hampton's Post No. 35 American Legion, believing it is the intention of the Town to publicly preserve the names of those who honorably served during the Korean conflict, offers the following resolution:

Whereas: The Town of Hampton does always desire to recognize and honor the members of the Armed Forces who honorably served their country in the Korean War,

Therefore be it resolved that this meeting will request that the moderator appoint a committee of seven citizens whose duty it shall be to bring in the necessary details, including an accurate list of those who served honorably in the Armed Forces of the United States during the Korean War, June 27, 1950 to January 31, 1955, and were legal residents of the Town during such service.

Committee appointed by the Moderator under Resolution in Article 45: Roland W. Paige, Mrs. Barbara Bogrett, Vernon B. Dennett, Mrs. Marion Leach, William D. Holman, Roscoe B. Palmer, Donald A. Ring.

Resolution was voted under Article 45 of the warrant for the Annual Town Meeting of March 8, 1955. See pages 16, 39 and 40 of the Annual Town Report.

The following report was presented and the recommendations accepted upon the motion of Mr. Roland Paige.

March 5, 1956

Mr. Edward S. Seavey, Jr.
Moderator, Hampton, N.H.

Dear Sir:

VETERANS

As the committee appointed by you to prepare the necessary details including an accurate list of those who served honorably in the Armed Forces during the Korean Operation for the purpose of erecting an Honor Roll, the following recommendations are submitted for consideration:

1. In keeping with the customs and traditions of the Town we recommend that a Korean Honor roll be erected.

2. We recommend that the dates of eligibility be from June 25, 1950 to July 27, 1953.

3. A complete and accurate list be compiled for the Honor Roll.

4. That the present committee be authorized to serve until the Town Meeting of 1957.

Roland W. Paige, Marion E. Leach, Barbara M. Begrett, Roscoe B. Palmer, William D. Holm, an, Donald A. Ring, Vernon B. Dennett.

Chapter 509

WATER WORKS

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Purchase Water Works

To transact any other business that may legally come before said meeting. Motion: To have Selectmen look into the buying of the Hampton Water Works Co., and report at the next Town Meeting.

Motion under Article 23 of the warrant of the Annual Town Meeting of March 9, 1948, was voted in the affirmative. See pages 9 and 32 of the Annual Town Report.

Purchase Water Works

To transact any other business that may legally come before said meeting. Motion: That the Selectmen continue to see about the purchase and cost of the Water Company and report next year.

Motion under Article 19 of the warrant for the Annual Town Meeting of March 8, 1949, was voted in the affirmative. See pages 20 and 21 of the Annual Town Report.

Study Committee

To receive the report of the Committee appointed at the Annual Town Meeting to study the advisability of creating a water district. Motion: to accept the report was seconded — that this assembly go on record as specifically approving the recommendation that the Town acquire the Water Company, and that this same Committee together with three other members to be named by the Moderator be authorized and instructed to continue its studies and to report further facts relative to the acquisition of the Water Company by the Town at a Special Town Meeting.

Article 21 of the warrant of the Annual Town Meeting of March 13, 1951, was voted in the affirmative. See pages 9, 24 and 25 of the Annual Town Report.

Fluorination

On petition of Harold L. Pierson and ten other legal voters of the Town of Hampton to see if the moderator will appoint a committee of three persons to meet with the proper authorities of the Hampton Water Works and request such water company to add fluorine to the water supply as a preventive for dental decay in accordance to the standards established for such fluorination by the American Dental Association and the United Stated Department of Public Health and the cost of approximately eight cents per person per year be borne by the subscribers to such water supply. Article 17 of the warrant for the Annual Town Meeting of March 11, 1952, was voted in the affirmative. See pages 7, 8, 24 and 25 of the Annual Town Report.

Chapter 512

WEAPONS

ARTICLE I
Martial Arts Weapons

§ 512-1. Display and accessibility.

§ 512-2. Retail display and accessibility.

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Martial Arts Weapons
[Adopted 3-8-2011 by Art. 27, ballot vote: Yes 2475, No 610]

§ 512-1. Display and accessibility.

The residents of Hampton voted to regulate the display and accessibility of martial arts weapons pursuant to RSA 31:39, I(p), as follows.[1]

§ 512-2. Retail display and accessibility. [Amended 3-11-2014 ATM, Art. 32, ballot vote: Yes 2530, No 305]

1. To restrict the sale of martial arts weapons, including but not limited to throwing stars, throwing darts, nunchaku, blow guns, or any other objects designed for use in martial arts that are capable of being used as lethal or dangerous weapons, to an area at the back of the store enclosed by a wall creating a separation from the rest of the store and kept in locked cases not accessible to the general public;

2. To require stores selling such items to:

   a. Require photo identification from the purchaser; and

   b. Keep a log book at the store with the purchaser's signature and full address.

3. To designate officers of the Hampton Police Department to enforce these requirements under RSA 31:39-d, in addition to any other enforcement procedure authorized by law, including but not limited to any administrative enforcement procedure adopted by the Town of Hampton pursuant to RSA 31:39-c; and

4. To enforce the observance of these bylaws by imposing a penalty of $1,000 for each violation of these bylaws, of which each date of violation shall constitute a separate offense, to enure to the general fund of the Town to offset enforcement costs entailed in enforcing these bylaws.

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1. **Editor's Note: For additional regulations see Sec. 3.46 of the Zoning Ordinance.**

Chapter 515

WHITE ISLAND

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes

[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Protection of White Island

Voted that a Committee be appointed to take up the matter of the protection of White Island, also of checking changes in Hampton River at or below the bridge and report at some subsequent meeting.

Lemuel C. Ring, A. Willard Gookin, Joseph B. Brown, Randolph P. DeLancey, Horace E. Bond and Charles W. Moody were appointed as that committee.

Chapter 526

ZONING BOARD OF ADJUSTMENT

ARTICLE I
Town Meeting Votes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Town Meeting Votes
[This article sets forth in chronological order certain warrant articles and election questions which the Town requested be included in the Code. This information is provided for reference purposes only.]

Elect Zoning Board of Adjustment

We the undersigned voters of the Town of Hampton hereby request the Board of Selectmen to place the following article on the Warrant for the March 1995 Annual Town Meeting. To see if the Town will vote pursuant to RSA 673:3 to elect the members of the Zoning Board of Adjustment.

Article 42 of the warrant for the Annual Town Meeting of March 18, 1995 was moved, seconded and voted in the affirmative. See page 39 of the Annual Town Report.

PART IV

BOARD OF SELECTMEN

Chapter 530

GENERAL PROVISIONS

ARTICLE I
Adoption of Code

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Adoption of Code

[An ordinance adopting Part IV of the Code of the Town of Hampton will be proposed before the Board of Selectmen. Upon final adoption, it will be included here as Article I of this chapter.]

Chapter 535

ADDRESS NUMBERS

§ 535-1. Authority.

§ 535-2. Posting of assigned street numbers.

§ 535-3. Violations and penalties.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton 10-25-1976; amended 2-12-1990 (Ch. 2, Art. 10, of the Code of Ordinances). Subsequent amendments noted where applicable.]

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§ 535-1. Authority.

This chapter is adopted in accordance with the authority in RSA 41:8 and any other applicable chapters in the Revised Statutes Annotated of New Hampshire.

§ 535-2. Posting of assigned street numbers.

Every building located in the Town of Hampton which has been assigned a street number by the appropriate Town of Hampton agency shall be required to have such number posted upon the property where such building exists so as to be readable from the street which abuts the main entrance to such property. Numbers may be composed of letters or Arabic numbers and shall be at least three inches high and of a color which sharply contrasts with their background. Roman numerals are specifically prohibited.

§ 535-3. Violations and penalties.

The owner of any building who shall fail to post such number within 30 days after notice from the Board of Selectmen or its duly authorized agent shall be fined not more than $25 for each day that such number is not so posted.

Chapter 542

ALARM SYSTEMS

§ 542-1. Definitions.

§ 542-2. Prohibited devices.

§ 542-3. Service charge for unfounded emergency calls.

§ 542-4. Permissible unfounded emergency calls.

§ 542-5. Violations and penalties.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton 2-23-1987; amended 2-12-1998 (Ch. 2, Art. 11, of the Code of Ordinances). Subsequent amendments noted where applicable.]

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§ 542-1. Definitions.

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

ALARM SYSTEM — Any assembly of equipment and/or devices which, with or without human involvement, is reasonably calculated to notify either police or fire officials and lead them to believe that there is a situation requiring their urgent attention.

AUTOMATIC TELEPHONE DIALER — Private security alarm equipment arranged to automatically transmit a signal to the Police Department over commercial telephone facilities.

MECHANICAL PROTECTION DEVICE — An electrically operated instrument composed of sensory apparatus and related hardware which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice alarm upon receipt of a stimulus from the sensory apparatus that has detected a condition of a breach of security, intrusion, holdup, or any other condition.

UNFOUNDED EMERGENCY CALL — Any response by police or fire officials to the activation of an alarm system when no objective indication of a situation requiring their urgent attention is found by the responding police or fire officials; false alarm.

§ 542-2. Prohibited devices.

A. It shall be unlawful to install a mechanical protection device that is automatically keyed to and/or activates the telephone (numbers) lines controlled by and/or listed to the Hampton Police Department.

B. All such existing devices installed prior to the effective date of this chapter shall be removed within 60 days from the date of passage of this chapter.

C. Exclusion. A security-intrusion telephone dialer may be received only from the United States Postal Service.

§ 542-3. Service charge for unfounded emergency calls.

The owner of any premises served by an alarm system shall be obligated to pay a service charge to the Town of Hampton for all unfounded emergency calls to that premises in excess of the number of such calls permitted by this chapter. This service charge shall be in the amount of $25 per unfounded emergency call to police officials and $50 per unfounded emergency call to fire officials. Said charge is to be paid within 30 days of billing, payment to be made to the department issuing the bill.

§ 542-4. Permissible unfounded emergency calls.

The owner of any premises served by an alarm system shall be permitted the following number of unfounded emergency calls prior to the imposition of a service charge:

A. Unfounded emergency calls to police officials: two calls per calendar year (January 1 to December 31).

B. Unfounded emergency calls to fire officials: two calls per six calendar years (January 1 to December 31).

§ 542-5. Violations and penalties.

Any person, firm, or corporation violating the provisions of this chapter shall be liable to a penalty of not more than $100 for each offense. Each day of violation shall be considered a separate offense.

Chapter 545

AMBULANCE

ARTICLE I
Ambulance Write Offs

§ 545-1. General.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Fire Department and ambulance service — See Ch. 163. **Mutual aid — See Ch. 686.**

ARTICLE I
Ambulance Write Offs
[Adopted 3-11-1996]

§ 545-1. General.

The following policies are designed to provide guidelines to the accounting department and its billing intermediary (Comstar) in the writing off of ambulance receivables. With a formal write off policy the Town of Hampton and its billing intermediary are clear about who has the authority to approve write offs, when they will occur and under what circumstances will they be brought to the appropriate party for approval.

These policies are classified into five (5) different circumstances under which a write off will occur. For each circumstance the proper authoritative body to approve the write off will be specified. Write offs that are sent to the Board of Selectmen for approval will be brought to their attention on the first Monday of every month, unless circumstances prevent, in which case the closest following Monday as possible. The write offs will be classified in the categories specified below along with the dollar amount, indication of whether the patient is Hampton resident or not, and the name of the patient. Approved write offs will be sent to the Town of Hampton's billing intermediary. Under no circumstances will the billing intermediary write off amounts which have not been approved by the Board of Selectmen of the Town of Hampton unless specifically indicated below.

1. Insurance Write Downs. The Town of Hampton's billing intermediary will provide the Town of Hampton with a list of insurance adjustments on a monthly basis. The Town of Hampton's billing intermediary will make the appropriate adjustments at that time without further approval from the Town. The Director of Accounting will review the list of adjustments and communicate any discrepancies to the intermediary.

2. Hardship Write Offs.

A) Application Forms:

Hardship applications will be issued to those Hampton residents only who require financial assistance. The applications will contain the following:

- All pertinent billing information.
- Family size.
- Total annual family income.
- Signature of applicant.
- Date of application.

The billing intermediary will not list or suggest to the applicants the annual income parameters that will be used by the Town of Hampton to assist in the approval or denial of the applicant.

B) Approval Process:

All applications received by the Town will be screened by The Town of Hampton's Welfare Director. The screening process will include checking income levels against some predetermined scale, in addition to other steps the welfare director may deem as appropriate. The Welfare Director at any time may require the applicant to produce documentation to document their financial status.

After screening the applications, the Welfare Director will submit her recommendations to the Board of Selectmen for final approval. Upon the Board of Selectmen's approval all approvals and denials will be forwarded to the Town of Hampton's billing intermediary.

C) Other:

Any write offs approved through this procedure will not be subject to a welfare assistance lien as described in RSA 165:28.

3. Legal Settlements. Any letters from attorneys requesting to settle an ambulance bill for an amount less than what is determined to be owed the Town of Hampton should be forwarded to the Board of Selectmen for approval.

4. Bad Address/No Response.

The billing intermediary will send to the Town of Hampton a list of those patients who have not responded to three (3) billing notices and two (2) collection type notices. After the billing intermediary has exhausted collection efforts and reported the no response to the appropriate credit bureaus the Town of Hampton will forward a list of those patients to the Board of Selectmen for write off approval.

The billing intermediary will send to the Town of Hampton a list of those patients who have not been contacted for reasons of a bad address. After the billing intermediary has

exhausted collection efforts the Town of Hampton will forward a list of those patients to the Board of Selectmen for write off approval.

A list of these write offs will be kept by the accounting department, sorted by name, for future reference in case of multiple delinquencies by the same individual.

5. Insignificant Balances. The Town of Hampton's billing intermediary will provide the Town of Hampton with a list of patients with insignificant ($5 and below) balances after it has been determined by the billing intermediary that a good faith effort to pay was shown by the patient. The Director of Accounting for the Town of Hampton will review and approve any write offs in this area.

Chapter 554

BILLIARD TABLES, POOL TABLES AND BOWLING ALLEYS

§ 554-1. Authority.

§ 554-2. Purpose.

§ 554-3. License required.

§ 554-4. Gaming prohibited.

§ 554-5. Application for license.

§ 554-6. Referral of application to Chief of Police.

§ 554-7. Fees; term of license.

§ 554-8. Revocation of license.

§ 554-9. Violations and penalties.

§ 554-10. When effective; repealer.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton 3-3-2008. Amendments noted where applicable.]

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§ 554-1. Authority.

In accordance with the provisions of RSA 286:6 through 286:10, inclusive, authorizing the Board of Selectmen to issue licenses governing the keeping and use of billiard and pool tables and bowling alleys within the Town of Hampton, the following regulations are adopted to license and regulate the use thereof.

§ 554-2. Purpose.

The Board of Selectmen ordains that it is in the public interest to regulate the use of billiard and pool tables and bowling alleys, through the issuance and regulation of licenses, to prevent the use of the same for gaming for money or other property.

§ 554-3. License required.

No person, corporation, company, partnership or organization of any kind shall keep and/or hire for gain, reward or profit or charge for the use of a billiard or pool table or bowling alley or allow the use thereof by the public within the Town of Hampton without obtaining a license issued by the Board of Selectmen.

§ 554-4. Gaming prohibited.

No one issued a license under these regulations shall use or allow others to utilize a billiard or pool table or bowling alley for the purpose of gaming for money or other property of any description, tangible or intangible.

§ 554-5. Application for license.

Applications for licenses that are required under these regulations shall be made on the forms provided by the Board of Selectmen. Such applications shall be made in writing by the

proposed licensee and shall be submitted to the Board of Selectmen for its review and approval.

§ 554-6. Referral of application to Chief of Police.

The Board of Selectmen shall refer all applications received under these regulations to the Chief of Police for investigation and recommendation as to the approval thereof.

§ 554-7. Fees; term of license.

The annual license for each billiard table or pool table shall be $25. The annual license for each bowling alley business shall be $10 per alley. Licenses shall be issued until May 1 next after the granting thereof, unless sooner revoked.

§ 554-8. Revocation of license.

A license may be revoked at any time at the pleasure of the Board. Revocation of a license does not entitle the license holder to a refund of any or all of the license fee paid.

§ 554-9. Violations and penalties.

Whoever has a billiard table, pool table or bowling alley in his charge that requires a license under this chapter and is unlicensed shall forfeit the sum of $20 for each billiard table, pool table or bowling alley so kept and unlicensed. Such sums shall inure to the general fund of the Town.

§ 554-10. When effective; repealer.

This chapter shall become effective upon its adoption, and all previous ordinances and regulations on this subject shall be automatically repealed upon its approval.

Chapter 558

BONDS AND CONTRACTS

ARTICLE I
Policy for Tracking and Accountability of Bond and Contract Securities Including Insurance

§ 558-1. Purpose.

§ 558-2. Procedure for Requiring Securities and Insurance.

§ 558-3. Finance Department.

§ 558-4. Actions Required Before Expiration.

§ 558-5. Notification to Selectmen.

§ 558-6. Suspension and Revocation.

§ 558-7. When Effective.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Policy for Tracking and Accountability of Bond and Contract Securities Including Insurance
[Adopted 5-21-2010]

Authority

This policy is enacted under the authority contained in New Hampshire Revised Statutes Annotated Chapter 41, Section 9, Selectmen, Financial Responsibilities.

Policy

It is the policy of the Town of Hampton to protect the Town and its taxpayers, residents and visitors through the adoption of security protocols and controls governing the requirements for, the receipt of, the monitoring of, securing renewals of, calling securities and terminating secured agreements or contracts governing its contractual obligations with vendors or individuals.

§ 558-1. Purpose.

This Policy is established for the specific purposes of regulating the receipt of, the security of, the monitoring of, the administration of and the enforcement of letters of credit, bonds as securities, passbook and cash securities and the administration of certificates of insurance being received, held, refunded or called by the Town.

§ 558-2. Procedure for Requiring Securities and Insurance.

Required securities and insurance shall be required in accordance with the New Hampshire Revised Statutes Annotated, Ordinances of the Town of Hampton and Administrative Rules of the State of New Hampshire. Required securities and insurance shall be required in the following circumstances.

a. Contracts - Before contracts are signed for the delivery of services of any nature the vendor will provide to the Town bonds, letters of credit or other financial securities as specified in the contract documents. This may include financial securities for subcontractors if required in the contract documents. Insurance documents will also be provided before contracts are signed in accordance with the contract's requirements including Workers' Compensation Insurance certificates in amounts required by law.

b. Bids - The award of bids may occur without the presentation of financial securities and insurance but work shall not commence until the vendor awarded the bid has provided to the Town all of the financial securities and insurance, including Workers' Compensation Insurance, that was required by the bid document.

c. Purchase Orders to Provide Services - When services are provided by a vendor on the basis of an approved signed purchase order the purchase order shall state whether or not financial securities are required for the work performed. In all cases where the vendor is to provide those services on site within the Town of Hampton the vendor shall provide the required certificates of insurance and Workers' Compensation Insurance.

d. Subdivisions and Site Plans - The Planning Board shall determine the securities and insurance necessary for the opening of work within a subdivision or on a site for approved site plan work. Such securities and insurance shall be received and maintained in accordance with this policy, the rules and regulations of the Planning Board and Title 46 of the New Hampshire Revised Statutes Annotated.

e. ZBA Approvals - The Zoning Board of Adjustment may require securities and insurance for approvals issued by the Board in accordance with the New Hampshire Revised Statutes Annotated that shall be governed by this policy.

f. Other Town Agencies - Any Board, Commission, Committee or other agency of the Town of Hampton shall be governed by this policy in the issuance and receipt of certificates of insurance and Workers' Compensation.

§ 558-3. Finance Department.

All financial securities accepted or required by the Town will be filed with the Finance Department upon receipt who shall keep a log of the securities and insurance received. The Finance Department will notify in writing the appropriate Department or agency of the Town at least 60 days before the expiration of securities or insurance.

§ 558-4. Actions Required Before Expiration.

When an agency of the Town is notified that insurance or security will expire within 60 days or less it shall take appropriate action to have the vendor either renew the insurance and/or security or call the security and cancel the contract or other obligation between the parties.

§ 558-5. Notification to Selectmen.

Should action be required under § 558-4 of this policy the Agency of the Town controlling that action shall notify the Selectmen of the action being taken.

§ 558-6. Suspension and Revocation.

When the Board of Selectmen or any other Town Agency has been notified of the lapse of security or insurance and its non-renewal they shall suspend any license or permit issued on the security or insurance effective on the date of non-renewal and may proceed to hold a public hearing to revoke prior to the lapse or cancellation date.

§ 558-7. When Effective.

This policy shall become effective upon its adoption by the Board of Selectmen.

Chapter 565

(RESERVED)

[Former Ch. 565, Building Committee, adopted 8-17-2009, was repealed 4-1-2013.]

Chapter 569

CABLE TELEVISION

ARTICLE I
Operating Guidelines and Policies for Town of Hampton Channel 22 Education and Government Access Channel

§ 569-1. Background.
§ 569-2. Objectives.
§ 569-3. Programming Priorities.
§ 569-4. Programming Policies.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Cable television — See Ch. 69.

Intermunicipal Agreement for Cable Access, Facilities and Equipment — See Ch. AMU.

ARTICLE I

Operating Guidelines and Policies for Town of Hampton Channel 22 Education and Government Access Channel

[Adopted 9-2002; amended 9-2005; 11-2006; 6-2013]

§ 569-1. Background.

• The Federal Communications Commission (FCC) allows franchising authorities to require of cable operators the designation & activation of three access channels - Public, Education and Government (PEG). Each type of channel serves a distinct purpose, and therefore the type of programming for and regulations over each differs. For example, a public access channel must allow a full gamut of programming to be run if citizen producers request airtime as a public access channel is subject to First Amendment rights of free speech.

• Pursuant to its Franchise agreement with AT&T Broadband (formerly Continental Cablevision of NE, Inc.) on April 17, 1995, the Town of Hampton activated only an Educational/Government Access Channel (EG - Channel 22), for the purpose of cablecasting town meetings and other government and education related information of interest to the citizens of the Town of Hampton. Use of an Educational/Government Access Channel shall be for non-commercial purposes.

§ 569-2. Objectives.

EG - Channel 22 has the following objectives:

• To make public proceedings more accessible to Town of Hampton residents by providing live and or videotaped coverage of town meetings and of the various boards via cable television.

• To increase community awareness of the Town and schools providing information on projects, developmental goals and services.

• To promote special events in the community sponsored by the town, school and civic organizations.

• To provide more extensive information on selected town topics and activities not fully covered by existing communications media.

• To supplement public safety and disaster preparedness activities/info pertaining to the Town of Hampton and surrounding communities.

§ 569-3. Programming Priorities.

Programming priorities for EG — Channel 22 are as defined below:

• Emergency programming involving public safety or health.

• Programming of Town Meeting, Selectmen's meeting and other various boards.

• Programming of School Board Meetings.

• Programming approved by WHS appointed faculty.

• Programming of town and school events.

• Programming of community events.

§ 569-4. Programming Policies.

A. Live Cablecast.

1. Town and other board meetings will be cablecast gavel-to-gavel, excluding those portions of meetings:

   a. Where the moderator in the case of the deliberative Session has exercised his or her authority to declare a break; or

   b. Where the board or committee in question has duly voted to go either into a non-public session under RSA 91-A:3 of the Right to Know Law or into a non-meeting as set forth in RSA 91-A:2 of the Right to Know Law; or

   c. When, upon motion duly made and seconded and passed by a majority of the board or committee, the board or committee has voted to take a break from or recess its proceedings strictly for nonbusiness purposes, at which point the camera crew shall cease filming pursuant to that vote and a break slide will be inserted by the camera crew until the recess or break is over; or

   d. Request to Censor: Under no circumstances shall a Board member be afforded the right to ask that another member or a person or persons participating in Public Session be censored or microphone turned down

and/or off. Any such request shall be reported to the Chair or Acting Chair, if either of these parties are the requestors it shall be reported to the Town Manager and or Town Attorney. **[Amended 6-13-2013]**

2. Unless, otherwise agreed to in advance, the control room technician(s) will not continue to provide coverage after 11:00 p.m.

3. Public meeting coverage will not be edited or subject to editorial comment. Editing of technical difficulties is permitted.

4. Coverage will be focused on the officially recognized speaker, group of presenters or any visual information that may be displayed as part of a presentation.

5. A character generated message may indicate the name of the officially recognized speaker, identification of the matter being considered and the date of the meeting.

6. Public meetings taped for cablecast will be re-cablecast at least once, if possible.

7. Video coverage will be subject to availability of technician(s).

8. Requested video coverage of a special meeting or event by the Board of Selectmen/Town Manager needs to be communicated & confirmed via e-mail, letter or telephone to the Chairman/ Vice-Chairman of the Cable Advisory Board.

9. Individual boards are responsible of informing the Chairman/and or Vice-Chairman of any time, date, or location changes to their normally scheduled board meetings.

10. The cable advisory board and volunteers will not be held responsible for problems in the live cable-cast and or recording of meetings, events, etc., due to human error, equipment and/or power failure.

11. A program log will be retained to record all programming cablecast.

12. All recorded media shall be the property of the Town of Hampton. DVDs or other media shall not be considered an official record of any meeting and there shall be no liability for inadvertent erasure, omissions, loss or damage.

13. A DVD copy of any recorded meeting may be requested for $10.00. Shipping & handling costs will be added as appropriate.

14. Bulletin Board. Character generated messages will appear relating to Town's activities, programs, services, schools and civic organizations. This service will operate 24 hours a day when other programming is not scheduled.

B. Programming Guidelines.

In addition to meetings, special events, etc., recorded by the Cable Committee - a DVD can be submitted/sponsored from town departments and schools for replay on Channel 22 by filling out a Cablecast request form and conforming to the guidelines below and the policies of an Education/Government Access Channel.

1. Programming content will not contain any obscene, indecent, libelous or slanderous matter.

2. Programming will contain nothing which is subject to copyright, except where applicant demonstrates compliance with applicable laws.

3. Programming will contain no commercial matter.

4.

   (i) Channel 22 will not provide airtime for political programming by individual candidates, or supporters of any candidate or issue, except as otherwise stated in this paragraph.

   (ii) Political programming related to political candidate forums (where all candidates for a particular office have equal opportunity to participate) or public forums on a ballot issue (where all sides have an equal opportunity to participate) may be cablecast.

   (iii) Factual information on any ballot issue directly affecting Hampton voters will be permitted.

Any resident of the Town of Hampton may directly appeal to the Board of Selectmen for any request to cablecast that is denied by the Cable Advisory Board.

C. Equipment. The Cable Advisory Board will retain an inventory list of all equipment purchased.

D. Medium Retention. The Cable Advisory Board will retain their copy of recorded meetings for forty eight (48) months.

NOTE: See Chapter AMU for the "Intermunicipal Agreement for Cable Access, Facilities and Equipment."

Chapter 571

CAMPING, RECREATIONAL

§ 571-1. Authority.

§ 571-2. Purpose.

§ 571-3. Recreational camping restrictions.

§ 571-4. Activities not regulated.

§ 571-5. Penalty.

§ 571-6. Validity.

§ 571-7. Effective.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton 7-24-1970; amended in its entirety 11-19-2007 (Ch. 2, Art. 2, of the Code of Ordinances). Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Beaches and parks — See Ch. 35.

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§ 571-1. Authority.

In accordance with New Hampshire Revised Statutes Annotated, Chapter 147, Section 1, the following public health regulation is adopted to protect the health and welfare of the citizens of the Town of Hampton.

§ 571-2. Purpose.

In accordance with law this public health regulation is enacted to prevent and remove nuisances to the public health and to provide for the public health and safety of the citizens of the Town of Hampton through the lawful regulation of recreational camping.

§ 571-3. Recreational camping restrictions.

No person or persons, or other entity, shall, having custody or control of any tent, travel trailer, tent camper, motor home or pickup camper, locate, establish, maintain or operate the same as living quarters for children or adults for recreational, educational or vacation purposes in any location within the Town of Hampton other than at an established recreational camping park duly established in accordance with the laws and administrative regulations of the State of New Hampshire and the Town of Hampton.

§ 571-4. Activities not regulated.

The single overnight camping or tenting of children and adults on the property upon which the residence of one of the children and adults camping or tenting is located; the overnight camping or tenting of organized scouting groups or other recognized organizations on the property upon which the residence of one of the children and adults who is a member of the organization resides; the connection of water or electricity to a travel trailer, tent camper,

motor home or pickup camper for the purpose of cleaning, charging battery systems or repairs; the temporary use of a tent, travel trailer, tent camper, motor home or pickup camper as temporary housing when a primary residence is destroyed or uninhabitable due to fire, disaster, or other health and safety issues, provided that the Health Officer has issued a permit for such temporary emergency residence; and such other uses as may be exempted by the Health Officer upon proper application.

§ 571-5. Penalty.

Any person violating this health regulation shall be guilty of a violation and shall be subject to a fine of not less than $100 nor more than $250 for each such violation. Each day that such violation continues beyond the first day of violation shall be a separate violation subject to the fine contained herein. All penalties shall inure to the general fund of the Town.

§ 571-6. Validity.

If any section or part of a section or paragraph of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections or parts of a section or paragraph of this regulation, so long as the purposes of this regulation can still be achieved in the absence of the invalidated provision.

§ 571-7. Effective.

This regulation shall become effective upon the approval of the Board of Selectmen, when filed with the Town Clerk and posted in two public places in the Town. This regulation supersedes and repeals all public health regulations previously adopted in Hampton regarding recreational camping.

Chapter 580

CREDIT CARD POLICY

§ 580-1. Purpose.

§ 580-2. Scope.

§ 580-3. Applicability.

§ 580-4. Use of credit card.

§ 580-5. Documentation, reconciliation and payment procedures.

§ 580-6. Approval.

§ 580-7. Request for initial, additional or changes to credit cards.

§ 580-8. Lost or stolen credit cards.

§ 580-9. Termination or transfer.

§ 580-10. Audits.

§ 580-11. Authority.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton 1-30-2012. Amendments noted where applicable.]

GENERAL REFERENCES

Payment of fees by credit card — See Ch. 159.

The primary advantages of establishing a Credit Card Program are the various ways that the Town and the Departments utilizing the program can establish limits and restrictions on individual purchases. These features allow the Town to tailor the program to fit its needs and to extend credit responsibility to more individuals while maintaining or increasing accountability. Prompt payment to vendors enhances the Town's relationship with suppliers as well.

The success of the Town of Hampton Credit Card Program relies on the cooperation and professionalism of all personnel associated with this initiative. The Cardholder is the most important participant and is the key element in making this program successful.

§ 580-1. Purpose.

To establish those procedures under which the Finance Department and Department Heads will control the use of Credit Cards assigned to and utilized by Town employees for Credit non-stock materials and services.

These procedures are intended to accomplish the following:

1. To ensure that the procurement of Credit Cards is accomplished in accordance with the policy and procedures established by the Finance Department.

2. To enhance productivity, significantly reduce paperwork, improve internal controls and reduce the overall cost associated with small purchases.

3. To ensure appropriate internal controls are established within each department procuring Credit Cards so that they are used only for authorized purposes.

4. To ensure that the Town bears no legal liability from inappropriate use of Credit Cards.

§ 580-2. Scope.

The Town Manager will make all decisions regarding the issuing of individual cards and the establishment of any and all additional controls for their use.

§ 580-3. Applicability.

This policy applies to all departments of the Town of Hampton.

§ 580-4. Use of credit card.

The Credit Card is to be used for Town purposes only. Cash advances through Bank Tellers or Automated Teller Machines are prohibited.

The Credit Card will not be used for personal purchases of any kind. Use of the Credit Card for personal purchases or expenses with the intention of reimbursing the Town is prohibited.

Cardholders are responsible for the security of their Credit Card. All precautions shall be used to maintain confidentiality of the Cardholder's account number and expiration date of the Credit Card.

A single purchase may comprise multiple items. If any single purchase exceeds $1,000, prior approval is necessary.

When using the Credit Card, the Cardholder should:

1. Ensure that the goods or services to be purchased are budgeted and allowable.
2. Determine if the intended purchase is within the Cardholder's Credit Card limits.
3. The Cardholder is responsible for managing any returns or exchanges and ensuring that proper credit is received for returned merchandise. The Cardholder should contact the vendor to obtain instructions for return and review the next card statement to ensure that the return was properly credited.

§ 580-5. Documentation, reconciliation and payment procedures.

It is important to the success of the Credit Card Program that Cardholders adhere to the following procedures. Failure to keep adequate receipts or frequent abuse of these provisions will result in cancellation of the Cardholder's Credit Card.

1. Documentation - Any time a purchase is made using the Credit Card, the Cardholder is to obtain a customer copy of the charge slip, or if making a purchase over the Internet, print the payment confirmation, this will become the supporting document.
2. Missing Documentation - If the Cardholder does not have a receipt or supporting documentation to submit with the statement, a reconciliation statement that includes a

description of the item, date of purchase, merchant's name, and an explanation for the missing supporting documents must be submitted with the Cardholder's statement. Frequent instances of missing documentation will cause a Cardholder's Credit Card privilege to be revoked.

3. Payment Procedures - Purchases made by employees and listed on the Credit Card Statement must be verified and approved by Department Heads, account numbers assigned for each transaction and submitted to the Finance Department for payment.

4. It is the card user's responsibility to submit receipts in a timely manner. If not done promptly the department who is using the card will be responsible for interest or late charges added to their statement from their department's expense lines.

§ 580-6. Approval.

The Department Head or designated approving official for each department, because of their knowledge of the job responsibilities of the Cardholder, will review each transaction on the statement. At a minimum, the items, vendor and account number will be reviewed to determine if the purchase was made for official use and in accordance with policies and procedures.

If for any reason the Department Head or approving official questions the purchases, it is their responsibility to resolve the issue with the Cardholder. If it cannot be determined that the purchase was necessary, for official use, and in accordance with policies and procedures, the Cardholder must provide a Credit Voucher proving the items have been returned for credit. Resolution for improper use of the Credit Card will be responsibility of the Department Head and the Finance Director. Disciplinary action could result for misuse of the Credit Card. Flagrant abuse of the Credit Card Program could result in termination.

If items purchased with the Credit Card are found defective or the repair or services faulty, the Cardholder has the responsibility to return the items to the merchant for replacement or credit. Cash refunds will not be permitted. If the merchant refuses to replace or correct the faulty item, the purchase of this item will be considered to be in dispute.

The Department Head should notate the item(s) disputed on the statement. It is the responsibility of Department Heads to resolve these disputes.

It is essential that the time frames and documentation requirements established by the Credit Card Issuer be followed to protect the Cardholder's rights in dispute. Dispute policies and procedures issued by the Credit Card Issuer will be provided at the time the Credit Cards are issued to Cardholders.

§ 580-7. Request for initial, additional or changes to credit cards.

All requests for new Cardholders or changes to current Cardholders will be done by submitting a request to the Finance Director.

All requests for Credit Cards must be approved by the Finance Director and the Town Manager. The designated representative's name must be provided to the Finance Department and kept current.

§ 580-8. Lost or stolen credit cards.

It is the responsibility of the Cardholder to immediately notify the Finance Department of a lost or stolen Credit Card.

Failure to promptly notify the issuing bank of the theft or loss of the Credit Card could make the Town responsible for any fraudulent use of the card and result in loss of privileges for the Cardholder.

§ 580-9. Termination or transfer.

Upon termination of employment for any reason, a Cardholder must relinquish their Credit Card to the Finance Department on or before their last day of work and prior to issuance of final compensation to the Cardholder. The Finance Department will notify the Credit Card Issuer and the Cardholder's card will be immediately deactivated. A Cardholder who fraudulently uses the Credit Card after separation from the Town will be subject to legal action.

§ 580-10. Audits.

Random audits may be conducted for both Credit Card activity and receipt retention as well as statement review by the Finance Department.

I have read and understand the Credit Card Policy for the Town of Hampton.

_____ _____

Employee Signature Date

§ 580-11. Authority.

These policies are adopted by the Board of Selectmen in accordance with RSA 31:39 as it relates to their management of the Town's prudential affairs and their authority over expenditures.

Chapter 582

CREED

§ 582-1. Creed for Board of Selectmen.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton 7-9-1979 (Ch. 8, Art. 9, of the Code of Ordinances). Amendments noted where applicable.]

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§ 582-1. Creed for Board of Selectmen.

As a Selectman, I believe:

That the proper operation of democratic government requires that public officials be independent and impartial in their judgment and actions; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government and public officials; and that the realization of these ends is impaired whenever there exists, or appears to exist, an actual or potential conflict between the private interests of a governmental official and his public duties. The public interest requires ethical standards with respect to official conduct. Therefore, as a Selectman of the Town of Hampton, New Hampshire, I assert my solemn belief that the primary responsibility for maintaining a high level of ethics among the Board of Selectmen falls upon the Board of Selectmen as the governing body elected by the people.

Consequently, as a Selectman, I believe it is my duty to:

1. Respect the importance of American ideals of government, of the rule of law, of the principles of public administration, and of ethical conduct in the performance of my public duties.
2. Represent and work for the common good of the Town of Hampton and not for private interest, assuring fair and equal treatment of all persons, claims, and transactions coming before me in my official capacity.
3. Refrain from accepting gifts or favors or promises of future benefit which might compromise or tend to impair my independence of judgment or action as a Selectman.
4. Learn the background and purposes of major motions before voting.
5. Faithfully perform my duties as a Selectman by attending all sessions of the Board and of its committees of which I am a member, unless unable to do so for some compelling reason or disability.
6. Help the Board maintain the highest standards of ethical conduct by refusing to approve breaches of public trust or improper attempts to influence legislation and by being willing to vote to censure or otherwise discipline any Selectman who willfully violates the duly established rules of conduct for Selectmen.

7. Disclose all sources of income which may represent a substantial conflict of interest with my duties as a Selectman and to disclose the nature and extent of my interest as an officer, agent, member or owner of any business entity or other association which is doing business with the Town of Hampton, such disclosure to be made to the Board of Selectmen.
8. Refuse to represent private interests before Town agencies or in the courts, except as may be my duty toward constituents, such service to be rendered without compensation, and refuse to accept or engage in any employment incompatible with my public duties.
9. Disclose any private interest I may have in legislation before the Board or to refrain from voting when such interest is in substantial conflict with my public duties.
10. Refrain from disclosing confidential information concerning any employee, resident or the Town of Hampton itself.

Chapter 588

EASEMENTS

ARTICLE I
Specific Easements

ARTICLE II
Selectmen's Policy on Drainage Easements

§ 588-1. Purpose.
§ 588-2. Authority.
§ 588-3. Policy.
§ 588-4. Subdivision and Site Plan Easements.
§ 588-5. RSA 41:14-a Procedures.
§ 588-6. Open Swales.
§ 588-7. Closed Drains.
§ 588-8. Drainage Easement Documents.
§ 588-9. Maintenance Requirements.
§ 588-10. Drainage Easement Construction.
§ 588-11. Construction Inspection.
§ 588-12. Easements to be Kept Clear.
§ 588-13. Policy Exceptions.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Specific Easements

Juniper Lane Subdivision

The Board of Selectmen of the Town of Hampton having conducted hearings on March 31, 2014, and April 14, 2014, under RSA 41:14-a to determine if the Town shall accept easements for a secondary position to maintain drainage in the Juniper Lane Subdivision, Tax Map 96, Lots 2E and 2F, hereby votes to deny acceptance of said easements as contained in the preliminary subdivision approval by the Planning Board on this date, April 21, 2014.

ARTICLE II
Selectmen's Policy on Drainage Easements
[Adopted 5-12-2014]

§ 588-1. Purpose.

It is the intent and purpose of this Policy to establish uniform procedures concerning the acceptance or rejection of proposed drainage easements received by the Town of Hampton that require action by the Board of Selectmen in accordance with the provisions of RSA 41:14-a.

§ 588-2. Authority.

This policy is promulgated pursuant to the authority contained in RSA 41:8 and RSA 41:14-a.

§ 588-3. Policy.

It is the policy of the Board of Selectmen not to accept drainage easements unless such acceptance is in the best interests of the Town of Hampton.

§ 588-4. Subdivision and Site Plan Easements.

The request to accept drainage easements that result from the subdivision of properties or requests for Site Plan approvals shall be first submitted to the Town of Hampton Department of Public Works who will review the same and provide written recommendations to both the Board of Selectmen and the Town of Hampton Planning Board for acceptance or rejection.

§ 588-5. RSA 41:14-a Procedures.

When a drainage easement plan is recommended for acceptance in accordance with the requirements of this policy it shall be subjected to the requirements of RSA 41:14-a before it is recorded in the Registry of Deeds.

§ 588-6. Open Swales.

Drainage easements composed of facilities that consist of open drainage swales shall contain within the easement document a provision that the property owner over whose property the open swale passes will be responsible for the construction and maintenance of the open swale in accordance with Town requirements.

§ 588-7. Closed Drains.

Drainage easements composed of facilities that consist of piped or closed drainage systems shall contain within the easement document a provision that the property owner(s) over whose property the piped or closed drainage systems pass will be responsible for the construction and maintenance of the piped or closed drainage system in accordance with Town requirements.

§ 588-8. Drainage Easement Documents.

Before any work commences on the construction of drainage within drainage easements the property owner(s) or applicant(s) shall record the approved drainage easement document at the Rockingham County Registry of Deeds and provide a copy of such recorded instrument to the Town. Within the recorded document there shall be a specific reference to the property deed(s) over which the easement(s) passes. If required by the Town a new deed(s) to the property(ies) where the easement is located shall be prepared and recorded that references the

easements required. Proof of such recording of any required revised deeds shall be provided to the Town.

§ 588-9. Maintenance Requirements.

Contained within each drainage easement document there shall be a provision that the maintenance, repair, construction and reconstruction of the drainage easement is the responsibility of the owner(s) of property(ies) through which the easement passes to its point of discharge or the final termination of the easement. Also contained within the drainage easement document there shall be provisions for the annual and periodic inspection of the easement by Town personnel who may pass over the property(ies) involved to accomplish the necessary inspections.

If upon inspection the Town finds that maintenance, repair or reconstruction is necessary to the drainage easement it shall notify the owner(s) of property(ies) over which the easement passes of the work necessary. The owner(s) of property(ies) shall within 30 days apply and obtain all necessary permits for the required work and commence the necessary corrective actions. Failure to do so will permit the Town to file any and all necessary actions in the Rockingham Superior Court to compel the owners(s) of Property(ies) involved to make the required remedial corrective actions. The cost of any legal and court costs shall be borne by the owner(s) or the property(ies) involved.

§ 588-10. Drainage Easement Construction.

Before any drainage system for which the Town will hold an easement is constructed, the Department of Public Works shall be provided a complete set of detailed construction plans that details the entire drainage system to the satisfaction of the Department of Public Works. Before construction may commence on said drainage system the property owner or applicant must receive approval from the Department of Public Works in writing, and shall obtain all necessary permits and pay all fees due for such approvals and work within the public way and the drainage easement.

§ 588-11. Construction Inspection.

The Department of Public Works shall assign a construction inspector to oversee all construction work required for the construction of any drainage system hereunder. The cost of such inspection shall be paid by the applicant(s) or property(ies) owners responsible for said construction whether it be for the original construction or a reconstruction of the drainage system. Necessary escrow funds shall be deposited before work commences with the Town to insure the payment of construction inspections as estimated by the Town.

§ 588-12. Easements to be Kept Clear.

Easements are to be kept clear of any buildings, permanent or temporary, trees, yard debris, storage of any items including motor vehicles or parts thereof, trailers or boats. The area will be grassed and kept mowed to a height of no more than 3 inches.

§ 588-13. Policy Exceptions.

Exceptions to this policy are exclusively vested in the Board of Selectmen.

Chapter 594

ETHICS, CODE OF

§ 594-1. Applicability.

§ 594-2. Definitions and construction.

§ 594-3. Fair and equal treatment.

§ 594-4. Conflicts of interest.

§ 594-5. Criminal liability.

§ 594-6. Conduct of public officials.

§ 594-7. Implementation.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton 6-4-2007. Amendments noted where applicable.]

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§ 594-1. Applicability.

All Town officials, members, employees, volunteers, boards and commissions, whether paid or unpaid, appointed or elected, should conduct themselves in accordance with the following Code of Ethics.

§ 594-2. Definitions and construction.

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

CLIENT — Any individual or entity with whom or with which a public official has a professional, contractual relationship.

DISCLOSURE — The revelation of an interest that could either bias or affect the outcome of a municipal decision. Disclosure must be public and must be confirmed in writing. Where appropriate and where time permits, disclosure is to be made to the board, commission, committee, agency or public body, both orally and in writing, before the public body with jurisdiction meets on the matter.

IMMEDIATE FAMILY — Encompasses spouses, dependents, anyone residing in the person's household and anyone who, by virtue of blood or marriage, is such a direct relation as to be a parent, child, grandparent, grandchild, brother, sister, in-law, or step relative in the foregoing categories.

INTEREST — Any privilege, profit, gain or advantage one stands to receive if certain actions or events occur.

(1) FINANCIAL INTEREST — Any interest which, either directly or indirectly, promotes or obtains a monetary or material benefit due to its exercise (other than the authorized salary and benefits for public service to the Town) to the official or employee, the immediate family of the official or employee, or to anyone retaining the services of the official or employee.

(2) PERSONAL INTEREST — Any interest created by blood, marriage, close business relationships, political associations, or household residence (either

relatives or live-in boyfriends or girlfriends), regardless of whether or not a financial interest is involved.

(3) PECUNIARY INTEREST — Any advantage in the form of money, property, commercial interest or anything else, the primary significance of which is economic gain. It does not include economic gain applicable to the public generally, such as tax reduction or increased prosperity generally.

OFFICIAL or EMPLOYEE — Any person serving in a public office or on a public body of the Town of Hampton, whether paid or unpaid, appointed or elected, full-time or part-time.

PUBLIC BODY — Any office, department, commission, committee, agency or board of the Town of Hampton.

B. The use of "he" or any other pronoun is to be considered a neutral term, not designating a particular gender but applicable to all persons in general.

§ 594-3. Fair and equal treatment.

All municipal officials and agents shall give each and every person fair and equal treatment. No official, employee or agent shall give any person special consideration, advantage or favor as a result of age, sex, race, color, marital status, physical or mental disability, creed, national origin, public status, wealth, position, religion, family, or personal or financial interest.

§ 594-4. Conflicts of interest.

A. Financial and personal interest. No person serving in a public position shall have, either for himself or for an immediate family member or for any other person, any personal, financial or pecuniary interest in any business, contract, or other transaction with any Town public body without the complete prior disclosure of the same to the board, commission, committee, agency or public body disclosing in detail the extent and nature of his interest.

B. Disclosure and disqualification. A public official shall not advise, deliberate and/or vote on any matter in which he holds any interest, whether it be personal, familial, financial or pecuniary, and must publicly disclose to the public body with jurisdiction the nature and extent of that interest and must disqualify himself from advising, deliberating and/or voting on the matter.

C. Incompatible employment. No official or employee shall be active in private employment with, or render services for, any private citizen, immediate family member or household member having business contracts or transactions with any public body unless and until he publicly and fully discloses the nature and extent of his interest.

D. Representatives of private persons. No person serving in a public position shall represent any private citizen other than himself or an immediate family member before any public body of the Town without disclosure.

E. Gifts and favors. No gifts, whether they be money, favors, things, loans or promises, are to be accepted by any public official, employee or board member while acting in his capacity as a public official or employee of the Town.

(1) Exceptions:

(a) Any discount provided to a whole class which has been appropriately authorized by the board, commission, committee, agency or public body.

(b) Unsolicited advertising or promotional materials of nominal intrinsic value, such as pens and calendars.

(c) Awards for meritorious civic service contributions.

(d) Unsolicited consumable items (except alcoholic beverages and tobacco products) that are donated to the entire work group during holidays and are consumed on the premises.

(2) Election contributions. This section shall not apply to election contributions or other gifts given to any person running for public office in accordance with applicable federal or state laws.

F. Confidential information.

(1) No public official or employee shall disclose any confidential information regarding any other official, employee, board member, commission member, person, property or governmental affairs of the Town unless and until prior approval by the public body having jurisdiction or the Board of Selectmen permits disclosure.

(2) Regardless of whether disclosure is involved, no official or employee shall allow or use any confidential information to advance his own personal gain or that of any other person.

G. Nepotism.

(1) Public officials and boards. No person serving in a public position shall appoint or vote for appointment of any person in his/her immediate family to any public position. If a proposed appointee is a member of the immediate family of any board member that member shall remove himself/herself completely from the appointment process.

(2) Public employment by department heads. When employing the members of the immediate family, Town public policy makes the appearance of fairness and conformity with Town policy mandatory. Thus, full-time employment of immediate family members shall not be approved if another member would have the practical authority to appoint, evaluate, supervise or discipline the other. If a need arises for part-time or seasonal employment by a department, then any proposal to employ a member of the department head's immediate family shall be subject to prior approval by a majority of the Board of Selectmen. The Selectmen

and department heads shall ensure that the interests of the community and fairness to all seeking employment are the primary considerations.

H. Voting. No Town board, committee or commission member, employee or authority is permitted to vote on the appointment of a person with or in whom he has a personal or financial interest.

§ 594-5. Criminal liability.

New Hampshire law provides that a person is guilty of a Class B felony if he either offers or accepts a bribe while acting as a public servant. In addition, a public servant may also be guilty of a Class B felony if he fails to report any bribes offered him while in the course of public service.

§ 594-6. Conduct of public officials.

A. No public official shall:

(1) Participate in any hearing, debate, discussion or vote or in any manner otherwise attempt to influence the outcome of a matter in which he or she has an interest, whether such interest is financial, personal, familial, or pecuniary.

(2) Utilize information obtained in such capacity for his or her own personal benefit or that of his or her clients or the clients of the organization with which the public official is associated.

(3) Appear on behalf of a client before any governmental body of which the public official is a member or whose members have been appointed by the governmental body of which the public official is a member.

(4) Accept anything of value from any person or organization when the public official knows or reasonably should know that the offer is for the purpose of influencing the public official's actions or decisions.

(5) Use his or her official position to influence or to attempt to influence any governmental body to act in favor of the public official or the public official's clients or clients of the organization with which the public official is associated.

B. Other individuals in the organization with which the public official is associated may not appear on behalf of clients before the governmental body of which the public official is a member, or any governmental body whose members have been appointed by the body of which the public official is a member, unless the public official publicly disqualifies himself or herself and refrains from participation in the matter in accordance with Subsection A of this section and otherwise conducts himself or herself with respect to the matter in accordance with said subsection.

C. Public officials shall make an honest effort to refrain from making any innuendoes or derogatory remarks to or about any individual present or absent at any meeting of a public body, or questioning his or her integrity or intelligence.

§ 594-7. Implementation.

To facilitate conduct in accordance with this voluntary nonbinding resolution, a copy of this chapter shall be made available to Town officials, employees, volunteers, boards, committees and commissions upon hiring, appointment or election to office and at such other times as may be necessary. This chapter shall take effect upon its passage.

Chapter 596

EXPENDITURES, NON-BUDGETED

§ 596-1. Policy on non-budgeted long term contractual commitments.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton 12-9-2013. Amendments noted where applicable.]

GENERAL REFERENCES

Budget Committee — See Ch. 57.
Funds — See Ch. 611.
Purchasing policy and procedures — See Ch. 718.

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§ 596-1. Policy on non-budgeted long term contractual commitments.

To assure public transparency, any non-budgeted expenditures, including non-budgeted employee wage increases, and other contractual commitments that carry forward to future years impacting the Default budget, shall be brought to the Board of Selectmen by the Town Manager for review and approval in a public meeting, prior to consummation. The Town Manager will alert the Board of Selectmen to commitments that fall into this category, but fall under the authority of another appointed or elected body or official, in order to provide the Selectmen and the public with advance notification as the Selectmen will be asked to incorporate the associated spending increases into the Default budget.

Chapter 598

FEES

ARTICLE I
Building Department Fee Schedule

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Fees — See Ch. 159.
Impact fees — See Ch. 247.
Licensing and license fees — See Ch. 278.

ARTICLE I
Building Department Fee Schedule
[Adopted 4-14-2014]

Type of Permit or Inspection	Processing Fee	Additional Fee
NEW HOMES, One and Two-Family	$75	$5 for every $1,000 of value of construction or portion thereof
COMMERCIAL — Multi-Family (condominiums, town houses — 3 or more dwelling units) requiring collection of multiple items, data, plan review and research	$100	$5 for every $1,000 of value of construction or portion thereof
ALL OTHER BUILDING PERMITS (decks, sheds, fences, siding, roofing, etc.)	$35	$5 for every $1,000 of value of construction or portion thereof
ELECTRICAL, PLUMBING OR MECHANICAL	$35	$5 for every $1,000 of value of construction or portion thereof
DEMOLITION PERMIT	$50	
RENTAL CERTIFICATE OF OCCUPANCY	$50	
RENEWAL OF EXPIRED PERMITS OR CERTIFICATE OF RENTAL OCCUPANCY	$35	

Type of Permit or Inspection	Processing Fee	Additional Fee
RE-INSPECTION FEE AFTER SECOND FAILED INSPECTION	$30	
SEPTIC SYSTEM Bed bottom inspection (includes sign off from Health Officer/Building Inspector)	$35	
PRIVATE WELL DRILLING Well water test results meeting minimum EPA standards for potable water to be provided prior to issuance of Certificate of Occupancy	$35	
HEALTH INSPECTION Day Care, Assisted Living, Youth Homes, Foster Care, Beauty/Barber Shops, Nail Salons, etc., as required by the State	$35	

Chapter 602

FIRE PREVENTION

§ 602-1. Notification of fire official required.

§ 602-2. Permits required.

§ 602-3. Permit fees.

§ 602-4. Violations and penalties.

§ 602-5. Correction of violation required.

§ 602-6. Effective date.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton 12-8-1986 (Ch. 6, Art. 3, of the Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Fire Department — See Ch. 163.
Fire prevention — See Ch. 167.
Hampton Falls Fire Dispatch — See Ch. 212.
Alarm systems — See Ch. 542.

§ 602-1. Notification of fire official required.

It shall be unlawful to engage in any business activity involving the handling, storage or use of hazardous substances, materials or devices; to maintain, store or handle materials; to conduct processes which produce conditions with such activities; or to establish a place of assembly without first notifying the fire official.

§ 602-2. Permits required.

Permits shall be obtained from the fire official according to the BOCA National Fire Prevention Code. Permits shall at all times be kept on the premises designated therein and shall at all times be subject to inspection by the fire official.

§ 602-3. Permit fees. [1]

Permit fees shall be as stipulated in permits of the BOCA National Fire Prevention Code, including the following:

A. Assembly permit: $25 annually per assembly area.

B. Fire suppression for cooking operations: $25 per installation/alteration.

C. New fire alarm systems: $75 per structure.

D. New fire alarm municipal box permit: $200 per structure.

E. Annual maintenance fee for fire alarm box: $125.

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1. **Editor's Note: This section was amended by the Town Meeting 3-21-1992 by Art. 45 and in March 2002.**

F. Existing fire alarm alterations: $25 per structure.

G. New automatic sprinkler systems: $75 per structure.

H. Existing automatic sprinkler system alterations: $25 per structure.

I. Drilling and blasting operations: $30.

J. Oil-burning equipment: $25 per installation.

K. Airports, heliports and helistops: $25 annually.

L. Dry-cleaning plants: $25 annually.

M. Spraying operations (flammables): $25 annually.

N. Service stations and garages: $25 annually.

O. Auto body repair shops: $25 annually.

P. Required inspections (license): $25.

Q. All other permits listed in the BOCA Fire Prevention Code that are not listed above: $25.

§ 602-4. Violations and penalties.

Any person, firm or corporation violating any of the provisions of the BOCA National Fire Prevention Code or failing to comply with any order issued pursuant to any section thereof shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine or by imprisonment as provided in the appropriate court for each offense. Each day that a violation continues after a service of notice as provided for in this code shall be deemed a separate offense.

§ 602-5. Correction of violation required.

The imposition of the penalties herein described shall not prevent the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to stop an illegal act, conduct of business or use of a building or structure in or about any premises.

§ 602-6. Effective date.

Adopted by the Board of Selectmen on Monday, December 8, 1986, to become effective Thursday, January 1, 1987.

Chapter 608

FRAUD

§ 608-1. Selectmen's Fraud Policy.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton 9-13-2010. Amendments noted where applicable.]

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§ 608-1. Selectmen's Fraud Policy.

The Town of Hampton recognizes the importance of protecting the organization, its taxpayers, its employees and its assets against financial risks, operational breaches and unethical activities. Therefore, the Board of Selectmen and community management must clearly communicate its fraud prevention policy to both internal and external customers, vendors and employees.

Financial accountability is a top priority for the Town of Hampton. The Town's fraud policy formalizes the expectation of personal honesty and integrity required of Town officials and employees. The Town is committed to protecting its revenue, property, information and other assets from any attempt, either by members of the public, contractors, sub-contractors, agents, intermediaries or its own employees, to gain by deceit, financial or other benefits. This policy prohibits fraud or misuse of town assets and sets forth specific guidelines and responsibilities regarding appropriate actions that must be followed for the investigation of fraud and other similar irregularities.

The Town recognizes a zero tolerance policy regarding fraud and corruption. All matters raised by any source will be taken seriously and promptly investigated. This policy covers all Town Officers and employees. Additionally, this policy covers all vendors, customers and employees to the extent that any Town resources are involved or impacted.

Fraud is defined as an intentional deception, misappropriation of resources or the manipulation of data to the advantage or disadvantage of a person or entity.

Fraud and other similar irregularities includes, but is not limited to:

• Forgery or alteration of checks, drafts, promissory notes and securities

• Misappropriation of funds, securities, supplies or any other asset

• Any irregularity in the handling or reporting of money transactions

• Misappropriation of furniture, fixtures and equipment

• Seeking or accepting anything of value from vendors, consultants or contractors doing business with the Town in violation of the Town's Code of Conduct and Ethics Policy

• Unauthorized use or misuse of Town property, equipment, materials or records

• Any computer related activity involving the alteration, destruction, forgery or manipulation of data for fraudulent purposes or misappropriation of Town-owned software.

• Any claim for reimbursement of expenses that are not made for the exclusive benefit of the Town.

• Falsification of expenses and invoices

• Theft of cash or fixed assets

• Alteration or falsification or records

• Failure to account for monies collected

• Knowingly providing false information on job applications

• Knowingly providing false information in requests for funding

• Any similar or related irregularity.

Corruption is defined as the offering, giving, soliciting or accepting of an inducement or reward that may improperly influence the action of a person or entity. Some examples of corruption include bribery, conspiracy and extortion.

Reporting of Fraud or Corruption.

Allegations and concerns about fraudulent or corrupt activities may come from various sources including employees, vendors, members of the public, results of internal or external audit reviews, or from any other interested parties.

All employees and Officers have a duty to report concerns they have or information provided to them about the possible fraudulent or corrupt activity of any Officer, employee, vendor or any other party with any association with the Town. Any person who has a reasonable basis for believing fraudulent or corrupt acts have occurred has a responsibility to report the suspected act immediately.

Town employees will receive fraud and corruption awareness training. New employees will receive this policy as part of their training at orientation. All employees will receive fraud and corruption awareness training at the minimum of every three years.

False Allegations.

False allegations of suspected fraud with the intent to disrupt or cause harm to another may be subject to disciplinary action up to and including termination of employment.

Corrective Action.

It is the Town's intent to fully investigate any suspected acts of fraud, misappropriation or other similar irregularities. An objective and impartial investigation will be conducted regardless of position, title, length of service or relationship with the Town of any party who might be or becomes involved in or becomes/is the subject of such investigation.

Responsibility and Authority for Follow-up and Investigation.

The Police Department and/or Administration Department has the primary responsibility for all investigations involving the Town and all departments. The Police Department and/or Administration Department may request the assistance of the Finance Officer in any investigation, including access to periodic examinations and evaluations of internal controls.

Properly designated members of the investigation team will have:

• free and unrestricted access to all municipal records

• the authority to examine, copy and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities (whether in electronic or other form) without the prior knowledge or consent of any individual who might use or have custody of any such items or facilities when it is within the scope of investigative or related follow up procedures.

Security of Evidence.

Once a suspected fraud is reported, the Finance Director, in consultation with the Town Counsel, shall take immediate action to prevent the theft, alteration, or destruction of relevant records. Such actions include, but are not limited to, removing the records and placing them in a secure location, limiting access to the location where the records currently exist, and preventing the individual suspected of committing the fraud from having access to the records. The records must be adequately secured until an Auditor appointed by the Board of Selectmen obtains the records to begin the audit investigation.

Confidentiality.

All participants in a fraud investigation shall keep the details and results of the investigation confidential. Such confidentiality shall not be permitted to interfere with the investigation. Disclosure of particulars of the investigation with potential witnesses is permitted if such disclosure would further the investigation.

Final Determinations.

Final determination regarding action against an employee, vendor, recipient or other person found to have committed fraud or corruption will be made by the Town Manager or the Board of Selectmen.

Offenders at all levels of the Town will be treated equally regardless of their position or years of service with the Town. Determinations will be made based on a finding of facts in each case, actual or potential damage to the Town, cooperation by the offender and legal requirements.

Depending on the seriousness of the offense and the facts of each individual case, action against an employee can range from written reprimand and a probationary period to legal action - either civil or criminal. In all cases involving monetary losses to the Town, the Town will pursue recovery of losses. These requirements are subject to any collective bargaining agreement provisions respecting the rights of employees during disciplinary proceedings.

Chapter 611

FUNDS

ARTICLE I
Use of Unreserved-Undesignated Fund Balance

§ 611-1. Authority.

§ 611-2. Purpose.

§ 611-3. Fund balance retention amount.

§ 611-4. Use of unreserved-undesignated funds.

§ 611-5. Effective.

ARTICLE II
Fund Balance Policy

§ 611-6. Fund Balance Policy.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Committee on Appropriations — See Ch. 23.
Budget Committee — See Ch. 57.
Capital reserve funds — See Ch. 74.
Trust funds — See Ch. 478.
Non-budgeted expenditures — See Ch. 596.
Purchasing policy and procedures — See Ch. 718.

ARTICLE I
Use of Unreserved-Undesignated Fund Balance
[Adopted 5-7-2007]

§ 611-1. Authority.

This policy is adopted in accordance with the provisions of New Hampshire Revised Statutes Annotated Chapter 41, Section 9.

§ 611-2. Purpose.

It is the express intent and purpose of this policy to ensure the financial well-being and fiscal stability of the Town of Hampton by providing unreserved-undesignated funds sufficient to meet its financial and fiduciary obligations.

§ 611-3. Fund balance retention amount.

The balance of the unreserved-undesignated fund shall, once accumulated, at all times be no less than the balance of unpaid property taxes due to the Town for municipal, school and county and precinct obligations as computed on December 31 of each year by the Auditors, plus 5% of the net adjusted appropriations of the taxes to be raised as recommended by the New Hampshire Department of Revenue Administration, and calculated under general accounting standards.

§ 611-4. Use of unreserved-undesignated funds.

Only so much of the fund balance that is in excess of the base of the fund, as calculated under § 611-3, may be utilized to reduce taxes by appropriation or by vote of the Board of Selectmen.

§ 611-5. Effective.

This policy shall become effective upon its passage by the Board of Selectmen and automatically cancels all previous policies on this subject.

ARTICLE II
Fund Balance Policy
[Adopted 12-19-2011]

§ 611-6. Fund Balance Policy.

1. In accordance with the Governmental Accounting Standards Board(GASB) Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions, effective for periods ended June 30, 2011, the Board of Selectmen recognizes the following with regards to fund balance.

   Fund balance must be classified into one or more of the five following categories:

   a. Nonspendable Fund Balance - permanent trust funds (nonexpendable portion) non-cash assets such as inventories or prepaid items.

   b. Restricted Fund Balance - funds legally restricted for specific purposes, such as grant, library, income balance of permanent funds, and capital project fund cannot change purpose.

   c. Committed Fund Balance - amounts that can only be used for specific purposes pursuant to a formal vote at Town Meeting; such as expendable trust (capital reserve), nonlapsing appropriations, and other special revenue funds not listed under restricted can change purpose via vote at Town Meeting.

   d. Assigned Fund Balance - amounts intended by the Board for specific purposes. The Board can choose to delegate this authority to the Town Administrator or Finance Director, depending on the situation. Items that would fall under this type of fund balance could be encumbrances.

   e. Unassigned Fund Balance - residual spendable fund balance after subtracting all of the above amounts.

2. Restricted Fund Balance. Includes library, grants, and capital project funds, as well as income balances of permanent funds.

3. Committed Fund Balance. The Town Meeting, as the government's highest level of decision-making authority, may authorize special revenue funds in accordance with the

provisions of the New Hampshire Revised Statutes Annotated (RSAs) and expendable trust (capital reserve funds).

4. Assigned Fund Balance - Lapse of Appropriations. All appropriations shall lapse at the end of the fiscal year unless authorized in accordance with the provisions of RSA 32:7.

5. The Town will follow the provisions of the State Municipal Budget Law (RSA 32) in emergency situations which may cause an overexpenditure of total appropriations.

6. Annual Review. Compliance with the provisions of this policy shall be reviewed as a part of the annual budget adoption process.

Chapter 616

GARAGE, BARN OR LAWN SALES

§ 616-1. Authority.

§ 616-2. Purpose.

§ 616-3. Permit required.

§ 616-4. Permit to be posted.

§ 616-5. Frequency of sales; hours of operation; signs.

§ 616-6. Violations and penalties.

§ 616-7. When effective; repealer.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton 10-27-2008. Amendments noted where applicable.]

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§ 616-1. Authority.

This chapter is adopted pursuant to the Selectmen's authority under RSA 31:102-a to license and regulate "persons who sell, offer to sell, or take orders for merchandise from temporary...locations within a town" and under their authority to regulate the use of Town roads under RSA 41:11 and 47:17.

§ 616-2. Purpose.

The purpose and intent of this article are to create regulations governing the conduct of garage, barn and lawn sales, commonly referred to as "yard sales," in order to control vehicular traffic and noise associated with these events, so as to preserve the quiet enjoyment of our properties and the well-being of our neighborhoods.

§ 616-3. Permit required.

Any person seeking to conduct a garage, barn or lawn sale, commonly referred to as a "yard sale," must first obtain a permit from the Building Department granting authorization to conduct the proposed event.

§ 616-4. Permit to be posted.

All persons conducting an authorized sale event hereunder shall conspicuously post the permit placard so that it is continuously visible from the roadway to allow for inspection.

§ 616-5. Frequency of sales; hours of operation; signs.

A. It shall be unlawful for any person to conduct a garage, barn, or lawn sale, commonly referred to as a "yard sale," on the same property on more than two occasions within a calendar year, and such occasions shall not occur less than 60 days apart or last more than two days.

B. It shall be unlawful to conduct any business at the authorized sale event on the day(s) of the event prior to 8:00 a.m. or after 7:00 p.m.

C. No advertisement shall be affixed, attached or displayed upon any object of nature, utility pole, telephone booth, or highway sign per RSA 236:75.

D. All signs shall be removed by the end of the last day of the sale.

§ 616-6. Violations and penalties.

Any person, firm or corporation who or which violates the terms of this regulation shall be guilty of a violation and subject to a fine not to exceed $275 for the first day and $550 for each subsequent day that such violation occurs.

§ 616-7. When effective; repealer.

This chapter shall become effective upon its adoption, and all previous ordinances and regulations on this subject shall be automatically repealed upon its approval.

Chapter 628

HAWKERS, PEDDLERS AND ITINERANT VENDORS

§ 628-1. Authority.

§ 628-2. Purpose.

§ 628-3. Definitions.

§ 628-4. License required; background investigation and motor vehicle record.

§ 628-5. State license required.

§ 628-6. Issuance of license.

§ 628-7. Revocation or suspension of license.

§ 628-8. License expiration.

§ 628-9. Sales prohibited in certain areas.

§ 628-10. Hours of operation.

§ 628-11. Prohibited conduct.

§ 628-12. Exceptions to license requirement.

§ 628-13. Insurance requirements.

§ 628-14. Violations and penalties.

§ 628-15. Fees.

§ 628-16. Severability.

§ 628-17. When effective.

§ 628-18. Repealer.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton 2-11-2008 (Ch. 4, Art. 6, of the Code of Ordinances). Amendments noted where applicable.]

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§ 628-1. Authority.

In accordance with the provisions of RSA 31:102-a and the provisions of RSA 320 and RSA 321 the following chapter is ordained to protect the health and welfare of the citizens of the Town of Hampton through the legal regulation of persons seeking to hawk, peddle and vend within the Town of Hampton.

§ 628-2. Purpose.

It is the purpose of this chapter to provide for the strict regulation of individuals who seek to hawk, peddle and vend within the limits of the Town of Hampton in order to provide for the public welfare, to keep citizens secure in their property and to provide for the public safety.

§ 628-3. Definitions.

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

HAWKER and PEDDLER — Includes any person, as defined in RSA 358-A:1, either principal or agent, who:

A. Travels from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter or exposing therefor, any goods, wares, or merchandise, either on foot or from any animal, cart, or vehicle;

B. Travels from town to town, or from place to place in the same town, offering to perform personal services for household repairs or improvements, or solicits or induces any person to sign any contracts relating to household repairs or improvements, including contracts for the replacement or installation of siding on any residence or building; or

C. Keeps a regular place of business, open during business hours at the same location, but who offers for sale or sells and delivers, personally or through agents, at a place other than his regular place of business, goods, wares or merchandise.

ITINERANT VENDOR — All persons, as defined in RSA 358-A:1, both principals and agents, including those persons whose principal place of business is not in this state, who engage in a temporary or transient business in this state, either in one locality or traveling from place to place, selling goods, wares and merchandise, with a total value greater than $500, from stock or by sample for future delivery, and who, for the purpose of carrying on such business, hire or occupy a temporary place of business.

TEMPORARY PLACE OF BUSINESS — Any public or quasi-public place, including but not limited to a hotel, rooming house, storeroom, building, part of a building, tent, vacant lot, railroad car, or trailer, temporarily occupied for the purpose of making retail sales of goods to the public.

§ 628-4. License required; background investigation and motor vehicle record.

All itinerant vendors, hawkers, peddlers, traders, merchants, or other persons who sell, offer to sell, or take orders for merchandise from temporary or transient sales locations within the Town of Hampton or who go from place to place within the Town for such purposes, as defined in RSA 31:102-a, RSA 320 and RSA 321, must before engaging in such activities apply to the Board of Selectmen for and receive a license prior to the sale of or the distribution of items or goods. Before the issuance of a license hereunder the Board of Selectmen shall require the applicant for a license to provide the Board with a completed criminal background investigation and a motor vehicle record provided by the applicant in writing from the State of New Hampshire and the applicant's state of residence.

§ 628-5. State license required.

The applicant for a license hereunder must first obtain and produce a copy of a current and valid hawker's, peddler's and vendor's license issued by the New Hampshire Secretary of State prior to applying for a license from the Town of Hampton.

§ 628-6. Issuance of license.

The Board of Selectmen may issue such license under conditions and restrictions as to time and place as it deems necessary for public convenience and safety.

§ 628-7. Revocation or suspension of license.

The Board of Selectmen may revoke or suspend for a definite or indefinite period of time a license issued hereunder for any violation of this chapter or upon the recommendation of the

Chief of Police when the license holder has been charged with or convicted of any violation of state or federal laws or this chapter. The revocation of a license issued hereunder shall not entitle the holder of the license to a refund of all or any portion of any fees or charges that were paid to obtain such license.

§ 628-8. License expiration.

All licenses issued by the Board of Selectmen hereunder shall expire on the 31st day of December following their issuance.

§ 628-9. Sales prohibited in certain areas.

No sales or activities otherwise authorized by the issuance of a license hereunder shall occur upon or adjacent to the following public ways in the Town of Hampton:

A - Q Streets	1 - 19 Streets
Ashworth Avenue	Atlantic Avenue
Beach Plum Way	Boston Avenue
Bradford Avenue	Church Street
Concord Avenue	Dover Avenue
Epping Avenue	Exeter Road
Haverhill Avenue	Highland Avenue
High Street	King's Highway
Lafayette Road	Mill Road
Ocean Boulevard	Park Avenue
River Avenue	Winnacunnet Road

Landing Road between Winnacunnet Road and Route 101

§ 628-10. Hours of operation.

No sales or activities authorized by the issuance of a license hereunder shall occur within the Town of Hampton during the following periods of time:

A. From January 1 through May 14 of each year from 6:00 p.m. to 9:00 a.m.

B. From May 15 through October 15 of each year from 9:00 p.m. to 9:00 a.m.

C. From October 16 through December 31 of each year from 6:00 p.m. to 9:00 a.m.

§ 628-11. Prohibited conduct.

The license holder shall not:

A. Conduct any activities within 1,000 feet of the grounds of any elementary or secondary school between one hour prior to the start of the school day and one hour after dismissal at the end of the school day.

B. Conduct any activities within 100 feet on the same street as any building that is a place of public assembly while such building is in use.

C. Conduct any activities on any street or sidewalk where such activities are otherwise prohibited.

D. Leave any stand or motor vehicle unattended.

E. Store, park, or leave any stand overnight on any street or sidewalk or park any motor vehicle other than in a lawful parking place in conformance with Town and state parking ordinances, laws or regulations.

F. Sell food or beverages for immediate consumption unless he or she has available for public use his own litter receptacle which is available for his or her patrons' use.

G. Leave any location without first picking up, removing and properly disposing of all trash or refuse remaining from sales made by him or her.

H. Allow any items relating to the operations conducted under his or her license to be placed anywhere other than in or under his or her stand or motor vehicle, where such items have not been described and permitted in his application.

I. Set up, maintain or permit the use of any table, crate, carton, rack, sign or other device to increase the selling or display capacity of his stand or motor vehicle, where such items have not been described and permitted in his application.

J. Solicit or conduct business with persons in motor vehicles.

K. Sell or distribute anything other than that which is described and permitted in his license or application.

L. Sound or permit the sounding of any device which produces a loud and raucous noise or use or operate any loudspeaker, public address system, radio sound amplifier or similar device to attract the attention of other persons.

M. Hawk, peddle, vend, sell or conduct activities under a license issued hereunder without comprehensive general liability insurance coverage approved by the Town at the time of licensing and which complies with the provisions of this chapter.

N. Operate under a license issued hereunder without a fire extinguisher of a type approved by the Fire Chief of the Town of Hampton, or his designee, if the licensee utilizes heat-generating equipment.

§ 628-12. Exceptions to license requirement.

The following activities shall be specifically excluded from licensing hereunder:

A. A candidate for public office in the process of obtaining signatures on nomination papers to place the candidate's name on the ballot.

B. Persons seeking to obtain signatures on nomination papers to have a candidate's name placed upon the ballot.

C. Any person selling the product of his own labor or the labor of his family or the product of his own farm or the one he tills.

D. Any person conducting sales of his personal household goods on his own property.

E. Any nonprofit organization, community chest, fund or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes when no part of the entity's earnings benefit any private shareholder or individual.

F. Any person conducting business in any industry or association trade show.

G. Any person who sells exclusively antiques, used goods, or vintage items.

§ 628-13. Insurance requirements.

A. Applicants for a license hereunder shall comply with such insurance requirements as shall be required by the Town at the time of the licensing. The type and amount of insurance will depend upon the type of operations to be carried out by the applicant. The Town shall be named as an additional insured on all insurance required.

B. Licensees shall not hire or otherwise employ persons to work for them under a license issued hereunder without valid workers' compensation insurance in place to cover such persons, evidence of which shall be filed with the Board of Selectmen.

C. Cancellation of any required insurance coverage automatically cancels any license issued hereunder.

§ 628-14. Violations and penalties.

Any person, firm, corporation, association, partnership or other individual or group who or which is a hawker, peddler or vendor and who or which violates the terms of this chapter or the terms of a license issued hereunder shall be guilty of a violation, and each day such violation continues after notice of such violation shall constitute a separate violation. Fines imposed by the court shall inure to the general fund of the Town of Hampton.

§ 628-15. Fees.

The license fee for a hawker's and peddler's license shall be $50 and for a vendor's license shall be $250.

§ 628-16. Severability.

If any section, or part of a section, or paragraph of this chapter is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections, or part of a section, or paragraph of this chapter so long as the purposes of this chapter can still be achieved in the absence of the invalidated provision.

§ 628-17. When effective.

This chapter shall become effective upon its adoption by the Board of Selectmen in accordance with the requirements of RSA 31:102-a.

§ 628-18. Repealer.

The adoption of this chapter automatically repeals all previously adopted ordinances on this subject.

Chapter 640

INDEMNIFICATION FOR DAMAGES

§ 640-1. Indemnification for damages.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton 7-23-2007. Amendments noted where applicable.]

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§ 640-1. Indemnification for damages.

RSA 31:105 Indemnification for Damages. A city, town, county, village district or precinct, school district, charter school, school administrative unit, or any other municipal corporation or political subdivision may by a vote of the governing body indemnify and save harmless for loss or damage occurring after said vote any person employed by it and any member or officer of its governing board, administrative staff or agencies including but not limited to selectmen, school board members, charter school trustees, city councilors and alderman, town and city managers, regional planning commissioners, and superintendents of schools from personal financial loss and expense including reasonable legal fees and costs, if any, arising out of any claim, demand, suit, or judgment by reason of negligence or other act resulting in accidental injury to a person or accidental damage to or destruction of property if the indemnified person at the time of the accident resulting in the injury, damage, or destruction was acting in the scope of employment or office.

Chapter 642

INFORMATION TECHNOLOGY USE POLICY

§ 642-1. Purpose.

§ 642-2. Policy.

§ 642-3. Acceptable use.

§ 642-4. Non-acceptable use.

§ 642-5. Copyrights.

§ 642-6. Security.

§ 642-7. Future technology.

§ 642-8. Employee acknowledgement of Information Technology Use Policy.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton 3-1999; amended 7-2000; 3-17-2014. Subsequent amendments noted where applicable.]

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§ 642-1. Purpose.

The Town of Hampton has established a policy with regard to general computer and local area network use, access and disclosure of electronic mail messages created, sent or received by employees using the Town of Hampton's computer equipment. The Town of Hampton strives to be progressive in its use of technology to streamline Town operations, improve service to our citizens, and manage information across all departments and functions. This policy applies to all computer systems, printers, peripherals, electronic mail, and Internet communication systems. The following policy establishes guidelines on acceptable use.

§ 642-2. Policy.

General:

Access to the Town's computer equipment and electronic mail system is provided to employees for the purpose of advancing the work of the Town and for communication with business contacts solely for job related purposes. Employee's personal information and computer software programs should not be stored on the Town's computer equipment.

All work generated on and information stored in the Town's computer equipment is deemed to be the Town's property, which the Town may examine at any time for such purposes as system maintenance. The Town Manager or his designee reserves the right, consistent with Federal and State law, to monitor, review, audit, intercept, access and disclose all messages sent and received, except for confidential information under State/Federal law. The Town Manager or designee will only exercise this right after careful consideration of the facts and the current law and consultation with legal counsel. There is no right of privacy in material generated and stored in the Town's computer equipment.

No computer software (including software programs and drivers downloaded from the Internet), computer hardware, peripheral devices, or changes to individual desktop computer configurations shall be installed and/or performed on the Town's computers by Town employees without the prior written consent of the Town Manager or his designee. Only the Town Manager's designee shall perform work and/or maintenance of any type on the Town's

computer equipment. This is to ensure compliance with overall system architecture, applicable copyright law, and to minimize support requests. Any violations of this policy will be dealt with in accordance with the discipline procedures for the Town of Hampton.

World Wide Web Access:

World Wide Web access will be granted to employees with a business need for this tool at the discretion of their department head. While Internet access is important to advancing the mission and goals of the Town, it is a privilege, which may be revoked. Town employees should be aware that a transaction log is maintained of every Internet site each employee visits. This log may be reviewed to identify inappropriate use of the Internet. The Town Manager or his designee reserves the right to restrict access to certain Web sites.

§ 642-3. Acceptable use.

The Town of Hampton believes that the use of information technology resources makes jobs more fulfilling by allowing users to deliver better services to the community. Employees are encouraged to use this technology to the fullest in pursuit of completing their missions.

Acceptable uses:

• Announcing or sharing news laws/ rules or regulations;

• Applying for or administering grants or contracts for Town research or programs;

• Communicating and exchanging information directly related to the goals of the Town of Hampton.

§ 642-4. Non-acceptable use.

The electronic mail communication system may not be used to solicit for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations nor is it to be used to create or perpetuate any offensive or disruptive messages. Among those that are considered offensive are any messages which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability.

Non-acceptable uses:

• Activities unrelated to the Town's mission;

• Activities unrelated to official assignments or job responsibilities;

• Any illegal purpose, including, but not limited to fraudulent, harassing or obscene messages;

• Unauthorized distribution of Town of Hampton data and information;

• Interfering with or disrupting of network users, services or equipment;

• Unauthorized not for profit business activities;

• Revealing or publicizing proprietary or confidential information;

• Installing personal software on Town computers;

• Uploading or downloading copyrighted materials, proprietary information, or similar materials without prior authorization of the Town Manager or his designee; and

• Playing computer games.

This list is not all-inclusive and the Town Manager or designee may restrict other uses, or with approval, certain exceptions on usage can be allowed.

§ 642-5. Copyrights.

Infringement of copyrighted information is prohibited. Staff on the Internet may not transmit copyrighted materials. Users are not permitted to copy, transfer, rename, and/or delete information on programs belonging to other users unless given express permission by the owner. Failure to observe copyright and license agreements may result in disciplinary action by the Town and by the copyright owner. Nothing in this policy protects the user from prosecution for prohibited uses from the copyright owner.

§ 642-6. Security.

• Passwords should be kept confidential. No staff member should give out his/her password to others.

• Passwords should not be so obvious that others could easily guess them, and shall be changed on a regular basis to be determined by the individual department's security requirements.

• Using the login and/or passwords of others is strictly prohibited.

• Never leave your computer workstation unattended while logged onto the network. For example, log off the network prior to leaving for coffee break.

• Any electronic files/information obtained from outside the Town (i.e., information on CD-ROM, diskette, e-mail messages, etc.) must be checked for viruses prior to use.

§ 642-7. Future technology.

The Town is aware that technological advancements are fast paced. In an attempt to keep pace with these advancements, the Town realizes that changes in this use policy may need to be made on a frequent basis. Revisions to this policy can and will be made on an as needed basis.

§ 642-8. Employee acknowledgement of Information Technology Use Policy.

I acknowledge that I have read the Town's Information Technology Use Policy and agree to the terms therein. I understand that:

• The Town's computer equipment and communication systems are for Town business use only; personal use is prohibited;

• My activity on the World Wide Web may be monitored and that my World Wide Web access may be revoked at the discretion of my Department Head, Town Manager or his designee; and

• Any information transmitted by, received from, or stored in the Town's computer equipment is the property of the Town.

_____	_____
Employee Signature	Department Director Signature
_____	
Printed Name	
Date _____	Date _____
Password _____	must have one Number and one Letter and a minimum of six (6) characters.

Useful Web Links for your use:

Town Web Site www.town.hampton.nh.us

Help desk Trouble Tickets www.town.hampton.nh.us/helpdesk

Web Mail http://town.hampton.nh.us:8383

Chapter 644

INVESTMENT POLICY

§ 644-1. Introduction.

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[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton 1-10-2011. Amendments noted where applicable.]

GENERAL REFERENCES

Trust funds — See Ch. 478 **Funds — See Ch. 611.**

§ 644-1. Introduction.

It is the policy of the Town of Hampton to invest public funds in a manner that will provide maximum security of the funds and a yield consistent with this level of security, while meeting the daily cash flow needs of the town and conforming to all laws governing the investment of public funds. The Town Treasurer shall have custody of all moneys belonging to the town, and shall pay out the same only upon orders of the Town Manager in accordance with NH-RSA 37:5 and NH-RSA 37:6 IV or, in the case of a Conservation Fund established pursuant to RSA 36-A:5 II upon the order of the Conservation Commission.

§ 644-2. Scope.

The Town operates a consolidated cash account for all funds, excluding Trust Funds. This includes the General Fund and Proprietary/Special Revenue Funds. This policy applies to the investment of these funds. Investment income will be credited to the General Fund unless provisions of State or Federal law concerning certain funds require otherwise. Trust Funds are excluded from this policy.

§ 644-3. General Objectives.

The primary objectives of investment activities, in order of priority, shall be safety, liquidity and yield:

A. Safety - Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to minimize credit risk and interest rate risk.

1. Credit Risk - The Town will minimize credit risk, the risk of loss due to the failure of the security issuer or backer, by:

   a. Limiting investments to the safest types of securities.

   b. Pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisors with which the Town will do business.

   c. Diversifying the investment portfolio so potential losses on individual securities will be minimized.

2. Interest Rate Risk - The Town will minimize the risk that the market value of securities in the portfolio will fall due to changes in general interest rates, by:

   a. Structuring the investment portfolio so securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity.

   b. Investing operating funds primarily in shorter-term securities, including shares in a local government investment pool.

3. Ineligible Trading Techniques - The Treasurer shall refrain from purchasing investments using the following techniques:

   a. No investments will be made by leveraging techniques, i.e., purchasing on margin or use of securities to acquire additional investments.

   b. No trading shall occur involving selling short.

B. Liquidity - The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. For directly purchased securities, the maturity shall be concurrent with cash needs to meet anticipated demands (static liquidity). Furthermore, since all possible cash demands cannot be anticipated, these securities should have active secondary or resale markets (dynamic liquidity). A large portion of the portfolio should be placed in more liquid investments, providing for daily liquidity.

C. Yield - The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs set forth above. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core of investments is limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. Securities shall not be sold prior to maturity with the following exceptions:

   1. A declining credit security may be sold early to minimize loss of principal.

   2. A security swap would improve the quality, yield, or target duration in the portfolio.

   3. Liquidity needs of the portfolio require that the security be sold.

§ 644-4. Standards of Care.

A. Prudence - The standard of prudence to be used by the Treasurer shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

B. Ethics and Conflicts of Interest - Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Such employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Such employees and officers shall refrain from undertaking personal investment transactions with the same individual/entity with which business is conducted on behalf of their Town.

C. Delegation of Authority - Authority to manage the investment program is vested with the Treasurer and derived from the following: NH State RSA 41:29. The Treasurer shall act in accordance with established procedures and internal controls for the operation of the investment program consistent with this investment policy. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Treasurer. The Treasurer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinates.

§ 644-5. Safekeeping and Custody.

A. Authorized Financial Dealer and Institutions - Use of security broker/dealers will be based on creditworthiness (a minimum capital requirement of $100,000,000 and at least five years of operation). These may include "primary" dealers or regional dealers that qualify under Securities and Exchange Commission (SEC) Rule 15C3-1 (uniform net capital rule).

1. All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the following as appropriate:

   a. Audited financial statements.

   b. Proof of National Association of Securities Dealers (NASD) certification.

   c. Proof of state registration.

   d. Certification of having read the Town's investment policy.

2. An annual review of the financial condition and registration of qualified bidders will be conducted by the Treasurer.

B. Internal Controls - The internal controls shall address the following points:

1. Control of collusion.
2. Separation of transaction authority from accounting and record keeping.
3. Custodial safekeeping.
4. Avoidance of physical-delivery securities.
5. Clear delegation of authority to subordinate staff members.
6. Written confirmation of transactions for investments and wire transfers.
7. Development of a wire transfer agreement with the lead bank or third party custodian.

§ 644-6. Suitable and Authorized Investments.

A. Investment Types - The following investments will be permitted by this policy and are those defined by state law where applicable:

1. U.S. Government Obligations.
2. Participation units of the New Hampshire Public Deposit Investment Pool.
3. Certificates of Deposit in New Hampshire Banks.
4. Repurchase Agreements whose underlying security consists of U.S. Government Obligations, U.S. Government Agency Obligations or State of NH obligations.

B. Financial institutions where funds are kept on deposit, in CDs or Repurchase Agreements must meet the following criteria:

1. Minimum total assets of $100 million.
2. Minimum of an average rating by IDC Publishing Inc.'s bank rating service.
3. Minimum ratio of equity capital to total assets of 5%.
4. Maximum ratio of non-performing assets to equity of 20%.

C. Collateralization - As authorized by state law, full collateralization will be required on nonnegotiable certificates of deposit and repurchase agreements or other instrument as the Treasurer requires.

§ 644-7. Investment Parameters.

A. Diversification - The investments shall be diversified by:

1. Limiting investments to avoid over-concentration in securities from a specific issuer or business sector, excluding U.S. Treasury securities.
2. Limiting investment in securities that have higher credit risks.

3. Investing in securities with varying maturities.

4. Continuously investing a portion of the portfolio in readily available funds such as Public Deposit Investment Pool (PDIP) or overnight repurchase agreements to ensure that appropriate liquidity is maintained in order to meet ongoing obligations.

B. Maximum Maturities - To the extent possible, the Town shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the Town will not directly invest in securities maturing more than six months from the date of purchase.

§ 644-8. Reporting.

A. Methods - The Treasurer shall prepare a cash position and investment report at least quarterly, including a succinct management summary that provides a clear picture of the status of the current investment portfolio. This management summary will be prepared in a manner that will allow the Town to ascertain whether investment activities during the reporting period have conformed to the investment policy. The report should be available to the Selectmen and auditors. The report will include the following where appropriate:

1. Listing of individual securities held at the end of the reporting period, if applicable.

2. Realized and unrealized gains or losses resulting from appreciation or depreciation by listing the cost and market value of securities over one-year duration that are not intended to be held until maturity (in accordance with GASB requirements).

3. Average weighted yield to maturity of portfolio on investments as compared to applicable benchmarks.

4. Listing of investment by maturity date.

B. Performance Standards - The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. A series of appropriate benchmarks shall be established against which portfolio performance shall be compared on a regular basis.

C. Statements - The market value of the portfolio shall be calculated at least quarterly and a statement of the market value of the portfolio shall be issued at least quarterly.

§ 644-9. Policy Considerations.

This policy shall be reviewed on an annual basis. The Treasurer and any other appropriate authority must approve any changes. The individual(s) charged with maintaining internal controls shall receive copies of the policy and any changes thereto.

Chapter 674

MASSAGE PARLORS

§ 674-1. Authority and purpose.

§ 674-2. Exceptions.

§ 674-3. Restriction.

§ 674-4. Violations and penalties.

§ 674-5. Separability.

§ 674-6. When effective.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton 3-12-1979; amended 10-18-1993 (Ch. 2, Art. 12, of the Code of Ordinances). Subsequent amendments noted where applicable.]

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§ 674-1. Authority and purpose.

This chapter is adopted pursuant to RSA 31:39 for the purpose of preserving the health, morals, and general welfare of the Town of Hampton and particularly to prevent an influx of patrons at massage parlors which would be detrimental to the public order, property values, commerce, reputation, atmosphere and land use planning goals of the Town of Hampton.

§ 674-2. Exceptions.

This chapter shall not apply to:

A. Physicians, physical therapists, chiropodists, podiatrists and chiropractors, if registered or licensed under the statutes of the State of New Hampshire, and massage practitioners as described in RSA 328-B, January 1, 1991.

B. Barbers, hairdressers, beauticians and apprentices, operators and students in such occupations, if registered or licensed under the statutes of the State of New Hampshire, insofar as such persons perform facial or scalp massages.

C. Bona fide schools, hospitals, nursing homes, convalescent homes and other similar institutions and employees thereof.

§ 674-3. Restriction.

No firm, corporation or person shall maintain or conduct an establishment for the giving of massages for hire or reward or advertise or hold the establishment out as being engaged in the business of massage in the Town of Hampton, except a massage establishment as provided for in RSA 328-B, January 1, 1991.

§ 674-4. Violations and penalties.

Whoever violates § 674-3 of this chapter shall be subject to a penalty or fine not exceeding $100 for each offense, to inure to the general fund of the Town of Hampton, and in addition may be enjoined from violating the provisions of this chapter.

§ 674-5. Separability.

If any section, paragraph, sentence, clause or phrase of this chapter shall be deemed invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter, which shall remain in full force and effect, and to this end the provisions of these regulations are hereby declared severable.

§ 674-6. When effective.

This chapter shall take effect immediately upon adoption.

Chapter 686

MUTUAL AID

ARTICLE I
Police Mutual Aid

§ 686-1. Authority of Chief of Police.

ARTICLE II
Fire Mutual Aid

§ 686-2. Authority of Fire Chief.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Fire Department — See Ch. 163.

Police Department — See Ch. 355.

ARTICLE I
Police Mutual Aid
[Adopted 5-28-1971 (Ch. 9, Art. 2, of the Code of Ordinances)]

§ 686-1. Authority of Chief of Police.

The Chief of Police of the Hampton, New Hampshire, Police Department is hereby authorized to act pursuant to the provisions of RSA 106-C, as inserted by Laws 1967, Chapter 431, as now enacted and as may be amended, and without limiting the generality of the foregoing:

A. Is hereby authorized to extend assistance in time of emergency to any county or municipality in the state in accordance with the provisions of RSA 106-C, as inserted by Laws 1967, Chapter 431;

B. Is hereby constituted the duly authorized representative of the Police Department for the purpose of making claims under Section 5 of said chapter, provided nevertheless that the Chief of Police may in his discretion donate said services to said county or municipality in accordance with the provisions of Section 8 of said chapter; and

C. Is hereby authorized to enter into agreements with counties and municipalities within the state concerning the methods by which emergency police assistance will be rendered.

ARTICLE II
Fire Mutual Aid
[Adopted 7-24-1978 (Ch. 9, Art. 1, of the Code of Ordinances)]

§ 686-2. Authority of Fire Chief.

The Fire Chief of the Hampton Fire Department is hereby authorized to act pursuant to the provisions of RSA 154:24 to 154:30 as now enacted and as may be amended.

Chapter 697

OCCUPANCY LIMITS

§ 697-1. Posted use and occupancy.

§ 697-2. Posted occupant load.

§ 697-3. Occupant load calculation.

§ 697-4. Inspection and enforcement.

§ 697-5. Immediate violation; eviction orders.

§ 697-6. Penalty for violation other than immediate violation.

§ 697-7. Severability; construal of provisions.

§ 697-8. When effective.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton 5-18-1987 (Ch. 6, Art. 4, of the Code of Ordinances). Amendments noted where applicable.]

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§ 697-1. Posted use and occupancy.

Every building and structure and part thereof designed for residency use, such as motels, hotels, apartments, cottages, rooming houses, dormitories and lodging, shall have its occupancy posted on all floors by the owner as designated by the fire official. It shall be securely fastened to the structure in a readily visible place stating the use, live load and sleeping accommodations.

§ 697-2. Posted occupant load.

Every room or space constituting or designed as a sleeping area shall have the approved occupant load of the room or space posted in a conspicuous place near the main exit from that room or space. The approved occupant load signs shall be installed and maintained in a legible manner by the owner or an authorized agent. The signs shall indicate the number of occupants permitted for each room or space use.

§ 697-3. Occupant load calculation.

The occupant load calculation shall be determined on the standard of 40 square feet per person but not limited thereto. The fire official shall be informed in writing of the room dimensions and layout to determine occupant load. This forty-square-foot limitation shall not apply to single- or two-family dwellings which are owner or family occupied.

§ 697-4. Inspection and enforcement.

A. The Chief of the Fire Department and/or his designated enforcement officer is authorized to enforce the provisions of this chapter.

B. The Chief of the Police Department and/or any police officer for the Town of Hampton is also authorized to enforce the provisions of this chapter.

C. The fire official may periodically inspect all existing buildings and structures, except single-family or two-family dwellings which are owner or family occupied.

D. All signs shall be furnished by the fire official at a charge not to exceed the cost of the sign and shall be of permanent design such as laminated cardboard. They shall not be removed or defaced. If lost, removed or defaced, they shall be immediately replaced at the owner's expense.

E. Whenever the fire official observes an apparent or actual violation of this chapter, the fire official shall prepare a written notice of violation describing the conditions of violation. This notice of violation shall be served upon the owner, a duly authorized agent, or upon the occupant or person(s) responsible for the conditions under violation.

§ 697-5. Immediate violation; eviction orders.

A. Immediate violation is that which directly violates the posted occupant load of that room or space.

B. Upon a violation of a properly posted structure or room, the fire official and/or police official may order such violation corrected immediately. If such violation is not immediately corrected, the official shall take such appropriate measures to correct said violation or cause eviction.

C. Eviction orders to enforce the provisions of this chapter shall comply with RSA 353:3-c, I, II and III, as effective on May 28, 1986.

§ 697-6. Penalty for violation other than immediate violation.

Any person, owner or management violating any of the provisions of this chapter or failing to comply with any order issued pursuant to any section thereof shall be charged with a violation and, upon conviction thereof, shall be liable to a penalty of not more than $100 as provided in the appropriate court for each offense. Each day that the violation continues after a service of notice as provided for in this chapter shall be deemed a separate offense.

§ 697-7. Severability; construal of provisions.

In the event of the invalidity of any of the above sections, the remaining sections shall be determined as separate and distinct. This chapter shall be construed to further the purposes of the Building Officials and Code Administrators (BOCA) Basic/National Building Code, 1984 Edition, or the BOCA Basic Fire Prevention Code, 1984 Edition. In the event of any inconsistency, the BOCA Codes in effect as adopted by Town Meeting shall control.

§ 697-8. When effective.

This chapter is adopted by the Board of Selectmen on May 18, 1987, to become effective upon the posting of the room or space.

Chapter 706

PARADES AND PUBLIC GATHERINGS

§ 706-1. Authority.

§ 706-2. Purpose.

§ 706-3. License Required for Showmen.

§ 706-4. Special License Required for Theatricals; Parades; Meetings.

§ 706-5. Selectmen May Impose Reasonable Conditions.

§ 706-6. Fees.

§ 706-7. Added Expense to Town.

§ 706-8. Penalty.

§ 706-9. Revocation, Suspension or Modification of Permits.

§ 706-10. Insurance Requirements.

§ 706-11. Effective.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton 3-3-2008; amended in its entirety 1-23-2012. Subsequent amendments noted where applicable.]

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§ 706-1. Authority.

In accordance with and under the authority of New Hampshire Revised Statutes Annotated, Chapter 286 the following Ordinance is adopted to regulate the conduct of parades and public gatherings within the Town of Hampton in order to protect the safety and welfare of the citizens and residents of the Town of Hampton.

§ 706-2. Purpose.

The purpose of this Ordinance is to assure and promote the orderly and planned conduct of parades, public gatherings, the work of showmen, the presentation and the conduct of theatricals within the Town of Hampton so as to protect the public welfare and safety.

§ 706-3. License Required for Showmen.

No showman, tumbler, rope dancer, ventriloquist or other person shall, for pay, exhibit any feats of agility, horsemanship, sleight of hand, rope dancing or feats with cards, or any animals, wax figures, puppets or other show, or promote any public competition, without first obtaining a license from the Board of Selectmen.

§ 706-4. Special License Required for Theatricals; Parades; Meetings.

No theatrical or dramatic representation shall be performed or exhibited and no parade or procession upon any public street or way, and no open-air public meeting upon any ground abutting thereto, shall be permitted, unless a special license therefor shall first be obtained from the Board of Selectmen.

§ 706-5. Selectmen May Impose Reasonable Conditions.

The Board of Selectmen may impose reasonable conditions upon any activity requiring a license or a special license under §§ 706-3 and 706-4 of this Ordinance.

§ 706-6. Fees.

The Board of Selectmen shall issue every such license or special license in writing. Such written license or special license shall specify the day and hour or hours when the license or special license may be exercised, but not otherwise, together with the place or route of the activity licensed and the reasonable conditions imposed by the Selectmen. The fee for the issuance of such license or special license shall be $5.00.

§ 706-7. Added Expense to Town.

For any event proposed to be licensed under this Ordinance, the Selectmen shall determine whether the fee for the license prescribed in this Ordinance will be adequate to reimburse the Town of Hampton for the extra expense in protecting the health and safety of the public, which can reasonably be attributed to the event to be licensed. When the license fee is found to be inadequate, the promoter of the event shall agree to put in writing to reimburse the Town for the amount of such expense in excess of the license fee and shall furnish a bond for the payment of such amount in a form acceptable to the Selectmen.

§ 706-8. Penalty.

Whoever violates the provisions of RSA 286:1-4 or this Ordinance shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. It shall be the duty of the Selectmen to prosecute for every violation.

§ 706-9. Revocation, Suspension or Modification of Permits.

The Board of Selectmen, or their lawfully designated representative, may at any time cancel, suspend, revoke, or modify licenses or special licenses issued hereunder for cause. Cancellation of any required insurance or security automatically cancels issued licenses and special licenses.

§ 706-10. Insurance Requirements.

Applicants for a license hereunder shall comply with such insurance requirements as shall be required by the Town at the time of the licensing. The type and amount of insurances will depend upon the type of operations to be carried out by the applicant. The Town shall be named as an additional insured on all insurance required.

The certificate of insurance for General Coverage and Workers' Compensation shall be issued in accordance with the provisions of New Hampshire law from a company licensed to issue such insurances in the State of New Hampshire.

Cancellation of any required insurance coverage automatically cancels any license issued hereunder.

§ 706-11. Effective.

This Ordinance shall become effective upon its adoption.

Chapter 709

PAWN BROKERS AND SECONDHAND DEALERS

§ 709-1. Definitions.

§ 709-2. Exclusions.

§ 709-3. Licensing authority.

§ 709-4. Licensing requirements and procedures.

§ 709-5. List of employees; conformance with rules and regulations.

§ 709-6. Prohibited transactions.

§ 709-7. Records.

§ 709-8. Resale, disposal and alteration of articles.

§ 709-9. Removal of articles by police officers.

§ 709-10. Inspection.

§ 709-11. General provisions.

§ 709-12. Violations and penalties.

§ 709-13. Insurance.

§ 709-14. Severability.

§ 709-15. Effective.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton 9-20-2010. Amendments noted where applicable.]

GENERAL REFERENCES

Licensing and license fees — See Ch. 278.
Garage, barn or lawn sales — See Ch. 616.
Hawkers, peddlers and itinerant vendors — See Ch. 628.

Authority.

In accordance with the provisions of New Hampshire Revised Statutes Annotated, Chapter 322 and Chapter 398 authorizing the Board of Selectmen of the Town of Hampton to enact Ordinances.

Purpose.

The purpose of this Ordinance is to establish a system which fairly and impartially regulates retail transactions of a pawn or secondhand nature for the purpose of identifying stolen property unintentionally received by the regulated parties and detecting regulated parties knowingly or intentionally transacting business in stolen property.

§ 709-1. Definitions.

A. BUILDING or PREMISE — Shall mean the structure with a position on the ground and/or lot of record from which the business of the Pawnbroker or Secondhand dealer operates.

B. EMPLOYEE — Shall mean the employee of any person who has been issued a license under this Ordinance by the Board of Selectmen.

C. LICENSEE — Shall mean any person who has been issued a license under this Ordinance by the Board of Selectmen.

D. OWNER — Shall mean the person having the ownership or leasehold of any business engaged in the operation of a pawnbroker or secondhand dealer.

E. PAWNBROKER — Shall mean any person, individual, business, firm, or corporation, partnership, association, owner or operator, and/or any other legal entity whose business includes any transactions wherein there is the lending of money secured by taking possession of jewelry, wearing apparel, household goods or other personal property, with interest charged thereon, with the right to sell the personal property if it is not redeemed. A person, individual, employee, business, firm, or corporation, partnership, association, owner or operator, and/or any other legal entity shall be deemed to be a pawnbroker whether the transaction takes the form of a loan by the pawnbroker secured by the property or a sale to the pawnbroker with the right to repurchase within a specified period of time. Pawnbrokers are regulated according to New Hampshire RSA Chapter 398.

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

G. SECONDHAND DEALER — Shall mean any person, individual, business, firm, or corporation, partnership, association, owner or operator, and/or any other legal entity, whose business is the retail buying, selling, buy-back, exchanging, bartering or dealing in or dealing with secondhand articles, including but not limited to jewelry, watches, clocks, diamonds or other precious stones or gems, gold, silver, platinum, other precious metals, musical instruments and equipment, cameras, furs, fur coats or other kinds of wearing apparel, televisions, DVD players, video cassette recorders and other electronic equipment, tools, computer and computer equipment, firearms, auto accessories and office and store fixtures and related equipment, excepting furniture and books Secondhand dealers are regulated according to New Hampshire RSA Chapter 322.

§ 709-2. Exclusions.

This Ordinance shall be of no applicability to the following:

A. Mail order transactions and retail stores that exchange or provide cash or credit for returned articles are excluded from this Ordinance.

B. Antique dealers, Estate dissolution dealers, Wholesalers who do not purchase from the public, Flea markets, Purchases from private residences, or transactions which take place at barn, yard or garage sales or otherwise on residential property, and any person engaging in any such transaction shall not be deemed to be a secondhand dealer and is excluded from this Ordinance.

§ 709-3. Licensing authority.

A. The Board of Selectmen may license such persons as they deem suitable to be pawnbrokers or secondhand dealers within the Town. All licenses so granted shall contain a clause that the person so licensed agrees to abide by and be subject to all provisions of this Ordinance as it may be from time to time amended.

§ 709-4. Licensing requirements and procedures.

A. No person shall operate, conduct, or engage in business as a secondhand dealer or pawnbroker unless such person obtains a license from the Town of Hampton through the Board of Selectmen in accordance with New Hampshire RSA 322:1 and 398:5, respectively.

B. Applications for licenses for a secondhand dealer or pawnbroker shall be made, in writing, to the Town of Hampton on forms provided by the Town of Hampton. An application fee of $365 shall be submitted with the application.

1. The Chief of Police shall cause an investigation to be made of the fitness of the applicant to engage in said business as a secondhand dealer or pawnbroker. This investigation shall be completed within 14 days. Upon conclusion of this investigation, the Chief of Police shall report his findings and forward a recommendation on the application to the Board of Selectmen for disposition of the license.

2. No such license shall be issued to any person who has been convicted of receiving stolen property or who has repeatedly violated the statutes of the State of New Hampshire or any other state or territory.

3. Approval or denial of a license application will be by a majority vote by the Board of Selectmen after a review of all application materials.

C. Upon approval, a numbered license shall be issued and continue in force until March 31 of each year, unless revoked prior to this date.

1. It shall be the duty of the licensee to display the current license in a conspicuous place within the business where it may be readily observed by the public.

2. The license shall be issued for a specific location and is not transferable to any person, individual, employee, business, firm, or corporation, partnership, association, owner or operator, and/or any other legal entity.

3. Once per year, on or before April 1, all persons that operate, conduct, or engage in business as a secondhand dealer or pawnbroker will be responsible for renewing their license information with the Town of Hampton. This renewal will be completed, in writing, on forms provided by the Town of Hampton. A renewal fee of $365 shall be submitted yearly with the renewal application. Failure to comply with this requirement shall result in suspension or revocation of said license.

§ 709-5. List of employees; conformance with rules and regulations.

A. All secondhand dealers and pawnbrokers must submit a list of all personnel that will be employed by the business. Said list shall include each employee's name and current address.

1. It shall be the responsibility of the business owner to notify the Hampton Police Department whenever a new employee is hired by the business and prior to the

new employee's start date, or whenever an employee leaves the employ of the business for whatever reason.

B. The Chief of Police may cause an investigation to be made of the fitness of prospective employees who are to be employed in said business and if said investigation is unsatisfactory due to the prospective employee's having been convicted of receiving stolen property or of repeatedly violating the statutes of the State of New Hampshire or any other state or territory, then said employee shall either not commence such employment or shall be terminated from such employment if it has already commenced.

C. Each applicant shall agree to conform to all rules and regulations governing such businesses now in effect or as subsequently enacted.

§ 709-6. Prohibited transactions.

A. No pawnbroker, nor any person employed by a pawnbroker, shall directly or indirectly receive in pawn or as security for any loan, transfer, service, undertaking or advantage anything of value from any minor in accordance with New Hampshire RSA 398:2.

B. No secondhand dealer, nor any person employed by a secondhand dealer, shall directly or indirectly purchase any aforementioned article from any person under the age of 16 years old, knowing or having reason to believe him or her to be such, except when said minor is accompanied by a parent or legal guardian, who shall sign the transaction record as consenting thereto in person before said dealer in accordance with New Hampshire RSA 322:3.

C. No pawnbroker, nor any person employed by a pawnbroker, shall receive in pawn, or as security for any loan, transfer, service, undertaking, or advantage, any property of value from any person in a visible state of intoxication from liquors, drugs, or otherwise, or any article of clothing removed from the person at the place of business in accordance with New Hampshire RSA 398:2.

§ 709-7. Records.

A. Every secondhand dealer or pawnbroker, upon the acquisition of any aforementioned article, shall prepare transaction records written in the English language upon forms provided by the Town of Hampton. This form shall state the full name, identification number, date of birth, address and other descriptive information of the seller or pledgor, date of the transaction, a full, accurate, and detailed description; to include make, model, and serial number; of each article, and the monetary amount given for the article.

B. Positive identification in the form of a photographic identification shall be required for all transactions and the type of identification used shall be noted on the pawnbroker or secondhand dealer's records. This record shall be legibly signed by the seller in person. At no time will the pawnbroker or secondhand dealer accept another person's photographic identification for any acquisition. The secondhand dealer or pawnbroker shall attach a photocopy of the identification shown to the transaction record. A photocopy of the article, if required by the nature or the size of the item, will also be

attached to this form. Jewelry, watches, diamonds or other precious stones or gems, gold, silver, platinum or other precious metals or items by virtue of their size shall be photocopied.

C. The Premises shall be equipped with electronic monitoring/recording equipment that records all public entrances to the building and all transactions being conducted. The equipment shall consist of video or digital imaging of a sufficient resolution and clarity to be easily monitored and reviewed on playback. All stores must keep an archive of video for 45 days.

D. One copy of all transaction records shall be delivered, faxed or emailed to the Hampton Police Department within 24 hours of the end of said dealer's business day in which the transaction took place. A CID email address will be provided upon request.

E. In the case of a pawnbroker, a ticket or coupon shall be given to the pledgor in all cases where any aforementioned article is received in pawn or otherwise for the security of any loan, transfer, service, undertaking, or advantage given to the pledgor. This ticket or coupon shall state the name and address of said pawnbroker, a description of the property or article received in pawn, a photocopy of the property or article, the monetary value loaned, and the rate of interest established. At the time of making the loan, an identification number shall be attached to the article, and this identification number shall be recorded on the ticket or coupon.

F. Every secondhand dealer and pawnbroker shall retain the original copies of acquisition records in his possession, which, together with any article which is kept or stored in or upon such premises, may be inspected at any time by a duly authorized police officer during regular business hours. All reasonable efforts will be made to avoid disrupting the normal course of business.

G. All original transaction records shall be kept by said secondhand dealer or pawnbroker for a minimum of seven years for purposes of this Ordinance. State and federal regulations may require longer retention (i.e., Department of Labor, Internal Revenue Service, etc.).

§ 709-8. Resale, disposal and alteration of articles.

Articles deposited with a pawnbroker licensee shall, unless redeemed, be retained on the premises for at least 4 months after the date of deposit, if not of a perishable nature; and, if of a perishable nature, for at least one month after said date. Articles of personal apparel shall not be deemed to be of a perishable nature.

No Article deposited with a licensee shall be sold, encumbered by sales contract, or otherwise disposed of or altered in its appearance for at least 5 business days after the date of deposit.

§ 709-9. Removal of articles by police officers.

A. If the Hampton Police Department determines that an article is needed for evidence in a criminal investigation, an authorized agent of the Department shall seize that evidence

pursuant to applicable criminal procedures. The secondhand dealer or pawnbroker shall be issued a receipt for the article.

B. Pursuant to New Hampshire RSA 595-A:6, the Hampton Police Department, or an authorized agent of the Hampton Police Department, shall keep seized articles under the court's direction as long as necessary to permit the article to be used as evidence. At the conclusion of all court proceedings or closure of the police investigation, the Hampton Police Department shall notify, by regular mail at the last known address of the following, the original owner, the secondhand dealer or pawnbroker, and any other known person who may have a lawful interest that the property will be released in 30 calendar days to the original owner, if no other claim is placed on the property or as the court directs.

§ 709-10. Inspection.

Any officer, having lawful jurisdiction may enter upon any premises used by a licensee for the purpose of his or her business, ascertain how the licensee conducts business and examine all articles, all commodities purchased, obtained, kept, or stored in or upon said premises, and all books and inventories relating thereto. Every such licensee, his or her clerk, agent, or other person in charge of the premises shall exhibit to such officer on demand any and all such commodities, books, and inventories.

A. Obstructing Officer. Whoever, not being licensed, or, being licensed, or his clerk, employee, agent or other person in charge of such premises, or any person who willfully hinders, obstructs or who refuses to admit thereto an officer authorized to enter same, or who fails to exhibit to him on demand all such commodities, books, and inventories as authorized in RSA 322:7 and 398:13 shall be guilty of a misdemeanor.

§ 709-11. General provisions.

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

§ 709-12. Violations and penalties.

A. Any person found violating the provisions of this Ordinance shall be guilty of a misdemeanor 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, and subject to criminal prosecution under existing New Hampshire laws.

B. 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.

C. The Board of Selectmen may, independently or upon recommendation from the Chief of Police, suspend or revoke said license for any violation of this Ordinance or for reasons it deems to be in the best interest of the community, after a hearing. Offenses which may

result in the suspension or revocation of said license include but are not limited to the following:

1. Violation of any provision of this Ordinance; or

2. Violation of any statute of the State of New Hampshire or any other state or territory of the United States relating to the licensed business.

D. Time limits of the suspension or revocation shall be left to the discretion of the Board of Selectmen. Notice of the suspension or revocation will be made, in writing, to the owner(s) of the business.

§ 709-13. Insurance.

No license shall be issued to a business until the person shall have filed with the Board of Selectmen satisfactory proof of Comprehensive General Liability insurance coverage for the full period of the license.

A. The Comprehensive General Liability coverage shall not be less than one million dollars (1,000,000,00) each occurrence.

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.

§ 709-14. 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.

§ 709-15. Effective.

This Ordinance shall become effective when adopted by the Board of Selectmen of the Town of Hampton and shall repeal all other Ordinances or portions of Ordinances relating to Pawnbrokers or Secondhand Dealers.

Chapter 715

PROCEDURAL HIRING POLICY

§ 715-1. Authority.

§ 715-2. Purpose.

§ 715-3. Current Employees.

§ 715-4. Posting and Advertising of Position.

§ 715-5. Application for Employment.

§ 715-6. Review of Applications for Employment.

§ 715-7. Notification to Applicants.

§ 715-8. Requirements Prior to Conditional Offer of Employment.

§ 715-9. Conditional Offer of Employment.

§ 715-10. Pre-Employment Physical Examination.

§ 715-11. Drug and Alcohol Test.

§ 715-12. Change in this Established Procedure.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton 7-9-2007. Amendments noted where applicable.]

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§ 715-1. Authority.

In accordance with the statutory authority as contained in New Hampshire Revised Statutes Annotated Chapter 37, Section 6 the following Procedural Hiring Policy is adopted by the Town Manager with the concurrence of the Board of Selectmen.

§ 715-2. Purpose.

The purpose of the Procedural Hiring Policy is to establish uniform procedures for the filling of all new or newly vacated positions of the Town whether full time, part time, seasonal, or temporary.

§ 715-3. Current Employees.

Current employees of the Town moving from one position to another within the Town's employment structure are exempt from the provisions of this policy provided there has been no break in their employment status with the Town.

§ 715-4. Posting and Advertising of Position.

All positions of employment, regardless of type, shall be posted and advertised in accordance with established procedures and applicable collective bargaining agreements.

§ 715-5. Application for Employment.

All potential employees of the Town regardless of status shall make and complete an application for employment on forms provided by the Town of Hampton. Applicants may attach letters of intent, resumes, written references and other work related information to the application if they so desire.

§ 715-6. Review of Applications for Employment.

The Town shall cause to be reviewed all applications for employment submitted in response to a posting or advertisement. The Department Head seeking to fill a position within his Department and the Town Manager and the Board of Selectmen when applicable shall review the applications for employment.

Individuals who apply and possess the necessary skills for the position to be filled, as determined by the Department Head and the Town Manager, and all current employees of the Town making application who are suitably qualified, shall be interviewed to determine the best possible and qualified applicant for the position.

§ 715-7. Notification to Applicants.

All applicants for a position shall be notified in writing following the completion of the interviews informing them of whether or not they were selected for employment.

§ 715-8. Requirements Prior to Conditional Offer of Employment.

Prior to the preparation and issuance of a conditional offer of employment the Town will conduct a criminal and motor vehicle background check of the applicant to be offered the position. The applicant shall sign and give to the Town the necessary authorization release forms that will enable the State of New Hampshire Department of Safety to perform both criminal and motor vehicle background checks on the potential employee. The final decision to then proceed with an offer of employment shall be determined by the Town Manager based upon the results of these background checks.

§ 715-9. Conditional Offer of Employment.

The best applicant for employment upon the satisfactory completion of a criminal and motor vehicle background check shall be presented in writing with a conditional offer of employment that shall explain the rate of pay, position offered, benefits, if any, and the Town's requirements to take and satisfactorily pass a pre-employment physical examination, and drug and alcohol test. The applicant shall notify the Town in writing whether he or she accepts the conditional offer of employment and the pre-employment requirements contained therein.

§ 715-10. Pre-Employment Physical Examination.

The Town shall schedule a pre-employment physical for each new employee. The agency administering the physical shall be given information as to the type of work to be performed so that the physician can evaluate the potential employee's ability to perform the required work without limitation or injury to him or herself. The written pre-employment physical examination report shall be provided to the Town in writing before the potential employee commences work. Should the physical examination report reveal that the potential employee does not have the ability to perform the required work without limitation or injury to him or herself, then the conditional offer shall be considered withdrawn.

§ 715-11. Drug and Alcohol Test.

The Town shall schedule pre-employment drug and alcohol tests to be administered by the Town's random drug and alcohol testing contractor. The drug and alcohol test results shall be provided to the Town in writing before the potential employee commences work. An unqualified positive drug test result shall disqualify the potential employee from a position with the Town. A unqualified positive alcohol test may in the judgment of the Department Head or Town Manager exclude the potential employee from a position with the Town if the test results show a violation of State Laws or State and/or Federal CDL requirements.

§ 715-12. Change in this Established Procedure.

Changes to or variances from this procedure may be approved by the Town Manager if in his judgment the same is warranted under exceptional circumstances.

Chapter 718

PURCHASING POLICY AND PROCEDURES

ARTICLE I
Purchasing Policy

§ 718-1. Authority.
§ 718-2. Purpose.
§ 718-3. Purchase of Supplies, Materials, and Services.
§ 718-4. Award of Bids or Professional Proposals.
§ 718-5. Right to Accept or Reject Bids and Proposals.
§ 718-6. Bids and Proposals to Comply Without Modification.
§ 718-7. Use of State and Federal Bids and Proposals.
§ 718-8. Notice of Bid or Proposal.
§ 718-9. Control, Supervision and Enforcement.
§ 718-10. Signature Required.
§ 718-11. Purchasing Procedures.

ARTICLE II
Purchasing Procedures

§ 718-12. Authority.
§ 718-13. Purpose.
§ 718-14. Purchase Requisition Required.
§ 718-15. Purchase Requisition Signing Authority.
§ 718-16. Exceptions to Public Bidding or Professional Proposal Requirements.
§ 718-17. Emergencies.
§ 718-18. Monthly Purchase Requisitions.
§ 718-19. Contents of Purchase Requisitions.
§ 718-20. Purchase Requisition Distribution.
§ 718-21. Expiration of Purchase Requisition.
§ 718-22. Repeal and Applicability.
§ 718-23. When Effective.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton 6-18-2012;[1] amended 12-27-2012; 5-6-2013. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Bonds and contracts — See Ch. 558.
Credit card policy — See Ch. 580.
Non-budgeted expenditures — See Ch. 596.

ARTICLE I
Purchasing Policy

§ 718-1. Authority.

In accordance with the provisions of RSA 41:8, 41:9 and 37:6, the following policy is hereby enacted by the Board of Selectmen and ordered by the Town Manager.

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1. **Editor's Note: This ordinance superseded former Ch. 718, Purchasing Policy and Procedures, adopted 5-24-2010.**

§ 718-2. Purpose.

It is the intent and purpose of this policy to establish uniform purchasing procedures for the Town of Hampton to protect the public welfare and to assure fair and equitable treatment in the purchasing of supplies, materials, and services as contained in the purchasing procedures of the Town.

§ 718-3. Purchase of Supplies, Materials, and Services.

All purchases of supplies, materials, and services, including professional services, other than legal services, the cost of which is estimated to exceed $15,000 shall be allowed only after competitive sealed bids or sealed written professional proposals have been solicited.

Town Departments, Boards, Commissions, and Committees shall solicit sealed bids and professional proposals in such a manner that the prepared documents do not contain restrictive or proprietary language unless they are qualified by the use of terminology that will permit the substitution of comparable supplies, materials, and services that will achieve the same goals and objectives regardless of the substitution.

When bids or proposals are received for the purchase of materials that exceeds $15,000, the department head will document the bidders or proposers, forwarding the documentation via e-mail to the Board of Selectmen, the Finance Director and the Town Manager together with a statement either that the purchase complies with the purchasing policy or, if the purchase does not comply, that the purchase does not comply with the purchasing policy and therefore requires a waiver voted by the Board of Selectmen before action can be taken by a department to purchase. **[Added 12-9-2013]**

§ 718-4. Award of Bids or Professional Proposals.

Sealed bids or written professional proposals shall be awarded on the following basis by the Town Manager unless otherwise determined by the Board of Selectmen:

A. Sealed bids and professional proposals shall be awarded to the lowest responsible bidder or proposer except that, in addition to price, the following shall be considered:

(1) The ability, capacity, and skill of the bidder or proposer, through the submission of required information as a portion of the bid or proposal, to perform the contract or provide the services required and the qualifications of personnel who will be involved in any work to be performed.

(2) Whether the bidder or proposer can perform the contract or provide the service(s) required by the terms of the bid or proposal promptly, or within the time specified, without delay or interference.

(3) The character, integrity, reputation, experience, and efficiency of the bidder or proposer.

(4) The quality, performance, timeliness, completeness and cost containment of previous contracts or services for the Town or others.

B. The Board of Selectmen shall be advised and their concurrence shall be sought in the award of bids or written professional proposals under any of the following circumstances:

(1) A bid or professional proposal exceeds $50,000.

(2) If there are fewer than three bids or professional proposals received in response to a request for bids or written professional proposals.

(3) If there is a request to award the bid or professional proposal to other than the lowest bidder and the variance between the bidders exceeds 5% of the respective values of the bids or professional proposals.

The Board of Selectmen may authorize exceptions to the requirements to bid and solicit professional proposals by majority vote for items with the estimated cost of $50,000 or less and by a 2/3rds majority vote for items with an estimated cost of more than $50,000.

§ 718-5. Right to Accept or Reject Bids and Proposals.

A. The Town acting through the Town Manager reserves to itself the exclusive right to reject or accept any bid or proposal received as determined by the Town Manager to be in the best interests of the Town.

B. The Town acting through the Town Manager reserves to itself the exclusive right to reject all bids and proposals received as determined by the Town Manager to be in the best interests of the Town.

§ 718-6. Bids and Proposals to Comply Without Modification.

A. To be accepted, the bid(s) or proposal(s) must, as initially submitted, constitute a complete, unqualified offer that includes all of the material terms of the invitation for bid(s) or professional proposal(s) or solicitation(s) and provides all the terms for the contract, without further modification, for the supplies, materials, or services solicited.

B. This section shall not be operative where an invitation to bid or a request for a proposal specifically allows for the bidder or proposer to provide alternative bids or proposals or changes in specifications. Such inoperability under this section shall be permitted only where specifically shown in any bid or proposal solicitation, but not otherwise.

§ 718-7. Use of State and Federal Bids and Proposals.

In lieu of the requirements contained in this policy, the Town may accept and use collective competitive bids and professional proposals awarded by the State of New Hampshire or the United States Government where those bids or proposals have been conditioned for acceptance and use by the Town. In cases where the Town is utilizing State or Federal funds for projects that require engineering services, those services shall be exempt from the bidding and solicitation requirements contained in this policy where it conflicts with State and Federal

laws and regulations. The Board of Selectmen shall be advised of bids and proposals utilizing State and Federal funds, consistent with the provisions of § 718-4B of this Policy.

§ 718-8. Notice of Bid or Proposal.

An invitation to bid or request for proposals shall be publically announced by posting in 3 public places within the Town, placing the bid or proposal documents on the Town's Website, and if determined by the Town Manager to be appropriate, by mailing invitations to bid and requests for proposals directly to potential bidders and proposers, and forwarding such invitations or requests to construction advertising agencies, association websites, etc. When appropriate the Town may utilize newspaper advertisements to announce invitations to bid and requests for proposals.

§ 718-9. Control, Supervision and Enforcement.

The provisions of this policy shall be subject to control, supervision, and enforcement by the Board of Selectmen and the Office of the Town Manager. The Board of Selectmen may authorize exceptions to the requirements to bid and solicit professional proposals by majority vote for items with the estimated cost of $50,000 or less and by a 2/3rds majority vote for items with the estimated cost of more than $50,000.

§ 718-10. Signature Required.

The signature(s) of the Chairman of the Board of Selectmen or the Town Manager under RSA 37:6 shall be required to award a bid or professional proposal hereunder.

§ 718-11. Purchasing Procedures.

The Board of Selectmen may, from time to time, promulgate procedures to make operative the provisions of this policy.

ARTICLE II
Purchasing Procedures

§ 718-12. Authority.

In accordance with the provisions of RSA 41:8, 41:9 and 37:6 the Board of Selectmen and the Town Manager hereby adopt the following purchasing procedures that govern the purchase of supplies, materials, and services, except legal services, to implement the Purchasing Policy of the Town of Hampton.

§ 718-13. Purpose.

The purpose of these procedures is to implement the provisions of the Town of Hampton's Purchasing Policy and to provide guidance to the various officials, department heads and employees of the Town in the proper and required procedures that govern the purchase of

supplies, materials and services, and these procedures are to be strictly adhered to in the administration and enforcement of the Town's required purchasing procedures.

§ 718-14. Purchase Requisition Required.

All purchases for supplies, materials and services, other than legal services, shall require a properly signed and issued purchase requisition in advance of the acquisition of the supplies, materials, or services procured unless otherwise excepted herein.

A. Purchase requisitions for the following items are not required:

(1) Utility bills;

(2) Payroll-related items;

(3) Legal bills;

(4) Debt service payments;

(5) Capital lease payments;

(6) Payment for human services warrant articles;

(7) Payments to capital reserve funds.

B. Purchase requisitions are not required for subsequent payments for supplies, materials or services for the following items after the first purchase requisition:

(1) Payments for awarded bids and contracts;

(2) Payments for awarded professional proposals.

§ 718-15. Purchase Requisition Signing Authority.

A. Expenditures not exceeding $1,000.

(1) The Town Manager, when he or she functions as a department head, and the heads of the various departments that report to the Town Manager who have appropriations approved by the Town Meeting or who have authority to expend funds from expendable special accounts created in accordance with applicable laws have authority to issue, sign and authorize the expenditures of funds through the signing of purchase requisitions when the sums to be expended do not exceed $1,000 for any one purpose.

(2) The department heads or the chairmen or other designated members of a department, board, committee or commission that does not report to the Board of Selectmen or the Town Manager that have appropriations approved by Town Meeting or who have authority to expend funds from applicable special accounts created in accordance with applicable laws, and whose bills are paid through the Finance Department have authority to issue, sign and authorize the expenditure of

funds through the issuance of purchase requisitions when the sum to be expended does not exceed $1,000 for any purpose.

B. Purchase requisitions exceeding $1,000 but less than $15,000.

(1) In addition to the signatures required and allowed under Subsection A(1) above, purchase requisitions exceeding $1,000 but less than $15,000 shall require the countersignature of the Town Manager, or in his or her absence the Acting Town Manager, or in the absence of the Town Manager and the Acting Town Manager the Finance Director may countersign purchase requisitions.

(2) In the case of purchase requisitions authorized under Subsection A(2) above, only one signature shall be required.

C. Purchasing exceeding $15,000. No supplies, materials or services, the cost of which exceeds $15,000, shall be purchased, ordered or received by any officer, department head or employee of the Town without the awarding of a contract, bid or professional proposal in accordance with the public bidding process or through the solicitation of a professional written proposal as required under the provisions of these purchasing procedures and the Purchasing Policy of the Town of Hampton. The countersignature of the Town Manager, Acting Town Manager, or Finance Director is necessary to validate a purchase requisition under this subsection.

D. Cable TV Revolving Fund. All purchase orders in Subsections D(3) and (4) immediately following, shall be forwarded to the Board of Selectmen for inclusion on the Selectmen's agenda at a posted meeting for consideration of approval before the purchase is made.

All expenditures from the Cable TV Revolving Fund shall be approved by the Cable Committee at a publicly noticed meeting on the following basis:

(1) Expenditures not exceeding $1,000 - The Chairman of the Committee has the authority to issue, sign and authorize expenditures from the fund, through the signing of a purchase requisition when the sum does not exceed the $1,000 for any one purchase.

(2) Expenditures with a value between $1,001 and $5,000 - Purchase orders in this category shall be signed by the Chairman of the Committee and processed in accordance with this purchasing policy in the following manner: solicitation of at least three verbal quotes from separate vendors. The purchase order shall include written evidence of the quotes received.

(3) Expenditures with a value between $5,001 and $9,999 - Purchase orders in this category shall be signed by the Chairman of the Committee and processed in accordance with this purchasing policy in the following manner: solicitation of at least three written quotes from separate vendors. The purchase order shall include written evidence of the quotes received.

(4) Expenditures with a value in excess of $10,000 - Purchase orders in this category shall be signed by the Chairman of the Committee and processed in accordance with this purchasing policy in the following manner: the solicitation of at least

three sealed bids. The purchase order shall include written evidence of receipt of the bids.

§ 718-16. Exceptions to Public Bidding or Professional Proposal Requirements.

The requirement for public bidding or written professional proposals may be excepted where it can be demonstrated to the Board of Selectmen's satisfaction that the particular supply, material or service can only be provided by a single source supplier or when the Town Meeting specifically votes to purchase a particular supply, material or service from a specific provider and no other or when there is a declared public emergency that requires immediate action to procure a particular supply, material or service.

§ 718-17. Emergencies.

When the public health and welfare, because of a declared public emergency, requires the immediate purchase of supplies, materials or services, the Board of Selectmen, Town Manager or individual department head or individual boards, committees or commissions responsible for emergency services shall have authority to purchase needed supplies, materials and services to meet the needs of the public emergency without the necessity of obtaining approved purchase orders. In such cases, purchase requisitions shall be completed following the emergency.

§ 718-18. Monthly Purchase Requisitions.

Departments and others may provide for the issuance of monthly purchase requisitions for the purchase of small items necessary to be acquired immediately for the completion of ongoing work so that the ongoing work may continue without interruption, provided that the monthly purchase requisitions do not exceed $1,000 to a single vendor within a thirty-day period.

§ 718-19. Contents of Purchase Requisitions.

Purchase requisitions shall be completed before the ordering or purchasing of supplies, materials and services, and shall contain the following information: the name and address of the vendor; the name and address of the purchasing department; the location to which the supplies or materials are to be shipped or delivered; the quantity to be purchased; a description of the supplies, materials or services to be purchased, including any shipping expense and/or delivery costs (note that the costs need not be exact if unknown but an estimated amount must be supplied by the vendor); the date issued; and the authorized or required signature(s).

§ 718-20. Purchase Requisition Distribution.

Purchase requisitions, following their completion and signing shall be distributed as follows: the original to the vendor; a copy to be retained by the issuing department and attached to the billing received from the vendor for payment; a copy to be forwarded to the Finance Department upon the issuance of the completed purchase requisition.

§ 718-21. Expiration of Purchase Requisition.

Purchase requisitions once issued are valid for a period of no longer than six months or until the expiration of the fiscal year of their issuance.

§ 718-22. Repeal and Applicability.

The adoption of this policy automatically repeals any and all past policies or practices that may have been or currently are in force, but does not apply retroactively to purchases already agreed to in behalf of the Town.

§ 718-23. When Effective.

This policy shall become effective upon its adoption by the Board of Selectmen.

Chapter 727

RAFFLES

§ 727-1. Definitions.

§ 727-2. Raffles Authorized.

§ 727-3. Printed Tickets.

§ 727-4. Distribution of Tickets.

§ 727-5. No Agency Permitted.

§ 727-6. Effect of Other Laws.

§ 727-7. Permit Required.

§ 727-8. Timely Filing.

§ 727-9. Raffles Held in Conjunction with Bingo Games, Ticket Distribution.

§ 727-10. Raffles Held in Conjunction with Bingo Games, Players.

§ 727-11. Raffles Held in Conjunction with Bingo Games, Prizes.

§ 727-12. Raffles Held in Conjunction with Bingo Games, Permit Not Required.

§ 727-13. Revocation, Suspension or Modification of Permits.

§ 727-14. Effective.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton 2-11-2008; amended 10-31-2011. Subsequent amendments noted where applicable.]

Authority.

In accordance with the provisions of New Hampshire Revised Statutes Annotated Chapter 287-A, Raffles, authorizing the Board of Selectmen to issue permits governing raffles within the Town of Hampton, the following regulations are adopted to permit and regulate raffles within the Town.

Purpose.

It is the express intent and purpose of these regulations to inform applicants applying for a permit to conduct a raffle of the lawful requirements governing such activities, to protect the public welfare of our citizens and to prevent criminal activity.

§ 727-1. Definitions.

As used in these regulations:

RAFFLE — Means a lottery in which each participant buys a ticket for an article or articles put up as a prize with the winner being determined by a random drawing.

CHARITABLE ORGANIZATION — Means the following:

(a) Any person or entity that is determined by the Internal Revenue Service to be a tax exempt organization pursuant to section 501(c)(3) of the Internal Revenue Code, as that code now exists or may hereafter be amended; or

(b) Any other person or entity that is or holds itself out to be established, in whole or in part, for any benevolent, philanthropic, patriotic, educational, humane, scientific, public health,

environmental conservation, civic, social, sporting, recreational, or other charitable purpose which has been in existence for at least 2 years, or political committee or political party which has been in existence for at least 2 years, or any person who in any manner employs a charitable appeal as the basis of any solicitation or an appeal that suggests that there is a charitable purpose to any solicitation. "Charitable organization" is not limited to those organizations to which contributions are tax deductible under section 170 of the Internal Revenue Code.

50/50 RAFFLE — Means a raffle conducted by a charitable organization whereby moneys collected by sale of raffle tickets are split evenly between the prize winner or winners and the charitable organization after the raffle drawing.

§ 727-2. Raffles Authorized.

A charitable organization may conduct a raffle to promote the purpose for which it was organized, in the manner hereinafter provided, and not otherwise.

§ 727-3. Printed Tickets.

All raffle tickets shall be printed with the name of the charitable organization thereon, the date, and place of the drawing, and the prize or prizes to be awarded and the amount of the donation.

§ 727-4. Distribution of Tickets.

Raffle tickets shall be sold only to persons 16 years of ago or over and no raffle tickets shall be sold by persons other than members of the charitable organization or such person or persons, as may be designated by the organization, and who shall receive no financial remuneration.

§ 727-5. No Agency Permitted.

No charitable organization shall act as an agent for conducting a raffle, where it is unlawful for that charitable organization to conduct such a raffle as principal.

§ 727-6. Effect of Other Laws.

The provisions of RSA 647 (Gambling Offenses) shall not apply to the sale of raffle tickets sold in accordance with these regulations and RSA 287-A.

§ 727-7. Permit Required.

Any charitable organization desiring to conduct a raffle in Hampton must first obtain a permit from the Hampton Board of Selectmen. Applications shall be made on a form provided by the Office of the Board of Selectmen. Attached to such application shall be a copy of the printed raffle ticket to be used in the raffle, proof that the organization is registered with the Office of

the Attorney General as a charitable organization in the State of New Hampshire, and proof that the organization has been in existence for at least 2 years as a charitable organization in the State of New Hampshire.

Except as otherwise provided in this section, the permit shall expire at the time of the drawing and/or one year from the date of issuance, if conducting more than one raffle. Each Raffle drawing date expires after the drawing of the Raffle. The permit, if issued, shall not be transferable.

§ 727-8. Timely Filing.

Applicants should file for a permit well in advance of the planned date for the beginning of the sale of raffle tickets, but in any event no later than 15 days prior to the event at which the tickets will be sold. Permits are granted following a review and investigation of the application that may take a period of time following the initial application.

§ 727-9. Raffles Held in Conjunction with Bingo Games, Ticket Distribution.

(a) All raffle tickets sold in conjunction with bingo games shall be numbered sequentially.

(b) No ticket or multiple tickets shall be sold for more than $1.

(c) Notwithstanding RSA 287-A:4, raffle tickets sold in conjunction with bingo games shall be sold only by members of a charitable organization licensed by the racing and charitable gaming commission to conduct bingo and only at bingo games being operated by the charitable organization.

§ 727-10. Raffles Held in Conjunction with Bingo Games, Players.

Raffles held in conjunction with bingo games shall be held only at bingo games having a hall capacity of 300 persons or less as designated by the assembly permit.

§ 727-11. Raffles Held in Conjunction with Bingo Games, Prizes.

Prizes awarded at any raffle held in conjunction with a bingo game shall not exceed $500 wholesale cost.

§ 727-12. Raffles Held in Conjunction with Bingo Games, Permit Not Required.

The provisions of RSA 287-A:7 and § 727-7 of these regulations shall not apply to raffles held in conjunction with bingo games and therefore no applications for permits for such raffles are to be made to the Board of Selectmen.

§ 727-13. Revocation, Suspension or Modification of Permits.

The Board of Selectmen, or their lawfully designated representative, may at any time cancel, suspend, revoke, or modify permits issued hereunder for cause.

A charitable organization that is suspended by the Office of the Attorney General and is no longer registered as a charitable organization in New Hampshire, which status shall automatically revoke the issued Raffle permit.

§ 727-14. Effective.

This regulation shall become effective upon its adoption.

Chapter 733

REPORTS TO SELECTMEN

§ 733-1. Events to be reported.
§ 733-2. Method of communication.
§ 733-3. Night calls.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton 7-24-1978; amended 3-12-1979; 5-3-1993; 7-11-1994 (Ch. 8, Art. 7 of the Code of Ordinances). Subsequent amendments noted where applicable.]

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§ 733-1. Events to be reported.

In the interest of efficient public management and complete and timely disclosure to all members of the Board of Selectmen of public importance, the Manager and/or Police and Fire Department dispatch will inform the Board members as soon as possible of the following events:

A. All working fires.

B. All mutual aid calls for working fires or other disasters which require dispatch of Hampton Fire Department apparatus of Hampton Fire Department or Police Department personnel out of Town.

C. Serious illness, injury or death of a Town employee.

D. All reportable accidents involving Town property with particular attention to those resulting in the injury or death of a Town employee or citizen.

E. All accidents involving the release or potential for release of hazardous materials which would pose a threat to the immediate or general public.

F. Unusual and severe weather or other climatic events which are likely to pose a significant threat to life or property within the community.

G. All untimely unattended deaths.

H. Any unanticipated event that would have a significant adverse impact on the adopted budget of an individual department or the overall budget of the Town.

I. Changes in the status of personnel with regard to hiring, promotions or terminations and all disciplinary actions taken concerning employees (i.e., demotions, suspensions or terminations).

§ 733-2. Method of communication.

The Town Manager and/or Police Department dispatch will communicate this information directly to all members of the Board. The situations or incidents above are to liberally

construed and shall be applied in favor of notification whenever a question arises as to applicability.

§ 733-3. Night calls.

Individual Selectmen may indicate whether or not they wish to be contacted on a twenty-four-hour basis or exclude night calls.

Chapter 737

RESTAURANTS

ARTICLE I
Closing Hours

§ 737-1. Authority.

§ 737-2. Closing hours established.

§ 737-3. Violations and penalties.

§ 737-4. When effective; other ordinances.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Closing Hours
[Adopted 7-17-1970; amended 7-7-1981; 8-20-1984]

§ 737-1. Authority.

In accordance with the authority granted in RSA 105:6 to 105:8 and any other applicable statutes, the following regulations were made and adopted by the police officers of the Town of Hampton on July 16, 1970, and were then approved by a unanimous vote by the Selectmen of the Town of Hampton on July 17, 1970.

§ 737-2. Closing hours established.

No person having custody or control thereof shall keep any eating house or restaurant in the BS Seasonal Business Zone in the Town of Hampton open between the hours of 1:00 a.m. and 5:00 a.m. The definition of "restaurant" within the regulations is intended to include cocktail lounges, business establishments selling intoxicating beverages for consumption on the premises, and any open air takeout stands offering prepared foods for sale and immediate consumption. This definition is also intended to include grocery stores, convenience stores and any other facility which offers food for immediate consumption either on or off the premises.

§ 737-3. Violations and penalties.

Any person violating any of the provisions of this regulation shall be fined not more than $1,000 or imprisoned not more than six months.

§ 737-4. When effective; other ordinances.

This article shall become effective immediately and is in addition to all other ordinances heretofore adopted.

Chapter 749

SEWERS

ARTICLE I
Sewer Rates and Charges for State Properties

§ 749-1. Sewer Rate.
§ 749-2. Annual Adjustment to Billing for Capital Costs.
§ 749-3. Quarterly Billing.
§ 749-4. Bills Due and Payable.
§ 749-5. Late Charges for Non-Payment.
§ 749-6. Returned Check Fees and Charges.
§ 749-7. Termination of Service.
§ 749-8. Metering Required.
§ 749-9. Estimated Billings.
§ 749-10. Access to Metering.
§ 749-11. Rates to be Adjusted Annually.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Sewers — See Ch. 406. **Water works — See Ch. 509.**

ARTICLE I
Sewer Rates and Charges for State Properties
[Adopted 2-27-2012]

§ 749-1. Sewer Rate.

$1.53 per thousand gallons of discharge to the Municipal Sewer System as an estimate of costs that will be adjusted annually to the billing based upon actual annual costs of operation.

§ 749-2. Annual Adjustment to Billing for Capital Costs.

The Town shall add to the billing an annual adjustment to account for the capital costs not captured in the sewer rate above. Those capital costs shall be calculated based upon the full equalized valuation of the State buildings and structures serviced and shall capture the equalized portion of the entire bonded debt for sewer attributable to those buildings and structures based upon their equalized value.

§ 749-3. Quarterly Billing.

All State facilities will be billed on a quarterly basis during the months of March, June, September and December for discharge since the last meter reading or consumption report.

§ 749-4. Bills Due and Payable.

All bills are due and payable within 30 days of the issuance of the billing.

§ 749-5. Late Charges for Non-Payment.

Billings not paid within 30 days are subject to interest of 1.5% per month on the unpaid balance.

§ 749-6. Returned Check Fees and Charges.

Checks returned as unpaid, currency returned as invalid or counterfeit, or other payments in any form that are returned as unpaid are subject to a $30.00 fee regardless of the reason for the return of the instrument used for payment.

§ 749-7. Termination of Service.

The Town reserves the right to terminate its service for accounts that are three months or more in arrears. Notice of termination will be given 10 days in advance by certified mail, return receipt requested or by service left at the property in hand.

§ 749-8. Metering Required.

All sewer services will be billed by the Town to the State Agency involved based upon water service consumption from a utility or from the well owned or used by the State Agency by use of meter readings. Agencies using a well will be required to provide a water meter acceptable to the Town to meter the water used. The individual agency may provide a sewer meter upon which the sewer usage will be billed. If there is a charge to the Town from the entity owning the meter to obtain the meter reading data then that charge shall be added to the billing from the Town to the State for that quarterly billing.

State Facilities that choose to maintain their own metering shall be responsible for annual maintenance of the meter and the replacement based upon the meter manufacturer's recommendation.

§ 749-9. Estimated Billings.

The Town may render estimated billings when the Water Company or the Town cannot gain access to the metering for the purposes of reading the meter to determine consumption or if the meter's operation is stopped due to failure or malfunction or has been tampered with so that the meter does not record usage or records faulty readings.

§ 749-10. Access to Metering.

Representatives of the Town shall be granted access to the metering to inspect and read the same when deemed necessary by the Town.

§ 749-11. Rates to be Adjusted Annually.

Sewer Billing Rates and other Charges will be adjusted at least annually and more frequently when deemed necessary by the Town. Rates and Charges shall include all costs and expenses related to the operation, expansion and maintenance of the sewer system.

Chapter 758

SOLICITING

ARTICLE I
Soliciting Funds for Charitable Purposes

§ 758-1. Authority.
§ 758-2. Purpose.
§ 758-3. Permit required.
§ 758-4. Application for permit.
§ 758-5. Qualifications.
§ 758-6. Permission from property owner.
§ 758-7. Term and display of permit.
§ 758-8. Name tags required.
§ 758-9. Cancellation of permit.
§ 758-10. Repealer.
§ 758-11. When effective.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Soliciting Funds for Charitable Purposes
[Adopted 7-23-2007]

§ 758-1. Authority.

In accordance with the provisions of RSA 31:91 the following article is ordained to protect the citizens of the Town of Hampton through the legal regulation of individuals seeking to solicit funds for charitable purposes within the Town of Hampton.

§ 758-2. Purpose.

The purpose of this article is to provide for the proper, orderly and legal issuance, by the legal licensing authority authorized by New Hampshire law, of permits for the solicitation of funds for charitable purposes, including the sale of tags, flowers or other objects for charitable purposes.

§ 758-3. Permit required.

No person or persons, companies, corporations or organizations shall solicit funds for charitable purposes or sell tags, flowers or other objects for charitable purposes within the Town of Hampton without first having been issued a permit to do so from the Town of Hampton Board of Selectmen.

§ 758-4. Application for permit.

Charitable organizations desiring a permit to solicit funds or sell objects, tags or flowers may obtain an application from the office of the Board of Selectmen, Town Hall, 100 Winnacunnet Road, during regular business hours.

§ 758-5. Qualifications.

Only charitable organizations which are registered with the United States Internal Revenue Service (IRS) as a 501C(3) charitable organization and/or with the Office the Attorney General, Charitable Trust Division, State of New Hampshire, may obtain a permit to solicit funds for charitable purposes or sell tags, flowers or other objects for charitable purposes. Any organization requesting a permit to solicit shall provide a copy of its IRS or New Hampshire Attorney General registration with its application for a permit.

§ 758-6. Permission from property owner.

Accompanying each permit application shall be a written authorization from the owner of property upon which the solicitation will be conducted. The permission shall be on the letterhead of the property owner and shall stipulate the beginning and ending times of the solicitation and the place and date of the solicitation and will be signed by the owner or his authorized representative. The written authorization shall be attached to the application.

§ 758-7. Term and display of permit.

Permits issued by the Board of Selectmen shall be valid for only the days and times stated thereon and must be shown upon the request of any police officer or Town or state official or of any person from whom funds are solicited.

§ 758-8. Name tags required.

No person shall solicit funds who does not have prominently displayed on his or her person a name tag that identifies him or her by name and identifies the name of the organization soliciting funds.

§ 758-9. Cancellation of permit.

The Town of Hampton reserves to itself the right to cancel any permit issued hereunder by order of the Board of Selectmen or by any police officer in the official discharge of his duties. The withdrawal of the property owner's permission to utilize its property automatically cancels a permit issued hereunder for solicitation to occur at that property.

§ 758-10. Repealer.

The adoption of this article automatically repeals any and all past ordinances that may have been or are currently in force regarding the soliciting of funds.

§ 758-11. When effective.

This policy shall become effective upon its adoption.

Chapter 761

SOLID WASTE

§ 761-1. Storage.
§ 761-2. Collection.
§ 761-3. Businesses dealing in food.
§ 761-4. Violations and penalties.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton 8-5-1996 (Ch. 2, Art. 15, of the Code of Ordinances). Amendments noted where applicable.]

GENERAL REFERENCES

Polystyrene food containers — See Ch. 358.
Solid waste — See Ch. 420.
Storage of tires — See Ch. 457.

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§ 761-1. Storage.

A. Solid waste on the premises shall be stored in a manner as to make it inaccessible to insects, rodents and birds. Outside storage of unprotected plastic bags or wet-strength paper bags or baled units containing solid waste shall be prohibited. Cardboard or other packaging material shall not be required to be stored in covered containers.

B. Outside storage areas or enclosures shall be large enough to store the solid waste containers that accumulate and shall be kept clean. Solid waste containers, dumpsters and compactor systems located outside shall be stored on or above a smooth surface of nonabsorbent material, such as concrete or asphalt, that is kept clean and maintained in good repair.

§ 761-2. Collection.

Places of business within the boundaries of the BS (Business Seasonal) Zone depositing trash for collection may place it in front of the place of business as close to the curbline as possible without blocking the way on the scheduled day of collection between the hours of 11:00 p.m. the day prior and 9:00 a.m. on the day of the collection. No business shall be permitted to leave trash for collection by public or private means on any way between the hours of 9:00 a.m. and 11:00 p.m. on any day. Places of business located on Ocean Boulevard may place trash in front of their business on the day of collection between the hours 11:00 p.m. the day prior and 9:00 a.m. the day of collection. No place of business on Ocean Boulevard shall be permitted to leave trash for collection between the hours of 9:00 a.m. and 11:00 p.m. on any day. Trash for collection must be deposited prior to the scheduled pickup for that day. Town employees shall not be required to handle trash or trash containers which fall within the following descriptions:

A. Loose, uncontained material such as sand, gravel, leaves, scrap wood, masonry, steel, stone, garbage, dead animals, or manure.

B. Containers which contain substantial amounts of the foregoing.

C. Containers which are filled so as to be grossly unwieldy.

D. Containers larger than a volume of 32 U.S. gallons.

E. Containers with a gross weight in excess of 75 pounds.

F. Containers which are so worn or damaged as to make them likely to fail.

G. The contents of containers which spill due to failure of a worn or damaged container.

§ 761-3. Businesses dealing in food.

Every place of business that prepares, sells or serves food shall be responsible for the proper containerization and proper placement of its trash. Trash must be in an appropriate covered container. Trash bags alone shall be unacceptable. Boxes and corrugated material shall be broken, flattened, and neatly stacked and secured. No business shall use the public trash containers for disposal of its own trash generated by the trade in which it is engaged.

§ 761-4. Violations and penalties.

Any person violating any of the provisions of this chapter or the rules or regulations made under the authority thereof shall be liable to a penalty of not more than $100 for each offense.

Chapter 769

STREETS, SIDEWALKS AND PUBLIC PLACES

ARTICLE I
Highway Drainage, Driveways and Sidewalks

§ 769-1. Highway drainage obstructions.
§ 769-2. Driveway entrance upon Town road, street or highway.
§ 769-3. Sidewalks.
§ 769-4. Obstruction of public sidewalks or streets.
§ 769-5. Excavations in Town streets; trench permit.
§ 769-6. Covering of loaded trucks and trailers.
§ 769-7. Weight limits.
§ 769-7-A.1. No through trucking.
§ 769-7-A.2. Violations and penalties.
§ 769-8. Violations and penalties; severability.

ARTICLE II
Loitering and Disorderly Conduct

§ 769-9. Prohibited acts.
§ 769-10. Violations and penalties; severability.

ARTICLE III
Begging

§ 769-11. Prohibited acts.
§ 769-12. Violations and penalties.

ARTICLE IV
Snow and Ice

§ 769-13. Placing of snow, ice and other materials on public highways.
§ 769-14. Exception.
§ 769-15. Violations and penalties; severability.
§ 769-16. When effective.

ARTICLE V
Skateboards and Roller Skates

§ 769-17. Definitions.
§ 769-18. Use of skateboards on public highways and sidewalks.
§ 769-19. Roller-skating on public highways and sidewalks.
§ 769-20. Violations and penalties.

ARTICLE VI
Construction Standards for Streets and Roads

§ 769-21. Authority.
§ 769-22. Purpose.
§ 769-23. Construction supervision.
§ 769-24. Preconstruction meeting.
§ 769-25. Maintenance of survey stakes.
§ 769-26. Clearing and grubbing.
§ 769-27. Excavation and embankment.
§ 769-28. Drainage.
§ 769-29. Fine grading of subgrade.

§ 769-30. Placement of gravel and crushed gravel.
§ 769-31. Pavement surface.
§ 769-32. Utilities; guardrails; survey and monument standards; traffic control and street name signs.
§ 769-33. As-built plans; release of street by Planning Board.
§ 769-34. Construction standards.
§ 769-35. Repealer.

ARTICLE VII
Work in Public Ways and Places and Excavation of Streets

§ 769-36. Authority.
§ 769-37. Purpose.
§ 769-38. Definitions.
§ 769-39. Permits.
§ 769-40. Revocation, suspension or modification of permit.
§ 769-41. Insurance certificate and security.
§ 769-42. Filing of plans.
§ 769-43. Start of work.
§ 769-44. Urgent work.
§ 769-45. Emergency action.
§ 769-46. Routing of traffic.
§ 769-47. Clearance of vital structures.
§ 769-48. Protection of traffic.
§ 769-49. Notification of public utility companies.
§ 769-50. Relocation and protection of utilities.
§ 769-51. Protection of adjoining property.
§ 769-52. Protective measures.
§ 769-53. Excavated materials.
§ 769-54. Construction materials.
§ 769-55. Dust and cleanup.
§ 769-56. Protection of gutters and basins.
§ 769-57. Noise and hours of operation.
§ 769-58. Trenches.
§ 769-59. Prompt completion of work.
§ 769-60. Breaking through pavement.
§ 769-61. Backfilling.
§ 769-62. Restoration of pavement.
§ 769-63. General construction specifications.
§ 769-64. Standards.
§ 769-65. Insurance.
§ 769-66. Performance guarantee.
§ 769-67. Winter permits.
§ 769-68. Severability.
§ 769-69. Conflict with Planning Board regulations.
§ 769-70. Conflict with stormwater regulations.
§ 769-71. Violations and penalties.
§ 769-72. Fees.
§ 769-73. Proof of compliance.
§ 769-74. When effective; repealer.

ARTICLE VIII
Street Name Changes

§ 769-75. Changes in street names.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Highways — See Ch. 224.
Lighting — See Ch. 282.
Street railway — See Ch. 429.
Vehicles and traffic — See Chs. 495 and 805.
Address numbers — See Ch. 535.

ARTICLE I
Highway Drainage, Driveways and Sidewalks
[Adopted as Ch. 3, Art. 2, of the Code of Ordinances]

§ 769-1. Highway drainage obstructions.

A. Obstructing drainage of water. No person, persons, firm or corporation shall fill, grade or alter the contour and/or topography of land adjacent to or near any public highway so as to prevent, impede, interrupt or otherwise obstruct the drainage of water from any such highway.

B. State roads. The foregoing provision shall not apply to any highway regulated by the Highway Commissioner pursuant to RSA 295:5.

C. Enforcement. The Selectmen of the Town of Hampton shall enforce the provisions of this section and shall prosecute violations thereof.

§ 769-2. Driveway entrance upon Town road, street or highway.

A. It shall be unlawful to construct or maintain any driveway entrance or approach within the limits of the right-of-way of any Town or public road, street or highway without a written permit from the authorized Town official.

B. The Town Manager is authorized to make such rules and regulations as to the grade and location of driveways, entrances, and approaches on said highways as will adequately protect and promote the safety of the traveling public, but he shall in no case deny access to property abutting the highway. Workmanship, construction and adherence to plans, specifications, rules and regulations shall be guaranteed by a performance bond of at least $500.

C. No permit shall be required for any existing driveway entrance or approach unless the grade or location of the same is changed.

§ 769-3. Sidewalks. [Amended 8-5-1996]

It shall be unlawful for any person or organization to place, deposit or leave, or cause to be placed, deposited or left, any objects, material (including snow) or other item(s) that will obstruct or cause obstructions to the use of the full width of any public sidewalk within the Town of Hampton. No person shall drive any horse or vehicle within any sidewalk area except at a permanent or temporary driveway.

§ 769-4. Obstruction of public sidewalks or streets. [Added 9-6-1977]

A. No merchandise from vending machines shall be exhibited for sale, or sold, within two feet of the traveled portion of any way or sidewalk within the Town of Hampton.

B. No merchandise, whether from an opening in a structure or on table display, or in any other manner, except as provided otherwise in this section, shall be exhibited for sale or rent, or sold or rented, within four feet of the traveled portion of any public way or sidewalk within the Town of Hampton.

C. This prohibition shall not prohibit the exhibition for sale, or the sale, of merchandise in or from a structure existing on August 18, 1975, which on that date utilized, and presently utilizes, openings in the structure itself for such purposes.

D. This prohibition shall not prohibit the exhibition for sale or rent, or the sale or rental, of merchandise in any existing structure if the customer must enter the structure to view and to purchase such merchandise.

E. Vending machines which dispense newspapers, or newsracks which distribute newspapers, are subject to the following regulations as an exception to the foregoing Subsections A through D: **[Added 6-12-1989]**

(1) The machines or racks will not be permitted on the outside edge of the sidewalk, adjacent to the roadway.

(2) The machines or racks must be placed in the inside of the sidewalk.

(3) The machines or racks will not be placed on the sidewalk within four feet of the outside edge of the sidewalk.

(4) The machines or racks which are on the public sidewalks, although outside the four-foot area, shall not be chained or otherwise incapable of being moved.

(5) The party, whether an individual, partnership or corporation, shall provide the name and address of the owner of the machines or racks or the responsible party to contact.

F. Any violation of this section is punishable by a fine not to exceed $100. Each day during which any violation occurs shall be deemed to be a separate violation.

G. In addition to seeking the imposition of fines, the Selectmen may enforce this section by seeking injunctive relief in the courts.

H. The invalidity of any provision of this section shall not invalidate other provisions of the section.

I. This section shall take effect on September 6, 1977.

§ 769-5. Excavations in Town streets; trench permit. [Added 8-31-1987]

Any person or firm excavating within a Town street must comply with the following requirements:

A. A trench permit must be obtained from the Director of Public Works prior to any excavation in any Town-owned road.

B. Backfill from bottom of trench to within 21 inches of finish grade must be a material acceptable to the Director of Public Works or his designated agent compacted to 95%. Lifts of fill shall not exceed 12 inches loose. Fill shall be compacted with a mechanical compactor.

C. The next 12 inches will be a gravel equal to material described in Division 300, Section 304.2, of the New Hampshire Standard Specifications for Road and Bridge Construction compacted to 95%. Fill shall be compacted with a mechanical compactor.

D. The next six inches will be a gravel equal to material described in Division 300, Section 304.3. Fill shall be compacted with a mechanical compactor.

E. Pavement will be saw cut six inches beyond excavated area. Cuts shall be square.

F. Two-inch binder course will be installed as described in Division 400, Section 403.

G. One-inch wearing course will be installed as described in Division 400, Section 403.

H. After one year has passed since the installation of the one-inch wearing course, the trench shall receive infrared patch treatment by a contractor approved by the Department of Public Works. The applicant shall be responsible for the cost of this work. **[Added 12-11-1989]**

I. While the Town strives to maintain its roads in good condition, each utility firm operating in the Town of Hampton will be advised of road reconstruction and overlay plans from year to year. To the extent possible, the Public Works Department shall not allow excavation in these reconstructed areas for a period of up to five years. **[Added 12-11-1989]**

I.A. Alternative Procedure for Excavation Repairs in Roads Paved Within 5-Year Moratorium. **[Added 10-15-2012]**

When approved, the excavation and pavement repair shall be performed in accordance to the following requirements:

1. Contractor shall immediately perform excavation repairs in accordance with typical requirements.

2. Following two winter seasons the contractor shall saw cut and remove all asphalt 1 foot beyond the perimeter of the existing excavation.

3. The contractor shall bring and compact existing sub-surface to grade with stone dust.

4. The contractor shall place 2 inches of asphalt pavement base (3/4 inch aggregate).

5. The contractor shall place 1 inch of asphalt pavement top (1/2 inch aggregate).

6. Following the next winter season the contractor shall apply high quality (as approved by the Public Works Department) crack sealer along entire asphalt joint.

7. Contractor will be responsible to ensure the asphalt joint and patch is properly maintained for a 5-year period following the initial excavation.

8. Optional implementation of requiring a diamond cut patch.

These requirements are in addition to typical Hampton Public Works requirements for street excavations.

J. A performance bond in the amount of $600 will be required of the applicant prior to the issuance of a trench permit. **[Added 12-11-1989]**

§ 769-6. Covering of loaded trucks and trailers. [Added 8-31-1987]

All trucks and/or trailers traveling on Town streets shall cover or secure the material within to prevent loss.

§ 769-7. Weight limits. [Added 8-31-1987; amended 8-5-2013]

The Director of Public Works has the authority to determine and post the weight limits upon any streets in Town that he deems necessary.

§ 769-7-A.1. No through trucking. [Added 8-5-2013]

A. Prohibition of through trucks on public ways. No person, firm or corporation shall operate a truck with an empty weight in excess of eight tons on any public street or highway except under one of the following conditions:

(1) Vehicle is being operated point to point in Hampton for the purpose of local deliveries and pickups.

(2) Vehicle is being operated to a designated point in Hampton to make a delivery or pickup.

(3) Vehicle is being operated from a permanent base of operation in Hampton to the designated truck route.

(4) Vehicle is being operated on the following named streets or highways:

(a) Exeter Road.

(b) High Street.

(c) Landing Road.

(d) Route 1 - Lafayette Road.

(e) Route 1A - Ashworth Avenue and Ocean Boulevard.

(f) Towle Farm Road from Exeter Road to Merrill Industrial Drive.

(g) Winnacunnet Road.

(h) Hardardt's Way.

B. Exemptions. Restrictions described in this section shall not apply to emergency vehicles or highway building and maintenance vehicles in the normal process of their duties.

§ 769-7-A.2. Violations and penalties. [Added 8-5-2013]

A. Penalties. Any person violating any of the provisions of § 769-7-A.1 shall be liable to a penalty of not more than $100 for the first offense, $250 for the second offense, and $500 for the third and each subsequent offense.

B. Validity. If any section or part of a section or paragraph of this article is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this article.

§ 769-8. Violations and penalties; severability.

A. Penalty. Any person violating any of the provisions of this article or the rules and regulations made under the authority thereof shall be liable to a penalty of not more than $100 for each offense, and, in the case of § 769-2, if a violation is allowed to continue for a period of more than five days, then for the purposes of this section a separate and distinct violation shall be deemed to exist for each day after said five-day period that a violation is allowed to continue.

B. Validity. If any section or part of a section or paragraph of this article is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this article.

ARTICLE II
Loitering and Disorderly Conduct
[Adopted as Ch. 3, Art. 3, of the Code of Ordinances]

§ 769-9. Prohibited acts.

No person shall conduct himself in a rude or disorderly manner or use indecent or profane or insulting language in any street, public place or public building in the Town, nor be or remain upon any doorstep, portico or other projection from any such building nor in any public hall or entrance thereto to the annoyance or disturbance of any person, nor shall any person engage in any game, sport or amusement in any public street of the Town whereby the safe and convenient use thereof by travelers thereon shall in any way be interrupted or the occupants of adjoining buildings are unreasonably annoyed or disturbed.

§ 769-10. Violations and penalties; severability.

A. Any person violating any of the provisions of this article or the rules and regulations made under the authority thereof shall be liable to a penalty of not more than $100 for each offense.

B. If any section or part of a section or paragraph of this article is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this article.

ARTICLE III
Begging
[Adopted as Ch. 3, Art. 3A, of the Code of Ordinances]

§ 769-11. Prohibited acts.

No person shall, within any public way, street, sidewalk or other public place, accost another and solicit any gift of money; provided, however, that this prohibition shall not apply to such organized solicitations for charitable purposes as the Selectmen may from time to time authorize.[1]

§ 769-12. Violations and penalties.

Any person violating the provisions of this article shall be liable to a penalty of not more than $100 for each offense.

ARTICLE IV
Snow and Ice
[Adopted 11-21-1972 (Ch. 3, Art. 9, of the Code of Ordinances)]

§ 769-13. Placing of snow, ice and other materials on public highways.

No person shall put or place, or cause to be put or placed, any snow, ice or other materials upon the surface of the traveled portion of any public highway in the Town of Hampton.

§ 769-14. Exception.

The provisions of this article shall not apply when snow or ice is pushed across the travel surface of said highways for the purpose of snow removal from land adjoining said highways with the permission of the property owner directly across the highway.

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1. **Editor's Note: See Ch. 758, Soliciting, Art. I, Soliciting Funds for Charitable Purposes.**

§ 769-15. Violations and penalties; severability.

A. Any person violating any of the provisions of this article shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a penalty of not more than $100 for each offense.

B. If any section or part of a section or paragraph of this article is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this article.

§ 769-16. When effective.

This article was introduced, read and adopted by the Board of Selectmen on November 21, 1972, and took effect upon passage. (Ref. RSA 249:23)[2]

ARTICLE V
Skateboards and Roller Skates
[Adopted as Ch. 3, Art. 12, of the Code of Ordinances; amended 7-2-1980]

§ 769-17. Definitions.

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

ROLLER-SKATING — The use of shoes with sets of wheels attached for skating over a flat surface or a metal frame with wheels attached to be fitted to the sole of the shoe for skating over a flat surface.

SKATEBOARD — Any wheeled vehicle intended and designed to be propelled by foot with one foot on the vehicle at the moment of initial propulsion.

§ 769-18. Use of skateboards on public highways and sidewalks.

No person shall operate, attempt to operate, or cause or suffer to be operated or attempted to be operated by a person for whose conduct he is legally liable a skateboard, as hereinafter defined, upon any public highway or upon any lawful sidewalk.

§ 769-19. Roller-skating on public highways and sidewalks.

No person shall roller-skate upon any public highway or upon any lawful sidewalk of the Town of Hampton within the area known as the "Hampton Beach Village District" (from the 15th day of May to the 15th day of September of each year) except upon the property under the jurisdiction of the New Hampshire Division of Parks and Recreation.

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2. Editor's Note: See now RSA 236:20, Snow obstruction.

§ 769-20. Violations and penalties.

Any person convicted of a violation of this article shall be liable to a penalty of not more than $100 and may suffer, in the sound discretion of the court, forfeiture of his interest in the skateboard in question to the Town of Hampton, for disposition in such manner as the court may direct.

ARTICLE VI
Construction Standards for Streets and Roads
[Adopted 2-25-2008]

§ 769-21. Authority.

In accordance with and under the authority of RSA 41:11 and 47:17, VII and VIII, authorizing the Board of Selectmen to regulate work in public ways and places in the Town of Hampton, the following article is enacted.

§ 769-22. Purpose.

It is the express intent and purpose of this article, and the specifications it contains, to strictly regulate the standards to be applied in the construction, reconstruction, repair, opening or work in public roadways of the Town of Hampton in order to provide for the public welfare and the public health and to promote the public safety. These standards are intended to work in conjunction with, but not supersede, the rules, regulations and ordinances of the Planning Board.

§ 769-23. Construction supervision.

The construction of streets, drainage facilities, sidewalks and curbs must be done under the supervision of the Public Works Director and the Town Manager of the Town of Hampton and/or their authorized agents.

§ 769-24. Preconstruction meeting.

Before any construction begins, the builder, his contractor(s), the Public Works Director, Chief of Police, Fire Chief, Sewer Superintendent, Code Enforcement Officer, Inspection Engineer representing the Town, Town Planner and the Town Manager and their duly authorized agent(s) will conduct a preconstruction meeting, the purpose of which is to clarify the design and construction standards contained herein and to establish a workable inspection schedule for the project. It shall be the responsibility of the contractor to organize this meeting, keep minutes and distribute the same.

§ 769-25. Maintenance of survey stakes.

A. The builder shall preserve the grade stakes, property line markers and right-of-way bounds until the completion of the streets so that the Town or its agents can readily verify data (check the grade) at any location, and if stakes or any markers are removed or

destroyed the stakes shall be replaced at the expense of the builder by a licensed land surveyor.

B. Before street or improvement construction begins the applicant shall cause grade stakes to be placed at fifty-foot intervals. Each stake shall be driven firmly beyond the toe or top of slope in a location where it will not be disturbed by construction operations and be clearly marked, by a licensed land surveyor, to give the following information:

(1) Station number.

(2) Offset from center line.

(3) Cut or fill to finish center-line grade.

C. Also, the builder shall place grade control stakes at fifty-foot intervals and located near the shoulder break point or two feet outside of the proposed curbline on both sides of the roadway. Each stake shall be marked with the center-line station and a finished grade mark.

§ 769-26. Clearing and grubbing.

The limits of clearing and grubbing shall be laid out on the ground before any other work commences and shall extend five feet beyond the excavation and embankment slope limits. Trees designated by the Town or its agent(s) will be saved; particular reference is made to fruit, ornamental or shade trees or plants at the edge of roadside slopes.

A. Clearing. Clearing shall be performed by cutting and disposing of all trees, down timber, stubs, brush, bushes and debris.

B. Grubbing. All stumps and large roots within the limits of construction shall be removed and disposed of to a depth of three feet below subgrade. Excavation caused by grubbing shall be filled with suitable material that shall be compacted to conform to the surrounding ground.

C. Roadside cleanup. Roadside cleanup of leaning, dead, unsound and unsightly trees, branches, stubs, refuse, and slash shall be performed generally to a limit of approximately 15 feet outside the toe and top of slopes and the material disposed of appropriately.

D. Inspection. The Town or its agent(s) shall be notified so that approval of the clearing and grubbing can be made before any further work may progress.

§ 769-27. Excavation and embankment.

This section shall govern the excavation, placement and compaction of embankment and the necessary disposal of other material.

A. Excavation. Excavation here refers to the removal of earth, rock and muck.

(1) Conservation of growth. Excavation shall be carefully performed in the proximity of trees and shrubs designated to be saved so as not to cause undue injury to the designated trees or shrubs.

(2) Topsoil. Topsoil and other desirable humus material shall be removed in excavation areas and also in fill areas to such depths as directed by the Public Works Director. Topsoil shall not be removed from the project site without the written approval of the Town following the issuance of an earth removal permit.

(3) Rock excavation. All boulders that cannot be removed shall be broken off to a depth of not less than 12 inches below the subgrade. Solid rock shall be removed to a depth of not less than 12 inches below subgrade and as required for ditches in cut sections. No rock excavation by blasting shall be performed without prior written approval of the Public Works Director and the Fire Chief and only after all required permits have been obtained and are on site.

(4) Muck excavation. Muck excavation consists of the removal of deposits of saturated or unsaturated mixtures of soils and organic matter not suitable for roadway foundation material regardless of moisture content. Muck shall be removed and suitable portions thereof may be used on the embankment slopes or other appropriate uses approved by the Public Works Director. The excavation work shall be handled in a manner that will not permit the entrapment of muck within the backfill; the backfilling of the excavated area shall follow immediately behind the excavation of the muck in order that any soft material which is pushed ahead of the backfill can be removed.

(5) Common excavation. Common excavation consisting of all excavation not included in the above classifications and unusable for roadway construction shall be removed. With the approval of the Pubic Works Director, suitable material may be used in fill areas and unsuitable material may be used to flatten slopes where possible.

B. Embankment. Embankments shall be formed of suitable and acceptable excavated or borrow material and brought to the required lines and grades. Embankment materials shall be placed and compacted in full uniform layers not exceeding 12 inches. Continuous leveling and manipulation shall be employed to ensure uniform density. Where end dumping is employed, embankment material shall be dumped on the layer of embankment being constructed and bulldozed ahead into place. End dumping over compacted work which allows material to roll into place will not be permitted by the Public Works Director.

(1) Backfill of holes. Holes resulting from the removal of stumps, boulders, and the like within the zone of anticipated frost action shall be filled and compacted with material similar to that surrounding the hole.

(2) Unstable areas. Material used to backfill excavated muck shall consist of rock or granular material so graded that, of the material passing the No. 4 sieve, not more than 70% will pass the No. 4 sieve and not more than 12% will pass the No. 200

sieve. The process shall be as specified under Subsection A(4), Muck excavation, above. Material shall be placed compacted in full uniform layers not exceeding lifts of 12 inches.

(3) Waste material. Waste materials from clearing, grubbing, and roadside cleanup and from rock, muck and common excavation classified by the Public Works Director as unsuitable for use in the construction of roads, streets and landscaping shall not be deposited in any wetland or other property within the Town, including any public disposal facility, if at Town expense, but may be deposited in pit(s) dug on site and covered with material and in a manner acceptable to the Public Works Director. The pit(s) shall be away from any construction areas in a nonbuildable buffer area that is acceptable to the Public Works Director. The builder shall identify all such burial sites on the completed as-built plans filed at the completion of the project with the Town.

(4) Rock embankment. Rock embankment shall consist of rock fragments placed in layers not to exceed four feet. The rocks lifts shall be worked in such a manner as to close the voids with smalls and fines when available; otherwise use earth to make a tight surface prior to placing the next lift.

(5) Earth embankment. Earth shall be placed in layers the full width of the roadway, generally parallel to the finished grade. The layers shall not exceed 12 inches of loose depth. Each layer shall be spread to a uniform thickness and compacted to at least 95% of maximum density prior to placing the next layer. The Public Works Director, at the applicant's expense, may require density tests.

(6) Grading. Embankments shall be graded at all times to ensure the proper runoff of water. Any saturation of nonporous material due to the builder's selected method of operation shall occasion suspension of additional work as specified by the Public Works Director until the situation has been rectified.

(7) Winter construction. No embankments shall be constructed on frozen earth materials. Each layer of material shall be compacted to the specified density before it freezes.

(8) Borrow. When suitable and acceptable, and excavated material from the job site has been exhausted, borrow materials may be brought onto the job, if prior written permission of the Public Works Director has been obtained concerning the quality of the material at the source.

§ 769-28. Drainage.

The builder shall provide adequate disposal of surface runoff. Location of drainageways, easements and structures shall have been designed using the topography contour lines on the final plat as specified in these regulations.

A. Culverts. In addition to the location as determined above, the length of a culvert structure shall be graphically determined by cross-section scale drawing(s) of the proposed street showing existing ground, side ditches, back slope(s), side slope(s), subgrade, finished

grade and the culvert, with headwall(s) if required. For skew installations, a plan view also shall be drawn to scale. Culverts without headwalls or drop inlets shall be extended to the intersection of the street side slope with the old ground in an earth fill section or with the back slope in an earth cut section governed by the cover over the culvert specified below. Culverts with headwalls may be shorter as governed by the intersection of the street side slope with the back of the headwall five inches below the top of the headwall. Culverts also can be terminated by catch basins located on the normal ditch line of an earth cut section. The minimum inside diameter of any culvert under streets shall be 12 inches; a larger size may be required as a result of the rainfall information discussed and designs required in these regulations, as well as the general necessity for adequate disposal of surface water. Culverts may be plastic if loading can be achieved and if approved by the Public Works Director. Locking devices for field jointing culvert sections shall meet the manufacturer's specifications. Driveways of the subdivision street(s) shall have a minimum culvert size of 12 inches. The pipe shall be placed on prepared bedding of fine granular material to fit the lower 10% of the pipe height and to ensure that the flow line of the pipe(s) will conform to the required grade line. The minimum culvert slope required to maintain a self-cleaning water velocity is 0.4%. Acceptable material for culvert pipes and closed drainage system pipes shall be smooth-walled PVC or Hancor HDPE pipes.

B. Underdrains. The Town may require the builder to provide underdrains to remove water from the roadway subgrade.

C. Ditch grades. Roadside ditch grades shall not be less than 1% to prevent ponding. Steep roadside ditch grades may require energy-absorbing crushed stone and/or cross culvert relief if anticipated flow is significant.

D. Headwalls and catch basins. A stone or masonry headwall on the inlet end of a culvert, when required, shall be designed to prevent physical damage to the culvert pipe and have a base, below the pipe, to avoid seepage and erosion below the culvert. Headwalls on the outlet end of the culvert may be required, but without a deep base. Catch basins or drop inlets may be required in areas with curb inlets or located in normal ditch lines of an earth cross section. All stone or masonry headwalls shall be constructed in accordance with New Hampshire Department of Transportation (NH DOT) Standard Specifications. All drainage catch basins, drop inlets and manholes shall be pre-cast reinforced concrete constructed to NH DOT Standard Specifications. All frames and grates shall be cast iron and shall meet or exceed NH DOT specification and shall be Type B4 flange frame and cast-iron grate.

E. Backfilling.

(1) All backfill material for culvert trenches, headwalls, drop inlets, catch basins and manholes shall be soil approved by the Public Works Director. Backfill material shall be free of hard lumps or clods larger than three inches in diameter and free of rocks and stumps. Uniformly fine material shall be placed next to any of the culverts, headwalls, and basins liable to denting or breaking. Approved castings are LeBaron L24SG1 and Neenah R3405A.

(2) Backfill shall be in layers not exceeding six inches at near optimum moisture content, and care shall be exercised to backfill under the haunches of culverts and in firm contact with the sides. Compaction shall not be less than 95% in the vicinity of pipes.

F. Intersections. Special consideration will be needed where streets or roads intersect established streets or roads to provide proper drainage and avoid conditions leading to accumulation of ice during freezing weather.

G. Easements. Drainage easements shall be obtained by the builder over any adjacent land that will be subjected to an increased flow of surface water because of the alterations caused by the construction.

H. Inspections. All material supplied for the drainage work shall be certified by the applicant to the Town of Hampton. The Public Works Director, or his designee, shall inspect and approve all materials before placement. The Public Works Director, or his designee, shall be notified as to when the installation of each item required will occur. No backfilling will be done until the installation has been inspected. No drainage structures shall be placed until the base upon which they will sit has been inspected. The Public Works Director will inspect all backfilling.

§ 769-29. Fine grading of subgrade.

Upon completion of excavation, placement of embankment and installation and backfilling of drainage structures, the subgrade shall be fine graded to conform to the subgrade profile and cross slope. High spots shall be honed down and low spots filled with material acceptable to the Public Works Director. The process of vibratory compacting shall continue until no further depressions result. Slopes and ditches shall be shaped to reasonably smooth surfaces in keeping with the character of the adjacent terrain and merge into it without any noticeable break. Culverts and waterways shall be cleared of all obstructions. Rubbish, brush, loose rock, boulders and all other debris from the construction work shall be removed and disposed of as directed by the Public Works Director. The entire roadway must present a uniformly finished appearance at the completion of fine grading. The Public Works Director shall be notified so that approval of fine grading of the subgrade, side and back slopes and ditches can be made before any further work can progress. Base courses shall be furnished and placed on previously prepared subgrade or base course. The materials shall be free from organic materials and shall conform to the following gradations:

A. Gravel. The base twelve-inch course depth shall consist of gravel that conforms to Section 304 of the latest issue of the Standard Specifications for Road and Bridge Construction, State of New Hampshire Department of Transportation.

B. Crushed gravel.

(1) The top aggregate base course shall be a minimum of six inches of crushed gravel for all the street sizes regardless of whether a pavement is to be installed later or not. The required grading is:

Sieve Size	Percentage by Weight Passing
3 inches	100%
2 inches	95% to 100%
1 inch	55% to 85%
No. 4	27% to 52%
No. 200 (based on the fraction passing the No. 4 sieve)	0% to 12%

(2) At least 50% by weight of the materials retained in the one-inch sieve shall have a fractured face. If the crushed gravel is to be paved with bituminous concrete, the crushed gravel shall be "washed" to remove fines. Crushed gravel must conform to Section 304 of the Standard Specifications for Road and Bridge Construction, State of New Hampshire Department of Transportation.

§ 769-30. Placement of gravel and crushed gravel.

A. The subgrade shall be to the specified crown and grade and maintained in a smooth condition, free from holes and ruts. If the hauling equipment should cause ruts in the subgrade or previously placed base course, the equipment shall be operated only on the course being placed, behind the spreading equipment.

B. Care shall be taken to avoid segregation when placing gravel and crushed gravel. When base course material is dumped in piles, it should be dumped in the course being placed and spread at once onto the previously placed layer. If spreading equipment is not available, dumping will not be permitted. Any segregation which occurs shall be remedied or the materials removed and replaced at the applicant's expense.

C. Each entire layer of gravel shall be thoroughly scarified for the depth of the layer to bring all oversized stones to the surface for disposal prior to placing the subsequent course. Such scarifying will not be required when the contractor's method of operation is such that oversized stones are not delivered to the project.

D. Prior to fine grading, hard spots in the surface of the top layer shall be eliminated by scarifying the top four inches.

E. Previously tested and accepted materials contaminated by earthen, organic, or other foreign matter, or degraded by hauling equipment, to such an extent that the materials cease to meet the requirements, shall be removed and replaced or otherwise made acceptable at the builder's expense.

F. To prevent segregation of crushed gravel during spreading and to assist in obtaining the required density of the mixture, water shall be added to the crushed gravel prior to performing the grading operations. The course shall be maintained in a moist condition until it is covered. Water shall be uniformly applied over the other base courses during compaction in the amount necessary for proper consolidation.

G. The compaction of gravel and crushed gravel shall be done with an approved vibratory roller until 95% of maximum density is achieved.

H. The Public Works Director shall be notified so that approval of the placement and compaction of the gravel courses may be made before any further work progresses.

I. Source approval. The source(s) of gravel and crushed gravel shall be as approved by the Public Works Director prior to bringing the materials to the job site.

J. Fine grading of top course. The top course of six inches of crushed gravel shall be fine graded to conform to the profile grade of this course and the cross slope. High spots shall be removed and low spots filled with approved material. The process of rolling shall continue until no further depressions result.

K. Inspection. The Public Works Director shall be notified so that approval of fine grading of the top course can occur before any further work progresses.

§ 769-31. Pavement surface.

All streets shall be surfaced with bituminous materials as approved by the Public Works Director that shall conform to Section 401 of the State of New Hampshire Department of Transportation Standard Specifications for Road and Bridge Construction and in accordance with the following:

A. Bituminous concrete. A minimum of three inches of bituminous concrete, plant hot mixes (two-inch base and one-inch wearing surface), shall be used. The bituminous material shall be asphalt cement of penetration grade 100-200.

B. Approvals. The Public Works Director or his agent shall approve the paving contractor and materials to be used. No paving shall be done until the top course of the base courses has been approved.

C. Placing hot bituminous pavement.

(1) Weather limitations.

(a) Mixtures shall be placed only when the underlying surface is substantially dry and frost free and the surface temperature is at least 40° F. and rising. The Public Works Director may permit, in the case of sudden rain, the placing of mix then in transit from the plant, if laid on a base free from pools of water, provided that all other specifications are met. No load shall be sent out so late in the day that spreading and compaction cannot be completed during daylight. Wearing course shall not be placed after October 1 of any year.

(b) In special instances, when the Public Works Director determines that it is in the best interests of the Town, he or she may waive the requirements of Subsection C(1)(a) above.

(2) Any material delivered to the spreader having a temperature lower than 250° F. shall not be used.

(3) Compaction of hot bituminous pavement.

(a) Immediately after the bituminous has been spread, struck off and surface irregularities adjusted, it shall be thoroughly and uniformly compacted by rolling. The initial rolling shall be done with a static steel-wheeled roller followed by the use of a vibratory roller. The minimum weight of static steel-wheeled rollers shall be eight tons. A vibratory steel-wheeled roller shall have a minimum applied dynamic force of 27,000 pounds (manufacturer's rated capacity). Vibratory rollers shall have separate controls for energy and propulsion and be specifically designed to compact bituminous mixtures. When a vibratory roller is being used, the vibration shall be stopped while the roller is stopped or reversing its direction of travel.

(b) Base courses shall be rolled until all roller marks are eliminated. The wearing course shall be rolled until all roller marks are eliminated and a minimum density of 95% of laboratory specimens, made by the AASHTO T-24 method in the proportions of the job-mix formula, has been obtained.

§ 769-32. Utilities; guardrails; survey and monument standards; traffic control and street name signs.

A. Utilities. Utilities will be placed after the project has been brought to subgrade and rough slope work has been completed. Their respective companies will inspect the lines. It is required that all electric, telephone, cable and other lines be placed underground.

B. Guardrails. Guardrails will be required where slopes drop more than three feet vertically from the height of the break in shoulder to the original grade on a slope steeper than 4:1 or in other hazardous areas which will be determined by the Public Works Director. Where a guardrail is required, it shall be constructed and placed in accordance with New Hampshire Department of Transportation construction specifications and the AASHTO Roadside Design Guide.

C. Survey and monument standards for streets and rights-of-way.

(1) Permanent survey monuments shall be set in the boundary of all property corners and rights-of-way at intersection of streets, point of curvature and point of tangency of curves; the point of intersection of short curves may be used instead, where such is practical, at the discretion of the Public Works Director. Monuments shall be placed on both sides of the street and rights-of-way.

(2) All monuments used as property corners and to designate rights-of-way will be granite at least four inches by four inches and 42 inches long and shall be installed after the subgrade of the street is in place. A plug, brass plate, or pin shall serve as a reference point, and a magnetic rod or other suitable metal device shall be located adjacent to the monument to allow for recovery.

(3) All surveys shall be prepared and all monuments shall be set in accordance with the minimum standards adopted by the New Hampshire Land Surveyors

Association for standard property surveys. All survey bounds will be located in New Hampshire state plane coordinates.

D. Traffic control and street name signs. Traffic control and street name signs of a size, type and design approved by the Public Works Director shall be erected by the builder.

§ 769-33. As-built plans; release of street by Planning Board.

A. As-built drawings. Following completion of all improvements, the builder shall submit as-built plan(s) to the Board. The plan(s) shall be drawn to scale and shall indicate, by angles and dimensions, all underground or overhead utilities, road profiles and center-line elevations and final grading plans showing swales and ditches. The plan(s) shall show all easements, dedicated roadways, roadbeds and other improvements. Accompanying said plans shall be all of the above plans on a CAD format compatible with that used by the Town.

B. Planning Board approvals. Upon completion of all the required improvements and the completion of any maintenance period required by the Planning Board, the builder shall provide evidence that the Planning Board has released the street or way for acceptance by the Board of Selectmen as a public highway.

§ 769-34. Construction standards.

The Public Works Director may attach hereto drawings depicting construction standards to be used in the construction of streets to become public highways under this article.

§ 769-35. Repealer.

These regulations are adopted by the Board of Selectmen on the date indicated below[3] and repeal all previously adopted regulations for standards for the construction of streets intended as public highways or to be accepted as public highways by the Town of Hampton.

ARTICLE VII
Work in Public Ways and Places and Excavation of Streets
[Adopted 2-25-2008]

§ 769-36. Authority.

In accordance with and under the authority of RSA 41:11 and RSA 47:17, VII and VIII, authorizing the Board of Selectmen to regulate work in public ways and places in the Town of Hampton, the following article is enacted.

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3. **Editor's Note: This article was adopted 2-25-2008.**

§ 769-37. Purpose.

It is the express intent and purpose of this article, and the specifications it contains, to strictly regulate any work within the confines of a public way or place, including but not limited to work on public sidewalks, streets, roads, boulevards, places, walkways, and ways, whether or not such public ways and places are located on easements, and to regulate and specify particulars with respect to any excavation, digging, construction, reconstruction or the discharge of water through a conduit on a way within the places before mentioned, to protect the public interest and welfare and to promote the public safety.

§ 769-38. Definitions.

The following words shall have the meaning as shown below:

BOARD — The Board of Selectmen of the Town of Hampton, New Hampshire.

DIRECTOR — The Public Works Director of the Town of Hampton, or an authorized representative, such representative acting within the scope of the particular duties entrusted to him.

PERSON — Any person or persons, firm, partnership, association, society, corporation, company, or organization of any kind.

PUBLIC WAY OR PLACE — Any way or place which, by law, is open to the movement of the general public without restriction, is maintained, owned or granted by easement to the Town of Hampton, and/or as defined in RSA 259:125 and amendments thereto under the definition of the word "way."

§ 769-39. Permits.

A. No person shall make any excavation, perform any construction, erect any pole, sign, signal device or other appliances of any kind or description or perform any work of any kind or description in, over, under or through a public way or place, including the marking or cutting of trees, the extension or renewal of lines, poles, abutments, or conduits, the placing of hydrants, shutoffs, gates, valves, or pipes of any kind, the placement of tracks, ties, or other railroad equipment, the construction of tunnels, basins, wells, sewers, or drains, the erection or construction of a building of any kind or description, the placement or removal of signs, the discharging of water through a conduit onto a public way or place, or the placement of any object of any kind or description, without first obtaining a permit to do so from the Director, except as otherwise provided by law or this article.

B. Nothing contained in this article shall be taken to prevent any person, municipal agency or department, utility, or county, state or federal agency from performing any duty imposed upon said person, utility or governmental body by law.

C. Permits must be kept on the job site during the progress of the work for which the permit was issued and must be shown, upon request, to authorized Town personnel.

D. The suspension, revocation or modification of an existing permit shall not entitle the person issued such permit to a refund of all or any portion of the fee, if any such fee has been collected for the issuance of such a permit.

E. No permit shall be issued to any applicant who intends to penetrate the ground until such applicant complies with the requirements of RSA 374:51 and RSA 374:55 by obtaining a Dig Safe authorization and number at least 72 hours prior to the commencement of excavation or penetration. Each applicant certifies that he/she has called and secured a legally issued Dig Safe number that is listed on the application before signing the Town's permit application. Dig Safe may be reached at 1-800-225-4977. Additional underground location clearance of utilities not listed with Dig Safe must be obtained as well; use the following numbers for clearances in addition to Dig Safe:

Dig Safe 1-800-225-4977
Dig Safe System, Inc. 1-888-344-7233
Aquarion Water Company 603-926-3319
Unitil Corporation 1-800-582-7276
Verizon Communications 1-800-344-7233
Comcast Cable 1-800-266-2278
Northern Utilities (Gas) 603-436-0310
Town of Hampton Fire Department 603-926-3316
Town of Hampton Sewer Department 603-926-4402
Town of Hampton Public Works Department 603-926-4402

§ 769-40. Revocation, suspension or modification of permit.

The Board or the Director may at any time cancel, suspend, revoke, or modify permits issued hereunder for cause. Cancellation of any required insurance endorsement or security automatically cancels issued permits.

§ 769-41. Insurance certificate and security.

Before a permit, as herein provided, is issued, the applicant shall file with the Board or Director an insurance certificate and security acceptable to the Town and in accordance with this article.

§ 769-42. Filing of plans.

Before a person is issued a permit, the following requirements regarding the filing of plans must be met in full:

A. Residents requesting a permit for work on the frontage of their own property, provided that all the work is performed only by the resident, shall provide a sketch indicating the area of work, the type of work contemplated and its effect on the public way or place.

B. All other persons requesting a permit for work shall provide detailed engineering plans and specifications satisfactory to the Director before a permit will be issued.

§ 769-43. Start of work.

A. Work shall start as near as possible to the starting date specified in the permit. A seventy-two-hour notice to the Director and the Police and Fire Departments before starting work is required. The permittee shall notify the Director and the Police and Fire Departments 72 hours in advance of the start of work in critical areas.

B. Critical areas are considered to be street intersections, arterial routes, streets within the Route 1, Route 1A, Route 101, Route 27 and business areas and streets that must be closed to perform the work requested in the permit. All permits shall expire on November 1 of each year unless the Town or a utility company has scheduled work in the permit area, in which case the permit shall expire seven days before the scheduled Town or utility work is to commence.

C. The applicant must notify the Hampton Police Department at least seven days prior to the commencement of any work to coordinate the required needs for traffic control.

§ 769-44. Urgent work.

If in the judgment of the Director traffic conditions, the safety or convenience of the traveling public, or the public interest and welfare require that the work specified in the permit be performed as emergency work, the Director shall have full power to order that a crew of workers and adequate facilities be employed by the permittee 16 hours a day to the end that such permitted work may be completed as soon as possible.

§ 769-45. Emergency action.

A. Nothing in this article shall be construed to prevent the making of excavations as may be necessary for the preservation of life or property or for the location of trouble in conduit or pipes, or for making repairs, provided that the person making such excavation shall apply to the Director for a permit on the first working day after such work commenced.

B. The person engaged in emergency work under this section shall notify the Director, the Police and Fire Departments, and all public utilities prior to the start of the emergency work.

§ 769-46. Routing of traffic.

A. The permittee shall take all appropriate measures to assure that during the performance of the work, so far as practicable, normal traffic conditions shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the abutting properties and to the general public, provided that the Director may permit the closing of streets and walks to all traffic for a period of time as prescribed by him if in his opinion it is necessary.

B. The permittee shall, through the Police Department, provide a policeman or policemen to maintain traffic control and public safety of the project. The number of police officers to be assigned to the project will be determined by the Chief of Police or his designated representative. The cost of police protection is to be borne by the permittee.

C. Warning signs, lights, and such other precautions as may be necessary for the purpose, unless specified by the Director, shall conform to the requirements and practices of the New Hampshire Department of Transportation for their use in the performance of work upon public streets, places or ways.

§ 769-47. Clearance of vital structures.

A. The permitted work shall be performed and conducted so as not to interfere with access to private property and businesses, fire hydrants, fire stations, police stations, public buildings, fire escapes, water gates, underground vaults, catch basins, and all other vital equipment, facilities or places as designated by the Director.

B. Trees are considered structures for the purposes of this article. Shade trees, public or private, shall not be removed, cut down, trimmed or otherwise injured. Where excavation is permitted or required near shade trees and the root system is entered, the contractor or permittee will clean cut the individual major roots and treat them with tree paint to protect the tree. If trees should die within three years of construction the contractor or permittee shall be required to replace the deceased tree.

§ 769-48. Protection of traffic.

A. The permittee shall maintain safe crossings for two lanes of vehicle traffic at all way intersections where possible and safe crossings for pedestrians at intervals of not more than 300 feet. If any excavation is made across the public way or place, it shall be made in sections to assure maximum safe crossing for vehicles and pedestrians. If the public way or place is not wide enough to hold excavated material for part-time storage, the materials shall be immediately removed from the location for off-site storage and return if permitted by the Director.

B. A minimum of one lane of traffic (11 feet wide) must be provided during all active work. Access shall be provided to all property at night and on weekends and all places of business during normal business hours, so far as practicable. Two-way traffic must be provided after normal daily construction hours.

§ 769-49. Notification of public utility companies.

The permittee shall give notice to all public utilities engaged in business within the Town before making any excavation. All of the legal requirements of the Dig Safe Act must be followed by the permittee. Failure to obtain a Dig Safe number and to provide the same to the Director before the commencement of any excavation or earth penetration work will automatically cancel the issued permit.

§ 769-50. Relocation and protection of utilities.

The permittee shall not interfere with any existing utility without the written consent of the Director and the owner of the utility. If it becomes necessary to relocate an existing utility, this shall be done by its owner and the cost shall be borne by the permittee. The permittee shall inform himself as to the existence and location of all underground utilities and protect the same against damage. The permittee shall adequately support and protect by timbers or otherwise all poles, pipes, conduits, wires, or other apparatus which may be in any way affected by the excavation work and do everything necessary to support, sustain and protect it under, over, along, across or through such work area. In the event that any said pipes, conduits, poles, wires or apparatus shall be damaged, and for this purpose pipe coating and other encasements or devices are to be considered as a part of the structure itself, such damage shall be repaired by the agency or person owning it and the expense of such repairs shall be borne by the permittee. The permittee shall be responsible for any damage done to any public or private property by reason of the breaking of any water pipe, sewer, gas pipe, electric conduit, any wire or other utility.

§ 769-51. Protection of adjoining property.

The permittee shall at all times and at his own expense preserve and protect from injury any adjoining property by providing proper foundations and by taking such other precautions as may be necessary for the purpose. The permittee shall, at his own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage to public and private property or highways resulting from his failure to properly protect and carry out said work. The permittee shall not remove, even temporarily, any trees or shrubs which exist in planting strip areas without first obtaining the written consent of the Director.

§ 769-52. Protective measures.

A. It shall be the duty of every person cutting or making an excavation or performing any work in any public way to place such barriers and warning devices as conform to Part VI of the Manual on Uniform Traffic Control Devices (MUTCD) for the entire work zone. All work zones shall be established and conform to all MUTCD requirements and specifications.

B. All traffic control devices, such as signs, lighting devices, canalizing devices and pavement markings, shall be in compliance with MUTCD requirements and specifications.

§ 769-53. Excavated materials.

All material excavated from trenches or excavations shall be removed from the site of the work, except in such cases where the material is suitable for and permission has been granted by the Director to use it for the backfill. All spoils material is owned by the contractor, who shall be responsible for its proper disposal.

§ 769-54. Construction materials.

Construction materials on the site shall be limited in quantity and space occupied so as not to block or unduly hinder the use of the public way or place.

§ 769-55. Dust and cleanup.

As the excavation work progresses, all ways and places shall be thoroughly cleaned of all rubbish, excess earth, mud, rock and other debris. The permittee shall take necessary precautions to prevent and avoid dust and to keep the ways and places clean each day. All cleanup operations shall be accomplished at the expense of the permittee and shall be carried out to the satisfaction of the Director.

§ 769-56. Protection of gutters and basins.

A. The permittee shall maintain all gutters free and unobstructed for the full depth of the adjacent edge of the road and way and for at least one foot in width from the face of the road or way. Catch basins shall be kept clean and serviceable.

B. The permittee shall make provisions to take care of surplus water, muck, silt, slickings, or other runoff pumped or removed from excavations and shall be responsible for any damage resulting from his failure to so provide.

C. A permit under Municipal Stormwater Drainage System Rules and Regulations is required for any discharge to the Town drain system.

§ 769-57. Noise and hours of operation.

A. Each permittee shall conduct and carry out excavation work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property.

B. During the hours from 7:00 p.m. to 7:00 a.m., Monday through Friday, and 5:00 p.m. to 9:00 a.m. on weekends or holidays the permittee shall not use, except with the express written permission of the Director, or in case of emergency as herein otherwise provided, any tool, appliance or equipment producing noise of sufficient volume to disturb to sleep or repose of occupants of the neighboring properties.

C. Normal hours of operation shall be 7:00 a.m. to 7:00 p.m. Monday through Friday or before 9:00 a.m. or after 5:00 p.m. on a weekend or holiday except with the express written permission of the Director.

D. All blasting shall be done between the hours of 8:00 a.m. and 3:00 p.m., Monday through Friday with a permit issued by the Fire Chief and the written consent of the Director.

§ 769-58. Trenches.

A. The maximum length of open trench at any one time shall be 200 feet measured longitudinally, except with special permission or as specified by the Director, and no greater width than 25 feet shall be open for pavement removal, excavation, construction, backfilling, patching and other operations without the written permission of the Director.

B. No opening or excavation in any street or place shall be extended beyond the center line of the paved portion of the street before being backfilled, compacted and the surface of the street made passable to traffic.

§ 769-59. Prompt completion of work.

After an excavation has commenced, the permittee shall prosecute with diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work and restore the way to its original condition, or as near as may be, so as not to obstruct the way for travel thereon more than is reasonably necessary.

§ 769-60. Breaking through pavement.

A. The use of hydro-hammers or heavy-duty pavement breakers for breaking through pavement is prohibited on all streets unless written permission is granted by the Director after due consideration of the location, the condition of the street and the depth of saw cutting required ahead of the use of the hammer. In general, the use of hydro-hammers or heavy-duty pavement breakers is to be restricted.

B. Approved saw cutting of bituminous pavement surfaces ahead of excavations is required to confine pavement damage to the limits of the trench.

C. Sections of sidewalks shall be removed to the nearest score line or approved saw cut edge.

D. Following excavation of the trench and backfilling, unstable pavement shall be removed over cave-outs and over breaks and the subgrade shall be treated as the main trench.

E. Pavement edges shall be saw cut to a vertical face and neatly aligned with the center line of the trench, one foot from the edge of the excavation.

F. Cutoffs outside of the trench lines must be normal or parallel to the trench line.

G. Excavations shall be made in open cut, and no tunneling will be allowed except by special permission of the Director in writing. Trenches and excavations shall be braced and sheathed when necessary.

§ 769-61. Backfilling.

A. Suitable excavated material may be used for backfill subject approval by the Director. Broken pavement, large stones, clay, roots, and other debris shall not be used in the backfill.

B. Sand or crushed stone shall be used to bed all pipe. When stone is used, the width of the trench (and pipe) shall be overlain with geotextile filter fabric, and sand shall be used as cover to a point 12 inches above the pipe.

C. Bank-run gravel and/or suitable excavated material may be used above cover material to a point 21 inches below the surface of the pavement. Backfill material shall be placed in twelve-inch layers, power tamped and moistened when required to secure maximum compaction (95% density) of the backfill and to reduce settlement.

D. Only New Hampshire Department of Transportation Section 304.2 specification gravel is to be used in the top six inches of the excavation, which shall be compacted to 95% density at the direction of the Director.

E. Bituminous concrete two inches in thickness shall be placed on the backfill for a temporary wearing surface. Temporary paving material shall be either cold or hot mix as may be determined by the Director. In all cases, the permittee shall maintain the temporary paving in good condition until instructed by the Director to install permanent paving.

F. The minimum depth of any substructure, except manholes, vault entrance tubes, value casings and catch basins, shall be 30 inches below the surface of the nearest edge of the traveled portion of the street or place, and no excavation shall be less than 20 inches in length or width.

G. Any existing grassland or tree lawns shall be restored with six inches of sifted loam that shall be fertilized, seeded and mulched.

§ 769-62. Restoration of pavement.

A. All permanent pavement shall be done on order of the Director and under his direction at the expense of the permittee. There shall be no exception to the requirement for the installation of permanent pavement.

B. Where existing street or driveway pavements have been interfered with or dug up in connection with the work under the permit, the surface shall be rebuilt with a three-inch surface coat of bituminous concrete applied in two courses, two-inch binder and a one-inch top coat lain on crushed gravel foundation of twelve-inch depth. Where the Director directs that the alternative method of application is to be used, the contractor and permittee will follow specifications identified as special conditions on the permit.

C. After one year has passed following the installation of the wearing course, the trench shall receive infrared patch treatment by a contractor approved by the Director. The permittee shall be responsible for the cost of this required work.

D. The Town strives to maintain its roads in good condition. Each utility operating in the Town of Hampton will be advised of road reconstruction and overlay plans from year to year. The Department of Public Works will not permit the excavation of streets that have been reconstructed and/or overlayed for a period of five years without permission of the Board of Selectmen.

§ 769-63. General construction specifications.

All work of any nature performed by any person under this article shall conform to the general construction specifications as adopted by the Board of Selectmen unless more stringent requirements are contained herein.

§ 769-64. Standards.

The construction standards as adopted by the Board shall govern the construction, erection or placement of all facilities or other appliances or apparatus in streets, ways and places.

§ 769-65. Insurance.

Before a permit is issued under this article, the following requirements for insurance must be met in full:

A. Insurance under which the Town shall be named as the insured, carried with an insurance company licensed to write such insurance in the State of New Hampshire, against the following risks in not less than the amounts as herein indicated:

(1) Bodily injury insurance shall be for not less than $1,000,000 for injuries or death of any one individual, and a total of not less than $2,000,000 to all those injured or killed in any one accident.

(2) Property damage liability insurance shall include damage to property caused by explosives and blasting, or by vehicles or equipment or on account of trenches or from any other cause, and shall not be less than $1,000,000 for any one occurrence.

B. The requirements of § 769-66 do not apply to governmental agencies.

§ 769-66. Performance guarantee.

Before a permit is issued under this article, the following requirements for posting security must be met in full:

A. For each utility company or contractor, cash shall be deposited and held in an escrow account established by the Town. This will serve as the company performance guarantee to insure that the applicant shall faithfully perform said work in all respects and shall also restore or replace that portion of any public ways or places in which said applicant, his servants, or his agents shall perform, and that said work will remain in the condition specified and required for a period of five years from completion. The amount of the escrow account shall be determined as follows:

(1) One to five trench permits: $5,000.

(2) Five or more trench permits: $15,000.

B. If the applicant provides a letter of credit, it shall be deposited in an account held in the name of the Town and shall be nonrevocable and subject to call upon demand of the Town.

§ 769-67. Winter permits.

Permits requiring excavations shall not be issued during winter months beginning on the first day of November of each year and ending on the 30th day of April next following, unless special permission is obtained from the Director upon approval by the Town Manager. Permits may be denied earlier due to frost in the ground before the first of November or after the 30th of April.

§ 769-68. Severability.

If any portion of this article is for any reason declared to be unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions, sections or amendments of this article, provided that the purposes of this article can be achieved in the absence of the invalid provision.

§ 769-69. Conflict with Planning Board regulations.

Nothing in this article shall supersede regulations or ordinances adopted by the Planning Board, but this article shall work with the intent of those Planning Board regulations and ordinances.

§ 769-70. Conflict with stormwater regulations.

Nothing contained in this article shall supersede the stormwater regulations adopted by the Board of Selectmen, but this article shall work with the intent of those regulations.

§ 769-71. Violations and penalties.

Violation of this article shall be punishable by a fine of $1,000 for each offense. Each day that such offense shall continue shall be a new offense, and such fines shall be deposited in the general fund of the Town.

§ 769-72. Fees.

A. The fee for the issuance of a permit under these regulations shall be $200.

B. The suspension, revocation or modification of any existing permit issued hereunder shall not entitle the person holding such permit to a refund of all or a portion of any fee collected for the issuance of such permit.

§ 769-73. Proof of compliance.

In general, where compliance with the requirements of these regulations and their intent is in question, the permittee, at his expense, shall provide any and all proof of compliance to the Director. Acceptable proof shall be by, but not limited to, approved independent laboratory tests, approved independent field tests, shop drawings and certificates of compliance from manufacturers. Specific tests as required by regulations and specifications shall also be performed.

§ 769-74. When effective; repealer.

These regulations supersede and repeal all previously adopted regulations and are effective upon adoption by the Hampton Board of Selectmen.

ARTICLE VIII
Street Name Changes
[Adopted 4-1-1964]

§ 769-75. Changes in street names.

Changes in street names, Hampton, N.H., approved by the Board of Selectmen April 1, 1964:

From	To
Drakeside & Towle	Towle Farm Road
Brown Avenue	Swain Court
King's Avenue	Tuck Road
King's Avenue Extension	Cogger Street
Locke Lane	Laurel Lane
Locke Lane Extension	Edgewood Drive
Nudd Terrace	Kentville Terrace
North Shore Boulevard	Ocean Boulevard North
Birch Street	Hemlock Street
Boars Head Street	Spruce Street
Seaview Street	Ash Street
Landing Terrace	Fogg Lane
Towle Avenue (Beach)	Anchor Street
Ross Acres	Fuller Acres
Highland Street	Lyons Street
Sunset Road	Page Lane
Exeter Avenue	Epping Avenue
Brown Street (Plaice Cove)	Shaw Street
Tuck Lane	Cuss Lane
Jay Street	Higgins Lane

From	**To**
Woodland—Black Swamp	Barbour Road
End Street	Great Board Head Avenue

Chapter 774

SUNDAY SPORTS

§ 774-1. Authority.

§ 774-2. Sunday sports authorized; restrictions.

§ 774-3. Violations and penalties.

§ 774-4. Effective date.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton 4-25-1947 (Ch. 2, Art. 4, of the Code of Ordinances). Amendments noted where applicable.]

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§ 774-1. Authority.

In accordance with RSA 578:5,[1] the Board of Selectmen unanimously adopted the following chapter on the 25th day of April 1947 after being so directed to act by the March 1947 Town Meeting.

§ 774-2. Sunday sports authorized; restrictions. [Amended 2-14-1975[2]]

Persons may engage in sports on the Lord's Day, provided that no person shall engage in a sport consisting of teams in which a team has more than two persons before 1:00 in the afternoon. The Selectmen reserve the right to regulate the manner and areas of play of said sports to the end that no unreasonable disturbance of peace and quiet shall be caused thereby.

§ 774-3. Violations and penalties.

Any person violating any of the provisions of this chapter or any regulation of the Board of Selectmen pursuant thereto shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a penalty of not more than $10 for each offense.

§ 774-4. Effective date.

This chapter shall take effect as of April 25, 1947.

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1. **Editor's Note: Chapter 578 was repealed in 1973. See now RSA 332-D:4.**

2. **Editor's Note: This amendment was approved by the Annual Town Meeting 3-4-1975 under Art. 18.**

Chapter 780

SWIMMING POOLS

§ 780-1. Authority and purpose.
§ 780-2. Fence or enclosure required.
§ 780-3. Existing pools.
§ 780-4. Violations and penalties.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton 7-3-1970 (Ch. 2, Art. 3, of the Code of Ordinances). Amendments noted where applicable.]

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§ 780-1. Authority and purpose.

In accordance with the authority granted in RSA 147:1, in the interests of the health and safety of the people, the following regulation has been made by the Health Officer and approved by the Board of Selectmen.

§ 780-2. Fence or enclosure required.

A. All outdoor artificial pools which have a maximum depth of more than three feet when filled to capacity with water shall have a wall, fence or other enclosure having a minimum height of four feet constructed around the entire pool, except elevated pools and surface pools. If the sides of elevated pools and surface pools are higher than four feet then no fence is required.

B. The wall, fence or enclosure shall be constructed so that children will be unable to crawl or pass through to the pool without first using the gate or door to the pool. All gates shall be locked when the pool is unattended.

§ 780-3. Existing pools.

All existing pools must comply with this regulation by July 11, 1970.

§ 780-4. Violations and penalties.

Any person willfully violating this regulation shall be subject to a fine of $10.

Chapter 784

TAX COMPLIANCE PROCEDURES

ARTICLE I
Post-Issuance Tax Compliance Policy and Procedures for Tax-Exempt Obligations

§ 784-1. Compliance Coordinator.
§ 784-2. Record-Keeping.
§ 784-3. Proper Use of Proceeds.
§ 784-4. Arbitrage/Rebate Compliance and Timely Expenditure of Proceeds.
§ 784-5. Proper Use of Bond Financed Assets.
§ 784-6. Bank Qualification.
§ 784-7. General Project Records.
§ 784-8. Advance Refundings.
§ 784-9. Continuing Disclosure.
§ 784-10. Due Diligence and Remedial Actions.
§ 784-11. Periodic Review.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Post-Issuance Tax Compliance Policy and Procedures for Tax-Exempt Obligations
[Adopted 6-18-2012]

The purpose of this Post-Issuance Tax Compliance Policy and Procedures is to establish policies and procedures in connection with tax-exempt bonds and notes (the "Bond" or "Bonds") issued by the Town of Hampton, New Hampshire (the "Issuer") so as to maximize the likelihood that all applicable post-issuance requirements of federal income tax law needed to preserve the tax-exempt status of the Bonds are met.

§ 784-1. Compliance Coordinator.

a) The Finance Director ("Coordinator") shall be responsible for monitoring post-issuance compliance.

b) The Coordinator will maintain a copy of the transcript of proceedings in connection with the issuance of any tax-exempt obligations. The Coordinator will obtain such records as are necessary to meet the requirements of this policy.

c) The Coordinator shall consult with bond counsel, a rebate consultant, financial advisor, Internal Revenue Service ("IRS") publications and such other resources as are necessary to understand and meet the requirements of this policy.

d) Training and education of the Coordinator and his/her staff will be sought and implemented upon the occurrence of new developments and upon the hiring of new personnel to implement this policy.

§ 784-2. Record-Keeping.

a) Financing Transcripts. The Coordinator shall confirm the proper filing with the IRS of an 8038 Series return, and maintain a transcript of proceedings for all tax-exempt obligations issued by the Issuer, including but not limited to all tax-exempt bonds, notes and lease-purchase contracts. Each transcript shall be maintained for as long as the Bonds are outstanding, plus three (3) years after the final redemption date of the Bonds. Said transcript may be maintained in electronic format and shall include, at a minimum:

1) Form 8038s;

2) minutes, resolutions, and certificates;

3) certifications of issue price from the underwriter, if applicable;

4) formal elections required by the IRS;

5) trustee statements, if applicable;

6) records of refunded bonds, if applicable;

7) correspondence relating to bond financings;

8) reports of any IRS examinations for bond financings;

9) documents related to governmental grants associated with construction, renovation or purchase of bond financed facilities, if applicable; and

10) publications, brochures, and newspaper articles, where applicable.

b) Modification to Financing Documents. The Coordinator shall determine if there is any "significant modification" to bond documents resulting in reissuance under Treasury Regulations § 1.1001-3, in consultation with bond counsel and any other legal counsel and financial advisor. The Coordinator shall retain proof of filing new Form 8038 and relevant documentation plus final rebate calculation on pre-modification bonds.

§ 784-3. Proper Use of Proceeds.

The Coordinator shall review the resolution authorizing issuance for each tax-exempt obligation issued by the Issuer and shall:

a) obtain a computation of the yield on such issue from the Issuer's financial advisor;

b) create a separate Project Fund (with as many sub-funds as shall be necessary to allocate proceeds among the projects being funded by the issue) and a separate Cost of Issuance Fund as necessary to allocate proceeds to Bond issuance costs into which the proceeds of the issue shall be deposited, as applicable;

c) review all requisitions, draw schedules, draw requests, invoices and bills requesting payment from the Project Fund;

d) determine whether payment from the Project Fund is appropriate, and if so, make payment from the Project Fund (and appropriate sub-fund if applicable);

e) maintain records of the payment requests and corresponding records showing payment;

f) maintain records showing the earnings on, and investment of, the Project Fund;

g) ensure that all investments acquired with proceeds are purchased at fair market value;

h) identify bond proceeds or applicable debt service allocations that must be invested with a yield-restriction and monitor the investments of any yield-restricted funds to ensure that the yield on such investments does not exceed the yield to which such investments are restricted;

i) maintain records related to any investment contracts, credit enhancement transactions, and the bidding of financial products related to the proceeds; and

j) monitor and maintain records of the reimbursement of costs previously expended by the Issuer to ensure that such reimbursement occurs not more than 18 months after the later of (i) the dates of the expenditures or (ii) the date the project/asset was placed in service (but not more than 3 years after the original expenditures were paid) except with respect to those expenditures for which the Issuer obtained a certificate of licensed engineer/architect to the effect that (I) at least five (5) years was necessary to complete the construction of the part of the project for which such expenditures were required; and (II) such expenditures shall be reimbursed not more than five (5) years after the date that the original expenditures were paid.

§ 784-4. Arbitrage/Rebate Compliance and Timely Expenditure of Proceeds.

The Coordinator shall review the No Arbitrage and Tax Certificate (or equivalent) (the "Certificate") for each tax-exempt obligation issued by the Issuer and the expenditure records provided in § 784-2 of this policy, above, and shall ensure that the Issuer takes the following actions:

a) monitor and ensure that proceeds of each such issue are spent within the temporary period set forth in the Certificate;

b) if at the time of issuance, it appears that that the Bonds will qualify for the small issuer exception to the rebate requirement, the Coordinator will monitor the amount of subsequent tax-exempt obligations issued or proposed to be issued in the calendar year in which the Bonds closed to ensure that the Issuer does not exceed the $5 million or $15 million threshold, as applicable, in such calendar year;

c) if at the time of issuance, based on reasonable expectations set forth in the Certificate, it appears likely that the issue will qualify for an exemption from the rebate requirement, the Issuer may defer taking any of the actions set forth in subsection (c) below. Not later than the time of completion of construction or acquisition of the project, and depletion of all funds from the Project Fund, the Issuer shall make a determination if the expenditure of the Bond proceeds qualified for an exemption from the rebate requirements based on spending within a 6 month, 18 month or 2 year period after issuance. If a rebate

exemption is determined to be applicable, the Issuer shall prepare and keep in the permanent records of the issue a memorandum evidencing this conclusion together with records of expenditure to support such conclusion. If the transaction does not qualify for rebate exemption, the Issuer shall initiate the steps set forth in (c) below;

d) if at the time of issuance it appears likely that arbitrage rebate calculations will be required, or upon determination that calculations are required pursuant to (b) above, the Issuer shall:

i. engage the services of expert advisors (each a "Rebate Service Provider") to assist in the calculation of arbitrage rebate payable in respect of the investment of Bond proceeds, or else shall ensure that it has adequate financial, accounting and legal resources of its own to make such calculations, and, prior to each rebate calculation date, cause the trustee or other financial institution investing bond proceeds to deliver periodic statements concerning the investment of Bond proceeds to the Rebate Service Provider;

ii. provide to the Rebate Service Provider additional documents and information reasonably requested by the Rebate Service Provider;

iii. monitor efforts of the Rebate Service Provider;

iv. assure payment of required rebate amounts, if any, no later than 60 days after each 5-year anniversary of the issue date of the Bonds, and no later than 60 days after the last Bond of each issue is redeemed;

v. during the construction period of each capital project financed in whole or in part by Bonds, monitor the investment and expenditure of Bond proceeds and consult with the Rebate Service Provider to determine compliance with any applicable exceptions from the arbitrage rebate requirements during each 6-month spending period up to 6 months, 18 months or 2 years, as applicable, following the issue date of the Bonds;

vi. retain copies of all arbitrage reports, trustee statements and other documents as required herein; and

vii. in lieu of engaging an outside Rebate Service Provider, the Issuer may make a determination that it has sufficient capabilities using its own personnel, supported by its regular accounting and legal advisers, to be able to make the required rebate calculations. Such determination shall be evidenced in writing with specific reference to the personnel and advisers to carry out the calculations, and such written determination shall be maintained in the records of the bond transaction.

§ 784-5. Proper Use of Bond Financed Assets.

a) The Coordinator shall maintain appropriate records and a list of all bond financed assets. Such records shall include the actual amount of proceeds (including investment earnings) spent on each of the bond financed assets.

b) With respect to each bond financed asset, the Coordinator will monitor and confer with bond counsel with respect to all proposed:

i. management contracts,

ii. service agreements,

iii. research contracts,

iv. naming rights contracts,

v. leases or sub-leases,

vi. joint venture, limited liability or partnership arrangements,

vii. sale of property, or

viii. any other change in use of such asset.

c) Section 141 of the Code sets forth private activity tests for the purpose of limiting the volume of tax-exempt bonds that finance activities of persons other than state and local governmental entities. These tests serve to identify arrangements that actually or reasonably expect to transfer the benefits of tax-exempt financing to non-governmental persons, including the federal government. The Coordinator shall provide to the users of any bond financed property a copy of this Compliance Policy and other appropriate written guidance advising that:

i. "Private business use" means use by any person other than the Issuer, including business corporations, partnerships, limited liability companies, associations, non-profit corporations, natural persons engaged in trade or business activity, and the United States of America and any federal agency, as a result of ownership of the property or use of the property under a lease, management or service contract (except for certain "qualified" management or service contracts), "naming rights" contract, "public-private partnership" arrangement, or any similar use arrangement that provides special legal entitlements for the use of the bond financed property;

ii. No more that 10% of the proceeds of any tax-exempt bond issue (including the property financed with the Bonds) may be used for private business use, of which no more than 5% of the proceeds of the tax-exempt bond issue (including the property financed with the bonds) may be used for any "unrelated" private business use - that is, generally, a private business use that is not functionally related to the government's purposes of the Bonds; and no more that the lesser of $5,000,000 or 5% of the proceeds of a tax-exempt bond issue may be used to make or finance a loan to any person other than a state or local government unit;

iii. Before entering into any special use arrangement with a non-governmental person that involves the use of bond financed property, the Coordinator will consult with bond counsel, provide bond counsel with a description of the proposed non-governmental use arrangement, and determine whether that use arrangement, if put into effect, will be consistent with the restrictions on private business use of the bond financed property; and

iv. In connection with the evaluation of any proposed non-governmental use arrangement, the Issuer will consult with bond counsel to obtain federal tax advice in whether that use arrangement, if put into effect, will be consistent with the restrictions on private business use of the bond financed property, and, if not, whether any "remedial action" permitted under § 141 of the Code may be taken as means of enabling that use arrangement to be put into effect without adversely affecting the tax-exempt status of the Bonds.

d) The Coordinator shall maintain a copy of any such proposed agreement, contract, lease or arrangement, together with the response by bond counsel with respect to said proposal for at least three (3) years after retirement of all tax-exempt obligations issued to fund all or any portion of bond financed assets;

e) The Coordinator shall consult with bond counsel and other legal counsel and advisers in the review of any change in use of bond-financed or refinanced assets to ensure compliance with all covenants and restrictions set forth in the Certificate;

f) The Coordinator shall confer at least annually with other personnel responsible for bond-financed or refinanced assets to identify and discuss any existing or planned use of bond-financed or refinanced assets, to ensure that those uses are consistent with all covenants and restrictions set forth in the Certificate; and

g) To the extent that the Coordinator discovers that any applicable tax restrictions regarding use of bond proceeds and bond-financed or refinanced assets will or may be violated, the Coordinator shall consult promptly with bond counsel and other legal counsel and advisers to determine a course of action to remediate all nonqualified bonds, if such counsel advises that a remedial action is necessary.

§ 784-6. Bank Qualification.

If the Bonds are issued in a par amount of $10 million or less and designated by the Issuer as "bank qualified" under Section 265(b)(3) of the Code, the Coordinator will monitor the amount of subsequent tax-exempt obligations issued or proposed to be issued in the calendar year in which the Bonds closed to ensure that the Issuer does not exceed the $10 million threshold in such calendar year.

§ 784-7. General Project Records.

For each project financed with tax-exempt obligations, the Coordinator shall maintain a copy of all material documents relating to capital expenditures financed or re-financed by tax-exempt proceeds, until three (3) years after retirement of the tax-exempt obligations or obligations issued to refund those obligations including (without limitation), the following:

a) appraisals, demand surveys or feasibility studies,

b) applications, approvals and other documentation of grants,

c) depreciation schedules,

d) contracts respecting the project, including construction contracts,

e) purchase orders,

f) invoices,

g) trustee requisitions and payment records,

h) documents relating to costs reimbursed with Bond proceeds, and

i) records identifying the assets or portion of assets that are financed or refinanced with Bond proceeds, including a final allocation of proceeds.

§ 784-8. Advance Refundings.

The Coordinator shall be responsible for the following current, post issuance and record retention procedures with respect to advance refunding bonds:

a) Identify and select bonds to be advance refunded with advice from internal financial personnel, and a financial advisor;

b) The Coordinator shall identify, with advice from the financial advisor and bond counsel, any possible federal tax compliance issues prior to structuring any advance refunding;

c) The Coordinator shall review the structure with the input of the financial advisor and bond counsel, of advance refunding issues prior to the issuance to ensure (i) that the proposed refunding is permitted pursuant to applicable federal tax requirements if there has been a prior refunding of the original bond issue; (ii) that the proposed issuance complies with federal income tax requirements which might impose restrictions on the redemption date of the refunded bonds; (iii) that the proposed issuance complies with federal income tax requirements which allow for the proceeds and replacement proceeds of an issue to be invested temporarily in higher yielding investments without causing the advance refunding bonds to become "arbitrage bonds"; (iv) that the proposed issuance will not result in the issuer's exploitation of the difference between tax exempt and taxable interest rates to obtain an financial advantage nor overburden the tax exempt market in a way that might be considered an abusive transaction for federal tax purposes; and (v) that the proposed refunding complies with applicable State law.

d) The Coordinator shall collect and review data related to arbitrage yield restriction and rebate requirements for advance refunding bonds. To ensure such compliance, the Coordinator shall engage a rebate consultant to prepare a verification report in connection with the advance refunding issuance. Said report shall ensure said requirements are satisfied.

e) The Coordinator shall, whenever possible, purchase SLGS to size each advance refunding escrow. The financial advisor and/or bond counsel shall be included in the process of subscribing SLGS. To the extent SLGS are not available for purchase, the Coordinator shall, in consultation with bond counsel and the financial advisor, comply with IRS regulations.

f) To the extent the Issuer elects to purchase a guaranteed investment contract, the Coordinator shall ensure, after input from bond counsel, compliance with any bidding requirements set forth by the IRS regulations.

g) In determining the issue price for any advance refunding issuance, the Coordinator shall obtain and retain issue price certification by the purchasing underwriter at closing.

h) After the issuance of an advance refunding issue, the Coordinator shall ensure timely identification of violations of any federal tax requirements and engage bond counsel in attempt to remediate same in accordance with IRS regulations.

§ 784-9. Continuing Disclosure.

The Coordinator shall assure compliance with each continuing disclosure certificate and annually, per continuing disclosure agreements, file audited annual financial statements and other information required by each continuing disclosure agreement. The Coordinator will monitor material events as described in each continuing disclosure agreement and assure compliance with material event disclosure. Events to be reported shall be reported promptly, but in no event not later than ten (10) Business Days after the day of the occurrence of the event. Currently, such notice shall be given in the event of:

a) Principal and interest payment delinquencies;

b) Non-payment related defaults, if material;

c) Unscheduled draws on debt service reserves reflecting financial difficulties;

d) Unscheduled draws on credit enhancements relating to the bonds reflecting financial difficulties;

e) Substitution of credit or liquidity providers, or their failure to perform;

f) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax-exempt status of the bonds, or material events affecting the tax-exempt status of the bonds;

g) Modifications to rights of Holders of the Bonds, if material;

h) Bond calls (excluding sinking fund mandatory redemptions), if material, and tender offers;

i) Defeasances of the bonds;

j) Release, substitution, or sale of property securing repayment of the bonds, if material;

k) Rating changes on the bonds;

l) Bankruptcy, insolvency, receivership or similar event of the Issuer;

m) The consummation of a merger, consolidation, or acquisition involving the Issuer or the sale of all or substantially all of the assets of the Issuer, other than in the ordinary course

of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and

n) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

§ 784-10. Due Diligence and Remedial Actions.

In all activities related to the Issuer's Bonds, the Coordinator and his/her staff will exercise due diligence to comply with the Code provisions governing tax-exempt obligations. The Issuer is aware of (a) the Voluntary Closing Agreement Program (known as "VCAP") operated by the IRS which allows issuers to voluntarily enter into a closing agreement in the event of certain non-compliance with Federal tax requirements and (b) the remedial actions available under Section 1.141-12 of the Income Tax Regulations for private use of bond financed property which was not expected at the time the Bonds were issued.

§ 784-11. Periodic Review.

The Issuer will monitor compliance with the guidelines contained in this policy as well as any other covenants not specifically included herein and will review and update these guidelines at least annually and whenever necessary due to change in law or circumstances.

Chapter 786

TAX-DEEDED PROPERTY, TRANSFER OF

§ 786-1. Transfer of parcels to Conservation Commission.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton 10-27-2008. Amendments noted where applicable.]

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§ 786-1. Transfer of parcels to Conservation Commission.

In accordance with a prior vote of the Town of Hampton under Article 28 of the Annual Town Meeting of March 12, 1994, the Board transfers the following described tax-deeded parcels to the Town of Hampton Conservation Commission to be maintained and preserved as marshland:

A. Land off Winnacunnet Road, Parcel 234-0003-0000.

B. Land at Low Marsh, Parcel 998-0186-0000.

C. Land at Drake Meadow, Parcel 998-0187-000.

Chapter 794

TOWN PROPERTY

ARTICLE I
Use of Town Property

§ 794-1. Authority.
§ 794-2. Purpose.
§ 794-3. Declaration of policy.
§ 794-4. Scheduling use of Town buildings.
§ 794-5. Restricted nongovernmental use and scheduling.
§ 794-6. When effective; repealer.

ARTICLE II
Town-Leased Parking Spaces

§ 794-7. Authority.
§ 794-8. Purpose.
§ 794-9. Departmental responsibilities.
§ 794-10. Establishment of reserved leased spaces.
§ 794-11. Establishment of leasing fees.
§ 794-12. Preparation and approval of leasing documents.
§ 794-13. Lease document for reserved parking spaces.
§ 794-13.1. Lease parking periods (LPP).
§ 794-14. Lease parking placards.
§ 794-15. Display of placard.
§ 794-16. Tampering with or altering parking placard.
§ 794-17. Number of leased parking spaces.
§ 794-18. Limited rental to buses, equipment and trailer trucks.
§ 794-19. Suspension or revocation of lease.
§ 794-20. Effective.

Appendix 1, Leasing Document
Appendix 2, Number of Leased Parking Spaces
Appendix 3, Fees for the Annual Leasing of Parking Spaces

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Lamprey/Leavitt Town Property — See Ch. 653.

ARTICLE I
Use of Town Property
[Adopted 11-19-2007]

§ 794-1. Authority.

This policy is adopted in accordance with the authority granted to the Board of Selectmen under RSA 41:11-a.

§ 794-2. Purpose.

It is the express intent and purpose of this policy to regulate use of Town buildings, structures and property in accordance with law.

§ 794-3. Declaration of policy.

The Board of Selectmen, in accordance with the powers vested in itself by RSA 41:11-a, declares it to be the public policy of the Town of Hampton that the use of Town buildings under the Board's control is restricted to the conduct of governmental business of the Town and activities related thereto. Town buildings are hereby declared not to be public forums.

§ 794-4. Scheduling use of Town buildings.

A. To ensure the orderly use and scheduling of Town buildings for governmental business and related activities, such scheduling must occur well in advance of the anticipated use of such facilities, the meeting rooms and other places within such buildings that are necessary for the scheduled public use and need.

B. Town boards, commissions, committees, agencies and departments should schedule their requested use of the Town buildings regulated under this policy in accordance with the following:

(1) Town Hall.

(a) Selectmen's meeting room.

[1] Scheduled by the Recreation Department for daytime business hours.

[2] Scheduled by the Town Manager's office for times after 5:00 p.m., on weekends, and holidays.

[3] Use of the Selectmen's meeting room must cease at 11:00 p.m.

(b) Town Manager's conference room: scheduled by the Town Manager's office

(2) Fire headquarters, Station 1: precinct hall: scheduled by the Fire Chief's office in conjunction with the precinct commissioners.

(3) Fire Station 2: scheduled by the Fire Chief's office.

(4) Police station: training room scheduled by the office of the Chief of Police.

(5) Public works facilities: meeting spaces scheduled by the Public Works Director's office.

§ 794-5. Restricted nongovernmental use and scheduling.

A. The use of Town buildings for nongovernmental activities will be permitted in accordance with the guidelines and limitations established by this section, subject to the scheduling requirements of § 794-4 above.

B. Guidelines and limitations.

(1) No meetings or activities will be scheduled that conflict with the orderly conduct of Town business.

(2) Other than regularly scheduled meetings of official Town boards, commissions, committees, agencies and departments, no meetings in the Town Hall shall be scheduled outside of normal working hours without the approval of the Board of Selectmen and/or the Town Manager.

(3) No meeting or activity shall involve the advocacy of a partisan political position or a candidate for any elected office, except that the annual candidates' night for elected Town offices is permitted.

§ 794-6. When effective; repealer.

This article shall take effect upon its passage by the Board of Selectmen and when enacted will automatically repeal any previous policy on this subject.

ARTICLE II
Town-Leased Parking Spaces
[Adopted 2-11-2008]

§ 794-7. Authority.

This policy is adopted in accordance with the statutory authority granted to the Board of Selectmen under RSA 41:11 and 41:11-a.

§ 794-8. Purpose.

It is the express intent and purpose of this policy to provide for the administration and regulation by the Board of Selectmen of the several parking lots owned or controlled by the Town of Hampton at Ashworth Avenue, Island Path and Church Street.

§ 794-9. Departmental responsibilities.

The Departments of Finance and Parks and Recreation will be responsible for the administration, finance and leasing of the Town's parking lots under this policy in the following manner:

A. Finance Department. The Finance Department shall annually prepare the lease documents and parking documents for the reserved lease spaces in each parking lot as approved annually by the Board of Selectmen.

B. Park and Recreation Department. The Parks and Recreation Department shall annually engage parking lot attendants to staff each parking facility, collect funds due for daily parking, account for daily receipts, tender income on a daily basis and have day-to-day supervision of all three of the forgoing parking facilities. Personnel of the Department

may adjust the price to be charged for daily parking but only within the price range established by the Board of Selectmen.

§ 794-10. Establishment of reserved leased spaces.

The Board of Selectmen shall annually, in January of each year, establish the number of spaces available for reserved leasing in each of the foregoing parking lots, based upon the written recommendations of the Finance Department and the Parks and Recreation Department.

§ 794-11. Establishment of leasing fees.

The Finance Department, after consultation with the Parks and Recreation Department, will annually provide to the Board of Selectmen written recommendations for the setting of fees to be charged both for reserved leased parking spaces and for daily parking rates in the above three parking lots. In establishing its recommendation, the Finance Department shall take into consideration in the preparation of its report to the Board the cost of spaces in the general area of the beach that are owned by others and revenues from the preceding year and the base year established in this policy. Leasing fees shall be displayed in Appendix 3 of this policy.[1]

§ 794-12. Preparation and approval of leasing documents.

The Finance Department shall prepare and issue all leasing documents in accordance with the number of reserved spaces to be leased in each lot, the annual bills for such leases and parking placards for use by the lessees. Once prepared each lease document will be signed by the Town Manager and processed by the Finance Department with copies to the Parks and Recreation Department.

§ 794-13. Lease document for reserved parking spaces.

The lease document that appears in Appendix 1 of this policy shall be the only document utilized for the lease of reserved parking spaces under this policy.[2]

§ 794-13.1. Lease parking periods (LPP). [Added 4-14-2014]

LPP #1	March 15 to May 15 (Optional parking period (OPP), additional fee will apply)
LPP #2	May 15 to June 30
LPP #3	Month of July
LPP #4	August 1 to October 15.

1. **Editor's Note: Appendix 3 is included as an attachment to this chapter.**

2. **Editor's Note: Appendix 1 is included as an attachment to this chapter.**

§ 794-14. Lease parking placards. [Amended 4-14-2014]

Preprinted parking placards, one for each leased parking space, shall be issued by the Finance Department with each fully executed and paid for lease. The placards will bear the Town Seal, be a different color for each of the parking periods (§ 794-13.1) during the term of the lease, and have printed on the placard the dates of the period during which the placards are valid (the dates of the period that the placards are valid will be adjusted yearly so that they end on a Friday), the name of the lease holder and the parking lot, and the number of spaces leased together with the placard number. The placards will be sealed in plastic to prohibit tampering or alteration of the placard.

§ 794-15. Display of placard.

The lease holder shall issue to each individual selected by the lessee a parking placard for the time period selected, and the selected individual shall display the parking placard on the inside rear-view mirror for visible examination each time the selected individual enters the parking area. The placard must be so displayed at all times when the vehicle is in the parking lot, and such display entitles the vehicle to be in the parking lot 24 hours a day during the period when the placard is valid.

§ 794-16. Tampering with or altering parking placard.

Tampering with or altering a parking placard in any manner voids the parking placard for the remainder of the time period indicated on that parking placard.

§ 794-17. Number of leased parking spaces.

The number of spaces that can be reserved for lease in each parking facility shall be controlled by the Town of Hampton under this policy, as illustrated in Appendix 2 of this policy.[3]

§ 794-18. Limited rental to buses, equipment and trailer trucks.

The Park and Recreation Department may, on a limited basis, when the Church Street Parking Lot is not otherwise in use or demand by regular rental operations, provide for the parking of buses, equipment trailers and trailer trucks for a fee of $25 for a twenty-four-hour period or part thereof, and there shall be no ability to remove and then reenter a vehicle parked pursuant to this section without paying a new twenty-five-dollar fee. No recreational vehicles and motor homes shall be permitted and no sleeping in vehicles parked pursuant to this section is permitted within the Church Street parking lot. The Town is not responsible for vehicles or personal property within the parking lot. There shall be no parking of the vehicles permitted in this section in the Ashworth Avenue or Island Path Parking Lots.

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3. Editor's Note: Appendix 2 is included as an attachment to this chapter.

§ 794-19. Suspension or revocation of lease.

The Board of Selectmen may suspend or revoke a lease for the alteration of, tampering with, duplication of and the printing or manufacturing of parking placards. The suspension or revocation of a lease shall not entitle the holder to a refund of any or all of the fee paid to acquire the lease or the parking spaces leased hereunder, which said amount shall be considered to be the property of the Town.

§ 794-20. Effective.

This policy shall become effective when adopted by vote of the Board of Selectmen, and such adoption shall automatically repeal all prior policies regarding leased parking spaces.

794 Attachment 1

Town of Hampton

Appendix 1
Leasing Document

Town of Hampton

SUMMER PARKING SPACE LEASE AGREEMENT

Application is hereby made for _____ parking spaces for the _____ season in the _____ lot. If the lease is approved, I agree to observe the following regulations:

- This lease is issued under the authority of the Board of Selectmen of the Town of Hampton by the Town Manager or his authorized agent.
- This lease is not valid unless approved by the Town Manager or his agent.
- Parking spaces assigned will be for the exclusive use of the Lessee and its patrons subject to the rules, regulations and policies of the Town of Hampton.
- No lease may be assigned to another party without prior written consent from the Town Manager.
- Lessee agrees to hold harmless and indemnify the Town of Hampton from any and all claims, causes of action, or damages resulting from the Lessee's use of parking spaces in the above lot.
- 100% of full lease amount is due no later than 30 days from billing date.
- The period covered by this lease is the period beginning May 15th to October 15th of the lease year.
- The Lessee agrees to hold the Town harmless with respect to taxes levied against the premises subject to this lease as a consequence of the application of RSA 72:23-I. The Lessee agrees to pay in addition to other payments hereunder all properly assessed real and personal property taxes against the premises subject to this lease in accordance with the provisions of RSA 72:23-I. Failure of the Lessee to pay the duly assessed personal and real estate taxes when due shall be cause to terminate said lease by the Town. The Lessee shall,

in addition, reimburse the Town for any taxes paid by the Town pursuant to RSA 72:23-I as result of Lessee's failure to pay said taxes.

LESSEE'S NAME:
BUSINESS:
LOCAL ADDRESS:
MAILING ADDRESS:

Signature of Lessee: _____ Date: _____

APPROVAL
(For Town Use Only)

Approval is hereby given for _____ parking spaces in the name of the Lessee above.

Signature of Authorized Agent: _____ Date: _____

794 Attachment 2

Town of Hampton

Appendix 2
Number of Leased Parking Spaces

By vote of the Board of Selectmen the number of spaces available for lease under this policy in each Town parking lot shall be as listed below:

Ashworth Avenue	50
Island Path	35
Church Street	60

794 Attachment 3

Town of Hampton

Appendix 3
Fees for the Annual Leasing of Parking Spaces
[Amended 4-14-2014]

The following fees as established by the Board of Selectmen shall be charged for the leasing of a parking space in the parking lots listed hereunder:

Ashworth Avenue	$735/$845 OPP
Island Path	$700/$803 OPP
Church Street	$300/$345 OPP

Chapter 797

TREES

ARTICLE I
Rules and Regulations Relative to Public Tree Preservation and Protection

§ 797-1. Purpose.

§ 797-2. Authority.

§ 797-3. Tree Warden.

§ 797-4. Notification of Appointment to State.

§ 797-5. Jurisdiction of Tree Warden.

§ 797-6. Duties of the Tree Warden.

§ 797-7. Control of Trees and Shrubs.

§ 797-8. Records of Public Shade and Ornamental Trees and Shrubs.

§ 797-9. Removal of Trees.

§ 797-10. Removal of Certain Hazardous Trees.

§ 797-11. Notice to Abutters on Tree Declared a Public Nuisance.

§ 797-12. Injury or Defacement of Trees.

§ 797-13. Trees Donated.

§ 797-14. Public Ownership.

§ 797-15. Annual Clearing of Highways.

§ 797-16. Improvements by Abutters.

§ 797-17. Burning Brush.

§ 797-18. Disposal of Brush.

§ 797-19. Cutting and Disposal of Public Trees.

§ 797-20. Scenic Roads.

§ 797-21. Cutting Trees Around Utility Lines.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Trees — See Ch. 473.

ARTICLE I
Rules and Regulations Relative to Public Tree Preservation and Protection
[Adopted 4-7-2014]

§ 797-1. Purpose.

It is the express intent and purpose of these Rules and Regulations to provide for the Preservation and Protection of shade and ornamental trees and shrubs on public property, except for school, village district, State and Federal property, within the Town of Hampton.

§ 797-2. Authority.

These Rules and Regulations are established in accordance and under the authority of New Hampshire Revised Statutes Annotated Chapter 231, Sections 139 through 159, inclusive, and Chapter 231, Section 172.

§ 797-3. Tree Warden.

The Town of Hampton Board of Selectmen shall in accordance with the provisions of New Hampshire Revised Statutes Annotated Chapter 231, Section 139 appoint a Tree Warden whose duty it shall be to administer and enforce the provisions of these Rules and Regulations.

§ 797-4. Notification of Appointment to State.

Upon the appointment of a Tree Warden by the Town of Hampton Board of Selectmen, the Board shall cause notice to be sent to the State of New Hampshire Division of Forests and Lands of the appointment, certifying the name of the individual so appointed.

§ 797-5. Jurisdiction of Tree Warden.

The Tree Warden shall have jurisdiction over shade and ornamental trees and shrubs planted or growing in public ways, commons, parks, cemeteries, and other public grounds within the Town of Hampton except for property under the control of the Hampton School District, the Winnacunnet Cooperative High School, the Hampton Beach Village Precinct, the State of New Hampshire, and the United States.

§ 797-6. Duties of the Tree Warden.

The Tree Warden shall help to care for, maintain, protect and perpetuate shade and ornamental trees and shrubs located within the town's public ways, commons, parks, cemeteries, and other public grounds, and to advise the Board of Selectmen from time to time as to the needs of his Department in managing the arboriculture, ornamental horticulture, forestry, and landscapes of the Town. He shall cooperate with other Town agencies and officials in carrying out his duties and the intent of these Rules and Regulations.

§ 797-7. Control of Trees and Shrubs.

The Tree Warden shall have control of all shade or ornamental trees and shrubs situated within the limits of the Town of Hampton's public ways, commons, parks, cemeteries and other public grounds which have been or may be acquired by gift or purchase, or planting by or with the advice of the Tree Warden, or by condemnation by the Tree Warden or that shall have grown naturally, or been planted by others.

§ 797-8. Records of Public Shade and Ornamental Trees and Shrubs.

The Tree Warden shall maintain an inventory of all public shade and ornamental trees and shrubs located on public property whether acquired, planted by the Tree Warden, or grown naturally. Particular attention shall be paid to trees donated describing their approximate location, the donator, name of the abutter, size and variety of tree or shrub and the date of donation.

§ 797-9. Removal of Trees.

Whoever desires the cutting and removal in whole or in part of any public shade or ornamental tree or shrub owned by the Town of Hampton may apply to the Tree Warden, who shall hold a public hearing, upon the application, at some suitable time and place, after publishing and posting notices of the hearing in 2 or more public places in Town and also upon the tree or trees which it is desired to be cut and removed; provided, that the Tree Warden may, if he or she deems it expedient, grant permission for such cutting or removal, without a hearing, if the tree or shrub in question is on a public way outside of the residential part of the Town limits, such residential part to be determined by the Tree Warden. No tree within such residential limit shall be cut by the Tree Warden, except to trim it, or be removed by the Tree Warden, without such hearing. The decision of the Tree Warden shall be subject to review as provided for by the Board of Selectmen.

§ 797-10. Removal of Certain Hazardous Trees.

Notwithstanding the provisions of these Rules and Regulations and subject to the provisions of RSA 231:157 and RSA 231:158, the Board of Selectmen of the Town of Hampton may on Town maintained portions of Class II Highways and on Class IV, V and VI Highways, declare any tree either alive or dead, situated within the limits of highways, roads, and streets to be a public nuisance by reason of unreasonable danger to the traveling public, spread of tree disease, or the reliability of equipment installed at or upon utility facilities authorized under RSA 231:160 or RSA 231:160-a. After such declaration of such authority and notice to the abutting landowner on whose property such tree is located, the said authority shall within a reasonable time remove the same without compensation or cost to the abutter. However, no such declaration and notice shall be required when the delay entailed by such declaration and notice would pose an imminent threat to safety or property. Nothing in this section shall be construed to relieve the public utility of their accepted responsibility of tree trimming and tree removal for the protection of their lines, or for the construction of new lines, or to alter the provisions of RSA 231:150-182 in any manner. The Town of Hampton shall require of the public utilities owning lines which pass through or near a tree or trees which are condemned for removal as a public nuisance to assist in their removal at their expense by either the temporary removal of their lines or by causing to be removed at their expense the top portion of said tree or trees from a point below their lines.

§ 797-11. Notice to Abutters on Tree Declared a Public Nuisance.

Notice to the abutting landowners of a tree declared a public nuisance shall be given by delivering at his place of residence or by sending by registered mail to his last known address and it shall clearly state the intention of removal of such tree. He may appeal to the superior court as to the validity of such declaration within 30 days of delivery or mailing of said notice in accordance with the provisions of RSA 231:146. Following expiration of the aforesaid 30-day period of appeal, or following waiver of said right of appeal, the abutting landowner is relieved of any liability or responsibility in connection with the tree or trees declared a public nuisance and similarly is relieved of any liability or responsibility in connection with any stump or stumps left remaining.

§ 797-12. Injury or Defacement of Trees.

It is unlawful to cut, destroy, injure, deface, or break any public shade or ornamental tree or shrub, or to affix to any such tree a play bill, picture, announcement, notice, advertisement, political or otherwise, or other device or thing, or to paint or mark such tree, except for purposes of protecting it and under a written permit from the Tree Warden.

§ 797-13. Trees Donated.

Whenever any party, at a proper time of the year, shall present to the Town of Hampton well grown nursery trees, the Tree Warden may set out such trees in the highways, cemeteries, commons, schoolhouse yards and other public places, as indicated by the donor, and protect the same at the expense of the Town to the extent that funds are available for such purposes.

§ 797-14. Public Ownership.

Any young shade or ornamental tree planted within the limits of a public highway by the Tree Warden or by any other person or persons, with the approval of the Board of Selectmen, or any young seedling tree or sprout left within the limits of the highway as specified in RSA 231:150 and designated by the Tree Warden to be preserved for its future value as a shade tree, shall become the property of the Town of Hampton; provided, that the abutting landowner, having been notified of the intention of the Town of Hampton to take and preserve such young tree, shall make no written objection to the Tree Warden within 30 days from the date of such notification.

§ 797-15. Annual Clearing of Highways.

The Board of Selectmen shall annually, and at other times when advisable, cause to be cut and disposed of, from within the limits of Town maintained highways, all trees and bushes that may cause damage or pose a safety hazard to such highways or to the traveling public; provided however that no tree which has a circumference of 15 inches or more at a point 4 feet from the ground shall be removed in the absence of notice to the abutter in the same manner as provided in RSA 231:145 and RSA 231:146 or the sections entitled Removal of Certain Hazardous Trees or Notice to Abutters on Tree Declared a Public Nuisance under these Rules and Regulations, except when the delay entailed by such notice would pose an imminent threat to safety or property. Shade and fruit trees that have been set out or marked by the abutting landowners or by the Town Tree Warden, and young trees standing at a proper distance from the highway and from each other, shall be preserved, as well as banks and hedges of bushes that serve as a protection of the highway, or that add to the beauty of the roadside.

§ 797-16. Improvements by Abutters.

The Town of Hampton may contract with any owner of land abutting a public highway to cut, trim, and remove roadside growth along said owner's property, and for all such work properly done in carrying out the provisions of RSA 231:150 and the section entitled Annual Clearing of Highways in these Rules and Regulations and approved by the Tree Warden, may allow

and cause to be paid to such owner such sums as in their judgment, with the advice of the Tree Warden, justly represent the value to the Town of the improved condition of the roadside.

§ 797-17. Burning Brush.

Whenever any trees or brush along the highway are disposed of by burning, the cut trees or brush shall be removed a safe distance from any adjoining woodland or from any tree or hedge designated or desirable for preservation, and such burning shall be done with the permission of the Forest Fire Warden. All trees or brush thus cut from within the limits of the highway shall be disposed of within 30 days from the cutting thereof.

§ 797-18. Disposal of Brush.

If any cut brush has been left within the limits of any public highway for a longer period than 30 days the director, division of forests and lands, department of resources and economic development, may complete the removal or disposal of such brush and assess the costs thereof against the party authorizing or causing such nuisance. If the said costs are not paid within a reasonable time they will be recovered in an action brought by the attorney general upon complaint by the director.

§ 797-19. Cutting and Disposal of Public Trees.

Whenever permission is granted by the Tree Warden for the cutting or trimming of Public Shade or Ornamental Trees for utility line clearance, Town of Hampton cutting and trimming the materials that are chipped shall be Town property and the tree chips shall be deposited at the Town of Hampton Public Works facility as directed by Town personnel at that site. Wood derived from such cutting and trimming that is not chipped shall be provided to the direct abutter for his personal use. Should the direct abutter refuse the wood then the Tree Warden shall order its disposal in a manner determined by the Warden.

§ 797-20. Scenic Roads.

For the protection of trees on scenic roads, examination of RSA 231:158 is required.

§ 797-21. Cutting Trees Around Utility Lines.

For the protection of trees around utility lines, examination of RSA 231:172 is required.

Chapter 805

VEHICLES AND TRAFFIC

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[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Highways — See Ch. 224.
Pedicab businesses — See Ch. 346.
Street railway — See Ch. 429.
Vehicles and traffic — See Ch. 495.
Streets, sidewalks and public places — See Ch. 769.

ARTICLE I
General Provisions
[Adopted as Ch. 3, Art. 1, of the Code of Ordinances]

§ 805-1. Authority.

In accordance with the authority granted by RSA 41:11, 47:17 and 31:40 and any other applicable chapter or amendment thereto of the New Hampshire Revised Statutes Annotated, the following chapter of the Town of Hampton Code of Revised Ordinances was enacted by the Board of Selectmen or, when allowed by statute, by the Town of Hampton. This chapter shall be the complete revision of the highway and traffic ordinances of the Town of Hampton.

ARTICLE II

One-Way Streets

[Adopted as Ch. 3, Art. 4, of the Code of Ordinances, as amended through 9-26-2005]

§ 805-2. Designation of one-way streets.

When designated by "One-Way" signs, it shall be unlawful for any person having the custody or control of any vehicle to travel in a direction contrary to that designated by such signs. On the following roads, streets and highways, traffic shall travel only in the following directions:

Name of Street	Direction	Location
A Street	Westerly	From Ocean Boulevard to Ashworth Avenue
B Street	Easterly	From Ashworth Avenue to Ocean Boulevard
C Street	Westerly	From Ocean Boulevard to Ashworth Avenue
Church Street	Westerly	From Ocean Boulevard to Highland Avenue
Cliff Avenue	Southerly and easterly	From the first intersection of Dumas Avenue to the second intersection of Dumas Avenue
Crest Street	Northerly	To Emerald Avenue
D Street	Easterly	From Ashworth Avenue to Ocean Boulevard
Dumas Avenue	Northerly	From tip of Boar's Head to intersection of Cliff Avenue
F Street	Westerly	From Ocean Boulevard to Ashworth Avenue
Francis Street	Southerly	From Lyons Street to Church Street
G Street	Easterly	From Ashworth Avenue to Ocean Boulevard
H Street	Westerly	From Ocean Boulevard to Ashworth Avenue
Highland Avenue	Easterly	From a point 200 feet easterly of Brown Avenue to Ocean Boulevard
Highland Avenue	Northerly	From a point 200 feet easterly of Brown Avenue to Church Street
I Street	Easterly	From Ashworth Avenue to Ocean Boulevard
J Street	Westerly	From Ocean Boulevard to Ashworth Avenue
K Street	Easterly	From Ashworth Avenue to Ocean Boulevard
L Street	Westerly	From Ocean Boulevard to Ashworth Avenue
Lyons Street	Easterly	From Williams Street to Francis Street
M Street	Westerly	From Ocean Boulevard to Ashworth Avenue, May 15 to September 15
M Street	Easterly	From Ashworth Avenue to Ocean Boulevard, remainder of year
Munsey Drive		Within the circle - keep right
N Street	Westerly	From Ocean Boulevard to Ashworth Avenue
O Street	Easterly	From Ashworth Avenue to Ocean Boulevard, remainder of year

Name of Street	Direction	Location
O Street	Westerly	From Ocean Boulevard to Ashworth Avenue, May 15 to September 15
P Street	Westerly	From Ocean Boulevard to Ashworth Avenue
Park Avenue	Easterly	The easterly leg of the "Y" onto Winnacunnet Road
Q Street	Easterly	From Ashworth Avenue to Ocean Boulevard, remainder of year
Q Street	Westerly	From Ocean Boulevard to Ashworth Avenue, May 15 to September 15
Williams Street	Northerly	From Church Street to Lyons Street one-way traffic on Ashworth Avenue and Ocean Boulevard and one-way traffic on the side streets is to be maintained

§ 805-3. Violations and penalties; severability.

A. Any person violating any of the provisions of this article or the rules and regulations made under the authority thereof shall be liable to a penalty of not more than $100 for each offense.

B. If any section or part of a section or paragraph of this article is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this article.

ARTICLE III
Parking Regulations
[Adopted as Ch. 3, Art. 5, of the Code of Ordinances, as amended through 12-10-2010]

§ 805-4. Definitions.

The following words shall have the following meanings:

ACCESS AISLE — A designated space for maneuvering a wheelchair or other mobility device when entering or exiting a vehicle and that is immediately adjacent to a properly designated parking space for persons with a walking disability, whether on public or private property. Access aisles shall be marked so as to discourage parking in them.

ACCESSIBLE PARKING SPACE — A properly designated parking space in conformance with ADA requirements and designated by appropriate signage.

COMMERCIAL VEHICLE — Any vehicle registered for commercial purposes, bearing commercial vehicle number plates, including a trailer or semitrailer, and designed and used primarily for the transportation or delivery of goods, wares, merchandise or equipment or designed and used for delivery of utility services or for field services related to the maintenance or repair of buildings.

EMERGENCY LANE — A way that has been designated as an emergency lane under RSA 231:59-a for the limited purpose only of enabling the Town of Hampton to plow snow from said way between the dates of November 15 each year and March 15 of the following year.

FIRE LANE — A way that has been designated as a fire lane by the Hampton Board of Selectmen and/or the Fire Chief in accordance with the NFPA 1 (National Fire Protection Association) Uniform Fire Code, most recent edition, as adopted by the State of New Hampshire under administrative rule, RSA 153:5 and 21-G:9, II(b), where the parking of a vehicle is prohibited on either side or both sides of the way. Under the fire lane designation, if a vehicle is parked in or on a fire lane and its presence prevents the ability of any fire apparatus to enter, approach or near an emergency, the vehicle may be towed and stored at the owner's expense.

INTERSECTING WAY — Any way which joins another at an angle, whether it crosses the other or not.

LEASE PARKING PLACARD — A preprinted parking placard, one for each leased parking space, and having printed on the placard the dates or period during which the placard is valid, the name of the lease holder and the parking lot, and shall be displayed at all times when the vehicle is in the parking lot by placing the parking placard on the inside rear-view mirror. The placard entitles the vehicle to be in the parking lot 24 hours a day during the period when the placard is valid.

LEASED PARKING SPACE — Reserved leased parking spaces located in any one of the parking lots owned or controlled by the Town of Hampton at Ashworth Avenue, Island Path, and Church Street.

LOADING ZONE — That portion of a roadway adjacent to a curb reserved for commercial vehicles, as defined, during the actual loading and unloading of materials, and/or passenger vehicles during the actual receiving or discharging of passengers, indicated by the presence of at least one regulatory sign marking the limits of the reserved area as authorized.

LOADING ZONE TIME LIMIT — No driver shall stop, stand, or park any vehicle in any loading zone, or part thereof, between the hours of 6:00 p.m. and 8:00 a.m. from January 1 to December 31.

MUNICIPALLY OWNED AND MUNICIPALLY MAINTAINED PARKING LOTS — Any property that is owned or controlled and/or maintained by the Town of Hampton which is used for the parking of vehicles.

NO PARKING — The stopping, standing or parking of a vehicle in a prohibited place, and shall be construed to include the following terms: "no parking"; "no parking except for loading and unloading"; "commercial loading zone"; "loading zone - no parking"; "loading zone"; "live parking only"; "no standing"; "no stopping"; "no overnight parking"; "emergency lane"; "fire lane"; and "access aisle - no parking."

NO PARKING - LOADING ZONE — No driver shall stop, stand, or park any vehicle in any loading zone, or part thereof, except to actually engage in the expeditious loading or unloading of materials, during the hours permissible.

OVERNIGHT PARKING — The placement of any vehicle, to park any vehicle, or cause the same, whether occupied or not, to be parked on any public way, and/or municipal parking lot, or municipally maintained parking lot in the Town of Hampton between the hours of 1:00 a.m. and 7:00 a.m., except in areas where designated. **[Amended 12-17-2012]**

PARKING — The stopping or standing of a vehicle, whether occupied or not.

PARKING STICKER — A Hampton resident parking permit issued to residents and property owners of the Town of Hampton.

PASSENGER VEHICLE — Any vehicle registered as a passenger vehicle, including livery vehicles, and excluding buses.

PUBLIC WAY OR PLACE — Any way or place which, by law, is open to the movement of the general public, is maintained, owned or granted by easement to the Town of Hampton, and/or as defined in RSA 259:125, and amendments thereto, under the definition of the word "way."

RESIDENTIAL PARKING LOTS — Parking lots that are municipally owned and maintained, which are designated and reserved for sole use of the residents and property owners of the Town of Hampton.

RESIDENTIAL PARKING PERMIT — A parking permit sticker issued to the residents and property owners of the Town of Hampton. The sticker shall be located on (affixed to) the windshield in the lower left corner of the driver's side windshield.

RESIDENTIAL TRANSFER STATION STICKER — A transfer station sticker issued to the residents and property owners of the Town of Hampton to allow for the use of the transfer station. The sticker shall be located on (affixed to) the windshield in the lower left corner of the driver's side windshield.

ROADWAY — That portion of a way improved, designed or ordinarily used for vehicle travel, exclusive of the sidewalk, berm or shoulder, even though such sidewalk, berm or shoulder is used by persons riding bicycles or other human-powered vehicles.

SEASONAL ACCESSIBLE PARKING SPACE — A properly designated parking space in conformance with ADA requirements, designated by appropriate signage, and assigned between the dates of May 1 and November 1 of each year.

SIDEWALK — That portion of a street or highway set aside for pedestrian travel.

SPECIAL PLATE OR PLACARD — A valid registration plate from any state displaying the wheelchair symbol or a veteran's plate (V) displaying the wheelchair symbol or a valid walking disabled identification permit from any state displaying the wheelchair symbol, hanging from the rear-view mirror or clearly displayed in the windshield, which allows for the person with a walking disability to park in an accessible parking space.

STAND or STANDING — The halting of a vehicle, whether occupied or not, other than for the purpose of, and while actually engaged in, receiving or discharging passengers.

STOP or STOPPING — The halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic.

VEHICLE — Every mechanical device in, upon or by which any person or property is or may be transported or drawn upon a way, excepting devices used exclusively upon stationary rails or tracks.

WAY — The entire width between the boundary lines of any public highway, street, avenue, road, roadway, way, alley, park or parkway, or any private way laid out under authority of statute, or any such way provided and maintained by a public institution.

§ 805-5. Winter parking ban.

A. It shall be unlawful for any person having the custody or control of any vehicle to place, to park or cause the same to be parked, whether occupied or not, on any way in the Town of Hampton during the hours of 1:00 a.m. to 7:00 a.m. between the dates of November 15 each year and March 15 of the following year.

B. Winter parking ban exemption. The use of the Veterans of World War II at Ashworth Avenue and the Veterans of World War I at Island Path Municipal Lots for off-street parking of personal vehicles shall be allowed only during the hours of 1:00 p.m. to 7:00 a.m. the following day, between the dates of November 15 each year and March 15 of the following year.

§ 805-6. Snow emergency parking ban.

In the event of a snowstorm requiring plowing, as deemed necessary by the Director of Public Works or his designee, the Director or his designee shall notify the Chief of Police through police dispatch requesting a snow emergency parking ban indicating the recommended beginning and end times of such a ban. The Chief of Police shall thereafter call a snow emergency parking ban. The Chief shall contact two or more radio and/or television stations to notify the public that such a ban exists and shall identify the start time of the snow emergency parking ban and shall estimate the end time when the snow emergency parking ban will end. The Chief shall make the Police Department dispatcher(s) aware of the details of the snow emergency parking ban so that he may inform anyone who might inquire.

A. Allowed parking in Veterans of the Vietnam Conflict Parking Lot, High Street. The Veterans of the Vietnam Conflict Parking Lot (Uptown Municipal Parking Lot) on High Street may be used for the parking of vehicles during a snow emergency parking ban between the hours of 7:00 a.m. and 9:00 p.m.; provided, however, that this subsection shall not be construed to permit parking where it is specifically prohibited by the provisions of § 805-9, Municipally owned and maintained parking lots, of this article. The Veterans of the Vietnam Conflict Parking Lot will remain open between the hours of 7:00 a.m. and 9:00 p.m., during which time snow removal operations will consist of the plowing of the entrances and the interior accessways of the parking lot.

   (1) High Street. On-street parking on the southerly side of High Street east from Route 1 for a distance of 120 +/- feet (approximately six parking spaces) to the first entrance of the Veterans of the Vietnam Conflict Parking Lot shall be allowed during a snow emergency parking ban, if the ban is declared during the hours of 7:00 a.m. to 9:00 p.m. No overnight on-street parking shall be allowed during the declared snow emergency ban.

(2) Lafayette Road.

(a) On-street parking on the westerly side of Lafayette Road south for a distance of 210 +/- feet (approximately 20 parking spaces) from the exit of Marelli's Square shall be allowed during a snow emergency parking ban, if the ban is declared during the hours of 7:00 a.m. to 9:00 p.m. No overnight on-street parking shall be allowed during the declared snow emergency ban.

(b) On-street parking on the easterly side of Lafayette Road north for a distance of 200 +/- feet (approximately 10 parking spaces) from Swain's Court shall be allowed during a snow emergency parking ban, if the ban is declared during the hours of 7:00 a.m. to 9:00 p.m. No overnight on-street parking shall be allowed during the declared snow emergency ban.

(c) On-street parking on the easterly side of Lafayette Road north for a distance of 60 +/- feet (approximately three parking spaces) from High Street shall be allowed during a snow emergency parking ban, if the ban is declared during the hours of 7:00 a.m. to 9:00 p.m. No overnight on-street parking shall be allowed during the declared snow emergency ban.

B. No parking. It shall be unlawful for any person having the custody or control of any vehicle to place, to park, or cause the same to be parked, whether occupied or not (see Subsection A, Allowed parking in Veterans of the Vietnam Conflict Parking Lot, High Street); to park at any municipal parking lot or to park at any municipally maintained parking lot; to park at any designated all-day/overnight parking and/or leased parking only parking space(s); to park in any accessible parking space; or to park in any access aisle within a municipally owned or maintained parking lot; or to park on any way in the Town of Hampton during a snow emergency parking ban that shall interfere with the snow removal from said places during a snow emergency. When deemed necessary, the Chief of Police or his designee and/or the Public Works Director or his designee shall order any such vehicle towed and stored at the owner's expense.

C. Exemption. The use of the Veterans of World War II at Ashworth Avenue and the Veterans of World War I at Island Path Municipal Parking Lots for off-street parking of personal vehicles shall be allowed during any hours that are declared a snow emergency parking ban.

§ 805-7. Selling of goods on public ways or in parking spaces.

A. No person, firm or corporation shall park any motor vehicle or other means of conveyance and/or transportation in any parking space or on any way within the Town of Hampton for the purpose of selling or offering for sale any goods, wares or merchandise of any kind whatsoever, and no person, firm or corporation shall use any parking space within the Town of Hampton for any other purpose than that of parking vehicles.

B. This section shall not prevent properly and duly licensed hawkers, peddlers and itinerant vendors from operating within the Town of Hampton.[1]

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1. **Editor's Note: See Ch. 628, Hawkers, Peddlers and Itinerant Vendors.**

§ 805-8. Use of vehicles for advertising.

A. No person shall park any vehicle designed or used primarily for the purpose of advertising in any public parking space for the primary purpose of displaying any advertising matter thereon.

B. It shall be unlawful for any driver to park any vehicle upon the Ocean Boulevard, from L Street to Boar's Head Terrace or in any parking space adjacent thereto, for the primary purpose of displaying any advertising matter thereon.

§ 805-9. Municipally owned and municipally maintained parking lots.

A. In all municipally owned and municipally maintained parking lots, the parking of personal vehicles between the hours of 6:00 a.m. and 10:00 p.m. is allowed except as otherwise noted. Overnight parking is prohibited, except in parking spaces or areas so designated and posted as all-day/overnight parking and/or leased parking only.

(1) In all municipally owned and municipally maintained parking lots, the parking of the following personal vehicle types is allowed: car, van, or pickup truck.

(2) In all municipally owned and municipally maintained parking lots, the parking of any of the following types of vehicles is prohibited: unregistered vehicles; vehicles with commercial plates; commercial vehicles; construction vehicles; construction equipment; commercial and/or personal recreational vehicles; trailers of any type or description; and/or buses, except in areas so designated and posted.

(3) All violating vehicles are subject to ticketing by the Hampton parking lot staff and/or by the Hampton Police Department, with fines as per § 805-25 of this article. All violating vehicles are subject to being towed at the owner's expense at the call of the parking lot staff and/or the Hampton Police Department and/or to being booted by the Hampton Police Department. The charge for the boot removal shall be $50 per removal, plus payment of all accrued unpaid parking tickets.

(4) Appropriate signage shall be installed to warn of these provisions, and any person who violates these provisions or who encourages others to do so may be subject to prosecution for trespass and/or theft by unauthorized taking and/or theft by deception.

B. Public parking lots.

(1) Veterans of the Vietnam Conflict Uptown Municipal Parking Lot at High Street.

(a) Two-hour public parking in parking spaces as designated and posted.

(b) All-day/overnight parking in parking spaces as designated and posted.

(c) During a snow emergency, "no parking" shall be in effect in all areas designated as accessible parking spaces and all-day/overnight parking between the hours of 9:00 p.m. and 12:00 midnight.

(d) No parking on the west side of the west entrance to the lot from High Street for 50 feet along the side of the building.

(e) Three-hour public parking in parking spaces as designated and posted. **[Added 12-17-2012]**

C. Daily rental parking lots.

(1) Veterans of World War II Municipal Parking Lot at Ashworth Avenue and Veterans of World War I Municipal Parking Lot at Island Path.

(a) Public parking only by daily rental between the hours of 7:00 a.m. and 2:00 a.m. the following day.

(b) Overnight parking is prohibited between the hours of 2:00 a.m. and 7:00 a.m., except during the hours of 1:00 p.m. to 7:00 a.m. between the dates of November 15 each year and March 15 of the following year, including any hours that are declared a snow emergency parking ban.

(2) Veterans of the American Civil War Municipal Parking Lot at Church Street (south side).

(a) Public parking only by daily rental.

(b) Overnight parking is prohibited between the hours of 2:00 a.m. and 7:00 a.m.

D. Leased parking lots. Overnight parking between the hours of 2:00 a.m. and 7:00 a.m. is prohibited in all leased parking lots with the following exceptions:

(1) Veterans of World War II Municipal Parking Lot at Ashworth Avenue: 50 parking spaces, all-day/overnight parking for only vehicles displaying a current and valid Town of Hampton lease parking placard.

(2) Veterans of World War I Municipal Parking Lot at Island Path: 35 parking spaces, all-day/overnight parking for only vehicles displaying a current and valid Town of Hampton lease parking placard.

(3) Veterans of the Spanish - American War Municipal Parking Lot at Church Street (north side, northeast lot): 60 parking spaces, all-day/overnight parking for only vehicles displaying a current and valid Town of Hampton lease parking placard.

E. Hampton residential parking lots.

(1) Issuance of Hampton resident parking and transfer station permit. **[Added 7-11-2011]**

(a) Hampton resident parking and transfer station permits shall only be issued for and to the personal motor vehicle(s) that is (are) registered in the name(s) of the property owner(s) as listed on the tax bill, tax statement, and/or the property tax card.

(b) Exceptions: issuance of permits for leased personal vehicles, individuals of trusts, and commercial vehicles.

[1] Leased personal vehicles. Upon proper documentation naming an individual as the lessee of the personal motor vehicle, who is a Hampton resident or the property owner as listed on the tax bill, tax statement, and/or the property tax card.

[2] Trusts. Upon proper documentation, permits for personal motor vehicle(s) that is (are) registered in the name(s) of the individual(s) named within the trust as the property owner as listed on the tax bill, tax statement and/or the property tax card.

[3] Commercial vehicles. Commercial vehicles that are registered in Hampton and/or registered in the name(s) of the property owners as listed on the tax bill, tax statement and/or the property tax card will only be issued a transfer station permit.

(2) A residential parking sticker shall be issued to the residents and property owners of the Town of Hampton. The placement of the resident sticker shall be located on (affixed to) the lower (left) driver's side windshield.

(3) During a snow emergency, "no parking" shall be in effect in all areas designated as all-day/overnight parking.

(4) Overnight parking between the hours of 2:00 a.m. and 7:00 a.m. is prohibited in all residential parking lots with the following exceptions:

(a) Veterans of the War of 1812 Municipal Parking Lot at Church Street (north side, northwest lot). Hampton residential parking all-day/overnight parking in parking spaces as designated and posted.

(b) Joseph William Brown Park. Hampton residential parking is allowed between the hours of 7:00 a.m. and 10:00 p.m. Overnight parking is prohibited between the hours of 10:00 p.m. and 7:00 a.m.

(c) Veterans of the American Revolutionary War Municipal Parking Lot at Plymouth and Campton Streets (Sun Valley). Hampton residential parking is allowed between the hours of 7:00 a.m. and 10:00 p.m. Overnight parking is prohibited between the hours of 10:00 p.m. and 7:00 a.m.

(d) Bicentennial Parking Lot. Hampton residential parking is allowed between the hours of 5:00 a.m. and 2:00 a.m. the following day. All parking is prohibited during the hours of 2:00 a.m. to 5:00 a.m. from May 15 to September 15.

(e) Veterans of the Persian Gulf War Municipal Parking Lot at King's Highway and High Street. Nonresidential public parking is allowed in parking spaces that are not designated and posted as Hampton residential parking between the hours of 7:00 a.m. and 10:00 p.m. Overnight parking is prohibited during the hours of 1:00 a.m. to 5:00 a.m.

(f) Veterans of the Korean Conflict Municipal Parking Lot at Cusack Road and Ocean Boulevard. Two-hour nonresidential public parking in parking spaces

that are not designated and posted as Hampton residential parking between the hours of 7:00 a.m. and 10:00 p.m. Overnight parking is prohibited between the hours of 1:00 a.m. and 5:00 a.m., except in the seven parking spaces designated and posted as all-day/overnight parking.

(5) Overnight parking between the hours of 1:00 a.m. and 7:00 a.m. is prohibited in all residential parking lots with the following exceptions: **[Added 12-17-2012]**

(a) "Veterans of the Persian Gulf War" (King's Highway and High Street):

Two-hour parking limit - non-residential public parking, as designated and posted between the hours of 5:00 a.m. and 1:00 a.m.

Overnight parking is prohibited during the hours of 1:00 a.m. and 5:00 a.m.

(b) "Veterans of the Korean Conflict" (Cusack Road & Ocean Boulevard Parking Lot):

One-hour non-residential public as designated and posted between the hours of 5:00 a.m. and 1:00 a.m.

Three-hour non-residential public as designated and posted between the hours of 5:00 a.m. and 1:00 a.m.

Overnight parking is prohibited between the hours of 1:00 a.m. and 5:00 a.m. except in the 7 (seven) parking spaces designated and posted as "All Day/Overnight Parking."

§ 805-9.1. Moped and scooter parking. [Added 12-17-2012]

"Veterans of the Persian Gulf War" (King's Highway and High Street):

A. Moped and scooter parking only, as designated and posted, two-hour parking limit.

§ 805-10. Accessible parking.

A. Accessible parking spaces:

(1) Eight spaces as designated at the Veterans of the Vietnam Conflict Municipal Parking Lot.

(2) One space as designated at Marelli Park.

(3) Two spaces as designated at Bicentennial Park.

B. Seasonal accessible parking spaces as assigned between the dates of May 1 and November 1 of each year:

(1) One space on the south side of P Street, the first legal parking spot from the corner of Ashworth Avenue proceeding east.

(2) One space near or directly in front of 15 Boston Avenue.

(3) One space near or directly in front of 19 Concord Avenue.

(4) One space near or directly in front of 4 M Street.

(5) One space at the beginning of J Street on the south side.

§ 805-11. Stopping, standing or parking prohibited in specified places.

Except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or official traffic control device, no person, except a person driving an emergency vehicle, shall:

A. Stop, stand/or park a vehicle:

(1) In front of a public or private driveway.

(2) On a sidewalk.

(3) In, on or overlapping any accessible parking space, unless that person has a special plate or placard.

(4) In, on or overlapping any accessible access aisle (no person, even a person having a special plate or placard, shall park in an access aisle).

(5) At any place where official signs prohibit parking and/or stopping.

(6) Within 20 feet of all corners on all lettered streets from A through D Streets.

(7) Within 20 feet of all corners on all lettered streets from F through Q Streets.

(8) Within 20 feet of the following corners:

(a) Nudd Avenue and Ashworth Avenue, north and south.

(b) Mooring Drive and Ashworth Avenue, north and south.

B. Stand/or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

(1) Within 15 feet of a fire hydrant.

(2) Within 20 feet of the following:

(a) An intersection.

(b) An intersecting way.

(c) All corners of intersections and cross streets.

(d) A crosswalk.

(e) Any temporary no parking sign.

(f) Any warning device designating a traffic hazard or a danger to the public erected in compliance with law or directions of a police officer or upon authorization of the Chief of Police.

(g) The driveway entrance to any fire station and on the side of the street opposite the entrance to any fire station within 75 feet of said entrance when property signposted.

(3) At any place where official signs prohibit standing.

(4) Within 30 feet of the following: upon the approach to any flashing signal, stop sign, or traffic control signal located at the side of a roadway.

§ 805-12. Ten-minute parking.

A. Veterans of the Korean Conflict Municipal Parking Lot: between the hours of 5:00 a.m. and 1:00 a.m. the following day, in the southwest corner, beginning at the granite blocks, for a distance of 100 feet.

B. Park Avenue: ten-minute parking allowed in front of Ring Swamp Cemetery.

§ 805-13. Fifteen-minute parking.

A. Kershaw Avenue: south side, beginning at 83 feet east of Route 1, at the westerly edge of No. 3 Kershaw Avenue, for a distance of 75 feet to No. 7 Kershaw Avenue.

§ 805-14. Twenty-minute parking.

A. Lafayette Road: west side at Marelli Square south two parking spaces.

§ 805-15. One-hour parking.

A. High Street: south side from Lafayette Road east to the Veterans of the Vietnam Conflict Municipal Parking Lot.

B. Lafayette Road.

(1) East side from Swain's Court north to High Street.

(2) East side from High Street north three parking spaces.

C. "Veterans of the Korean Conflict" (Cusack Road & Ocean Boulevard Parking Lot): as designated and posted. **[Added 12-17-2012]**

§ 805-16. Two-hour parking.

A. Veterans of the Vietnam Conflict Municipal Parking Lot: as designated and posted.

B. Veterans of the Korean Conflict Municipal Parking Lot: as designated and posted.

C. Lafayette Road: west side for 220 feet south from the entrance of Marelli Square as designated by signs.

D. "Veterans of the Persian Gulf War" (King's Highway and High Street): non-resident parking only, as designated and posted. **[Added 12-17-2012]**

§ 805-16.1. Three-hour parking. [Added 12-17-2012]

A. "Veterans of the Korean Conflict" (Cusack Road & Ocean Boulevard Parking Lot): as designated and posted.

B. "Veterans of the Vietnam Conflict" Uptown Municipal Parking Lot at High Street: as designated and posted.

§ 805-17. Loading zone hours.

A. The loading or unloading of commercial vehicles is permissible between the hours of 8:00 a.m. and 6:00 p.m., unless otherwise posted.

B. No driver shall stop, stand, or park any vehicle in any loading zone, or part thereof, between the hours of 6:00 p.m. and 8:00 a.m. from January 1 to December 31.

§ 805-18. Loading zones.

No driver shall stop, stand, or park any vehicle in any loading zone with the following exceptions:

A. Commercial vehicles, as defined, stopped for not more than 15 minutes continuously, unless otherwise posted, or so required for a longer period of time, while actually engaged in the expeditious loading or unloading of materials, except during the hours when stopping or standing or parking is prohibited;

B. Passenger vehicles stopped temporarily during the actual receiving or discharging of passengers.

Name of Street	Hours Unless Otherwise Posted	Location
A Street	8:00 a.m. to 6:00 p.m.	On the east end of A Street along the northerly curbline, beginning 42 feet west of the edge of pavement on Ocean Boulevard and continuing west 40 feet
A Street	8:00 a.m. to 6:00 p.m.	On the west end of A Street along the northerly curbline, beginning 50 feet east of the edge of pavement on Ashworth Avenue and continuing east for 50 feet

Name of Street	Hours Unless Otherwise Posted	Location
Ashworth Avenue	8:00 a.m. to 6:00 p.m. May 1 to September 30	No. 86 Ashworth Avenue
Ashworth Avenue	8:00 a.m. to 6:00 p.m. May 1 to September 30	No. 94 Ashworth Avenue, 15 minute live parking and loading zone
Ashworth Avenue	8:00 a.m. to 6:00 p.m. May 1 to September 30	No. 132 Ashworth Avenue
Ashworth Avenue	8:00 a.m. to 6:00 p.m. May 1 to September 30	No. 166 Ashworth Avenue
C Street	8:00 a.m. to 6:00 p.m.	On the east end of C Street along the southerly curbline, beginning 20 feet west of the edge of pavement on Ocean Boulevard and continuing west 20 feet
F Street	8:00 a.m. to 6:00 p.m.	On the east end of F Street along the northerly curbline, beginning 42 feet west of the edge of pavement on Ocean Boulevard and continuing west 40 feet
H Street	8:00 a.m. to 6:00 p.m.	On the east end of H Street along the northerly curbline, beginning 42 west of the edge of pavement on Ocean Boulevard and continuing west 50 feet
Highland Avenue	8:00 a.m. to 6:00 p.m. May 1 to September 30	No. 9 Highland Avenue for a distance of 43 feet
I Street	8:00 a.m. to 6:00 p.m.	On the east end of I Street along the southerly curbline, beginning 20 feet west of the edge of pavement on Ocean Boulevard and continuing west 20 feet
K Street	8:00 a.m. to 6:00 p.m.	On the east end of K Street along the southerly curbline, beginning 80 feet west of the edge of pavement on Ocean Boulevard and continuing west 70 feet
King's Highway	8:00 a.m. to 6:00 p.m. May 1 to September 30	No. 66 Kings Highway
L Street	8:00 a.m. to 6:00 p.m.	On the east end of L Street along the southerly curbline, beginning 20 west of the edge of pavement on Ocean Boulevard and continuing west 100 feet

Name of Street	Hours Unless Otherwise Posted	Location
Nudd Avenue	8:00 a.m. to 6:00 p.m.	On the east end of Nudd Avenue along the southerly curbline, beginning 20 west of the edge of pavement on Ashworth Avenue and continuing west for 46 feet
Nudd Avenue	8:00 a.m. to 6:00 p.m.	On the east end of Nudd Avenue along the northerly curbline, beginning 92 west of the edge of pavement on Ashworth Avenue and continuing west 46 feet
P Street	8:00 a.m. to 6:00 p.m.	On the east end of P Street along the southerly curbline, beginning 20 feet west of the edge of pavement on Ocean Boulevard and continuing west 45 feet
Veterans of the Korean Conflict Municipal Parking Lot	5:00 a.m. to 1:00 a.m.	In the southeast corner, beginning at the granite blocks, for a distance of 76 feet
"Veterans of the Korean Conflict" (Cusack Road & Ocean Boulevard Parking Lot) **[Added 12-17-2012]**	6:00 a.m. to 5:00 p.m.	Two spaces in the southeast corner north side

§ 805-19. Valet parking loading zone.

Passenger vehicles may be stopped temporarily in front of a hotel, or where valet parking is provided, for not more than 15 minutes continuously, or as otherwise posted, while actually engaged in receiving or discharging passengers or the expeditious loading or unloading of baggage, or while arrangements are being made for the removal of such vehicles, except during the hours when stopping or standing or parking is prohibited.

§ 805-20. No parking areas.

It shall be unlawful for any person having the custody or control of any vehicle to stand or park a vehicle, whether occupied or not, or cause the same to park except momentarily to pick up or discharge a passenger or passengers within the following areas when designated by "No Parking" signs.

Name of Street	Location
17th Street	"Fire Lane" no parking on the southerly side of the roadway for the entire length of the street
18th Street	"Fire Lane" no parking on the northerly side of the roadway for the entire length of the street
19th Street	"Fire Lane" no parking on the southerly side of the roadway for the entire length of the street
A Street	No parking any time in loading zone
A Street	No parking on the southerly side of the roadway for the entire length of the street
Academy Avenue	No parking on the easterly side of the roadway from the first entrance after the Old Court House to High Street
Academy Avenue	No parking on the westerly side of the roadway from Winnacunnet Road for a distance of 100 feet
Anchor Street	"Fire Lane" no parking on either side of the roadway for the entire length of the street
Ancient Highway	No parking from the northerly entrance of Ancient Highway at Route 1-A (Jo Billy Brown Park) heading in a southerly direction for a distance of 900 -/+ feet, on the west side of the roadway
Ashworth Avenue	No parking any time except the limited parking 15 minutes as posted in loading zones
Ashworth Avenue	No parking on either side of the roadway for the entire length of the street
Atlantic Avenue	No parking on either side at the east end of the road
Auburn Avenue	"Fire Lane" no parking on either side of the roadway for the entire length of the street
B Street	No parking on the northerly side of the roadway for the entire length of the street
Baron Road	"Emergency Lane" no parking within the deceleration lane, north side of Exeter Road, at the approach to Baron Road
Battcock Avenue **[Added 10-20-2014]**	No parking from 24 Battcock Avenue to 15 Jo-Ann Lane for a distance of 94 feet
Battcock Avenue	No parking on the easterly side of the roadway between Island Path and Wall Street
Beach Plum Way	"Fire Lane" no parking on either side of the roadway for the entire length of the street
Bittersweet Lane	No parking on the paved portion of the southerly side of the roadway for the entire length of the street
Boar's Head Terrace	"Fire Lane" no parking within the cul-de-sac
Boston Avenue	No parking on either side at the east end of the road
Bradford Avenue	No parking on either side at the east end of the road

Name of Street	Location
Bragg Avenue	No parking on the paved portion of the southerly side of the roadway for the entire length of the street
Brown Avenue	No parking on either side of the roadway for the entire length of the street
C Street	No parking any time in loading zone
C Street	No parking on the northerly side of the roadway for the entire length of the street
Campton Street	No parking on either side of the roadway for the entire length of the street
Carol Lane	"Fire Lane" no parking on the southerly side of the roadway for the entire length of the street
Charles Street	"Fire Lane" and "Emergency Lane" no parking on either side of the roadway for the entire length of the street
Chase Street	"Fire Lane" and "Emergency Lane" no parking on either side of the roadway for the entire length of the street
Church Street	No parking on either side of the roadway for the entire length of the street
Cliff Avenue	No parking on the easterly side of the roadway and on the northerly side of the roadway from the first intersection with Dumas Avenue to the second intersection with Dumas Avenue
Cole Street	"Fire Lane — West Side"; parking is permissible on the east side, inside the white line and "Emergency Lane — Seasonal"
Concord Avenue	No parking on either side at the east end of the road
Cora Avenue	"Fire Lane" and "Emergency Lane" no parking on either side of the roadway for the entire length of the street
Crest Street	"Fire Lane" no parking on either side of the roadway for the entire length of the street
Cusack Road	No parking on either side of the roadway from Route 1-A to North Shore Road
Cutler Street	"Fire Lane" and "Emergency Lane" no parking on either side of the roadway for the entire length of the street
D Street	"Fire Lane" no parking on either side of the roadway for the entire length of the street
Dearborn Avenue	No parking on the easterly side of the roadway from the driveway of the Dearborn House for a distance of 32 feet
Dearborn Avenue	No parking on the easterly side of the roadway from High Street for a distance of 165 feet
Dearborn Avenue	No parking on the westerly side of the roadway from High Street for a distance of 67 feet
Dover Avenue	"Fire Lane" no parking on the south side of the driveway of 35 Dover Avenue

Name of Street	Location
Dover Avenue	No parking on either side at the east end of the road
Dow Avenue	No parking on the northerly side of the roadway for the entire length of the street
Dumas Avenue	No parking on either side of the street from the intersection of Route 1-A east to the first intersection with Cliff Avenue
Eisenhower Street	No parking on either side of the roadway for the entire length of the street
Epping Avenue	No parking on either side of the roadway from No. 22 Epping Avenue to River Avenue
F Street	No parking any time in loading zone
F Street	"Fire Lane" no parking on either side of the roadway for the entire length of the street
Fairfield Drive	No parking on either side of the roadway from Route 1 to Ruth Lane
Fellows Avenue	"Fire Lane" no parking on either side of the roadway for the entire length of the street
Fogg Lane	"Fire Lane" and "Emergency Lane" no parking on either side of the roadway for the entire length of the street
Fox Road	"Fire Lane" no parking on either side of the roadway for the entire length of the street
Francis Street	"Fire Lane" and "Emergency Lane" no parking on either side of the roadway for the entire length of the street
Fuller Acres	"Fire Lane" no parking on the easterly side of the roadway for a distance of 100 feet from Ocean Boulevard
G Street	No parking any time in loading zones
G Street	No parking on the northerly side of the roadway for the entire length of the street
Glade Path	No parking on the northerly side of the roadway from Route 101 to Bruce Street
Glade Path	New Hampshire mooring permit holders and Hampton residential parking only from Francine Street, heading west, to the end of the roadway, both sides, including the cul-de-sac
Glen Road	"Fire Lane" no parking on either side of the roadway for the entire length of the street
Great Boar's Head Avenue	"Fire Lane" no parking on either side of the roadway for the entire length of the street
Gulseth Avenue	"Fire Lane" and "Emergency Lane" no parking on either side of the roadway for the entire length of the street
H Street	No parking any time in loading zone
H Street	No parking on the northerly side of the roadway for the entire length of the street

Name of Street	Location
Hackett Lane	No parking on the westerly side of the roadway from Kershaw Avenue to Moore Avenue
Harbor Road	Accessway on the southerly side of roadway, on both sides of the accessway
Haverhill Avenue	"Fire Lane" no parking on either side of the roadway for the entire length of the street on the dead end except for the New Hampshire state-leased parking area
Hickory Lane	"Fire Lane" and "Emergency Lane" no parking on either side of the roadway for the entire length of the street
Highland Avenue	No parking in loading zone
Highland Avenue	No parking on the paved portion of the southerly side of the roadway from Ocean Boulevard for a distance of 185 feet
Highland Avenue	No parking on the northerly side of the roadway for the entire length of the street
Highland Avenue	No parking at No. 15 Highland Avenue, from a point approximately 14 feet east of the hydrant and to a point approximately 43 feet west of the next hydrant
High Street	No parking on the northerly side of the roadway east from Dearborn Avenue for a distance of 12 feet
High Street	No parking on the northerly side of the roadway west from the five corners intersection of Mace and Little River Roads to the first driveway
High Street	No parking on the west side of the west entrance from High Street of the Veterans of the Vietnam Conflict Municipal Parking Lot for 50 feet along the side of the building
High Street	No parking on the southerly side of the roadway east from the first entrance of the Veterans of the Vietnam Conflict Municipal Parking Lot to Academy Avenue
High Street	Parking allowed on the south side of High Street for a distance of approximately 112 feet +/-, beginning 20 feet east of the driveway entrance of the Ocean Crest Condominiums, heading in an easterly direction to approximately 90 feet +/- from the intersection of High Street and Kings Highway
High Street	Parking allowed on the south side of High Street for a distance of approximately 500 feet +/-, beginning 20 feet west of the driveway entrance of the Ocean Crest Condominiums, heading in a westerly direction to the High Street Pump Station
High Street	No parking from 491 High Street to the High Street Pump Station, heading east, on the south side of the roadway
High Street	No parking on the northerly side of the roadway west from the intersection of Route 1-A for a distance of 400 feet

Name of Street	Location
Hobson Avenue **[Amended 7-25-2011]**	No parking on the either side of the street beginning at a distance of 210 feet in from Ashworth Avenue and continuing for a distance of 360 +/- feet* to the end of the sewer easement (*as measured on the south side of the street; distance measurements: north side of the street: from the Fog Line on Ashworth Avenue to first pole No. 2486-2 = 245 feet; south side of the street: from the first sign at No. 51 Hobson Avenue to pole No. 2644-5 = 360 feet)
I Street	No parking on the northerly side of the roadway for the entire length of the street
Ice House Lane	"Fire Lane" no parking on the westerly side of the roadway for the entire length of the street
Ina Avenue	"Fire Lane" and "Emergency Lane" no parking on either side of the roadway for the entire length of the street
Island Path	No parking on the paved portion of either side of the roadway from Ashworth Avenue to Ina Avenue
Island Path	No parking on the paved portion of the northerly side of the roadway from Ina Avenue to the dead end
J Street	No parking on the northerly side of the roadway for the entire length of the street
James Street	"Fire Lane" no parking on southerly side of the roadway for the entire length of the street and within the cul-de-sac
Jeffrey Drive	No parking on either side of the roadway for the entire length of the street Monday to Friday, 7:00 a.m. to 3:00 p.m., from September 1 to June 16 of the following year
Johnson Avenue	No parking on the paved portion of the southerly side of the roadway for the entire length of the street
Jones Avenue	No parking on the easterly side of the roadway from Island Path for a distance of 50 feet
Jones Avenue	No parking on the easterly side of the roadway from Pole No. 75-4-1503 for a distance of 80 feet
Jones Avenue	No parking on the westerly side of the roadway for the entire length of the street
K Street	No parking any time in loading zone
K Street	No parking on the southerly side of the roadway for the entire length of the street
Keefe Avenue **[Amended 5-6-2013]**	"Fire Lane" No parking on the southerly side of the roadway for the entire length of the street
Kentville Terrace	"Fire Lane" and "Emergency Lane" no parking on either side of the roadway for the entire length of the street
Kershaw Avenue	No parking on the northerly side of the roadway for the entire length of the street
King's Highway	No parking any time in loading zone

Name of Street	Location
King's Highway	No parking on the easterly side of the roadway for the entire length of the street
King's Highway	No parking on the westerly side of the roadway for the entire length of the street from Winnacunnet Road to the end of the paved sidewalk and from High Street for 200 feet
L Street	No parking any time in loading zone
L Street	No parking on the northerly side of the roadway for the entire length of the street
Lyons Street	"Fire Lane" and "Emergency Lane" no parking on either side of the roadway for the entire length of the street
Lafayette Road	No parking on the easterly side of the roadway from the Hampton Falls Town line to Swain's Court
Lafayette Road	No parking on the easterly side of the roadway 120 feet north of High Street to the North Hampton Town line
Lafayette Road	No parking on the westerly side of the roadway from the North Hampton Town line to the entrance of Marelli Square
Lafayette Road	No parking on the westerly side of the roadway from No. 428 Lafayette Road to the Hampton Falls Town line
Lafayette Road	"Fire Lane" no parking from the northeast corner of the building at 630 Lafayette Road along the front for a distance of approximately 200 feet
Landing Road	No parking on either side of the roadway for the entire length of the street from Cuss Lane to the property line of Winnacunnet High School
Landing Road	No parking on the southerly side of the roadway from the driveway of No. 133 Landing Road to the driveway of the Hampton River Boat Club
Landing Road	No parking on the northerly side of the roadway from No. 110 Landing Road to No. 124 Landing Road
M Street	No parking along the southerly side of the roadway for the entire length of the street
Manchester Street	"Fire Lane" and "Emergency Lane" no parking on either side of the roadway for the entire length of the street
Marston Way	"Fire Lane" no parking on the easterly side of the roadway from High Street to cul-de-sac
Mary Avenue	"Fire Lane" and "Emergency Lane" no parking on either side of the roadway for the entire length of the street
McKay Street	"Fire Lane" and "Emergency Lane" no parking on either side of the roadway for the entire length of the street
1 Merrill Industrial Drive	Along the entire rear of the building and along the north side, a paved strip 18 feet in width

Name of Street	Location
Mill Pond Road	"Fire Lane" no parking on either side of the roadway for the entire length of the street
Moore Avenue	No parking on the northerly side of the roadway from Hackett Lane to Dearborn Avenue
Mooring Drive	No parking on either side of the roadway for the entire length of the street from May 30 to September 1
Moulton Road	No parking on either side of the roadway for the entire length of the street, Monday to Friday, 7:00 a.m. to 3:00 p.m.
N Street	No parking any time in loading zone
N Street	No parking on the northerly side of the roadway for the entire length of the street
Nor'East Lane	No parking on either side of the roadway for the entire length of the street
North Shore Road	No parking from Willow Lane to Route 1A, heading east, on the south side of the roadway
North Shore Road	No parking on either side of the roadway from Acorn to Willow Lane
Nudd Avenue	No parking any time in loading zone
Nudd Avenue	No parking on either side of the roadway for the entire length of the street
O Street	No parking along the southerly side of the roadway for the entire length of the street
Ocean Boulevard	"Fire Lane" no parking along the common driveway between 419 and 421 Ocean Boulevard
Ocean Boulevard	"Fire Lane" no parking on either side along the right-of-way between 593 and 595 Ocean Boulevard
Ocean Drive	No parking on either side of the roadway for the entire length of the street
P Street	No parking any time in loading zone
P Street	No parking on the northerly side of the roadway for the entire length of the street
Park Avenue	No parking on either side of the roadway from Lafayette Road to Cuss Lane
Park Avenue	No parking on either side of the street from No. 61 Park Avenue to Winnacunnet Road
Perkins Avenue	No parking on the paved portion of the southerly side of the roadway for the entire length of the street
Plymouth Street	No parking on either side of the roadway for the entire length of the street on the Town of Hampton side only
Portsmouth Street	No parking on either side of the roadway for the entire length of the street on the Town of Hampton side only

Name of Street	Location
Q Street	No parking on the northerly side of the roadway for the entire length of the street
Rice Terrace	No parking on the southerly side of the roadway from Lafayette Road to Newman Street
River Avenue	No parking on the easterly side of the roadway from Epping Avenue to Ocean Boulevard
Riverview Terrace	No parking on the paved portion of the southerly side of the roadway for the entire length of the street
Robin Lane	"Fire Lane" and "Emergency Lane" no parking on the west side of the roadway for the entire length of the street
Ross Avenue	"Fire Lane" no parking on either side of the paved portion of the roadway for the entire length of the street
Sacred Heart Parking Lot	"Fire Lane" no parking on the entire outside perimeter
Shaw Street	No parking on the existing dead end
Smith Avenue	"Fire Lane" no parking on the southerly side 180 feet to the curve
Stickney Terrace	No parking on either side of the roadway for the entire length of the street; parking is allowed on the northerly side for a distance of 280 feet on Saturdays and Sundays only
Sun Surf Avenue	"Fire Lane" no parking on the northerly side of the roadway for the entire length of the street and the cul-de-sac
Swain's Court	No parking on either side of the roadway for the entire length of the street
Thornton Street	No parking on either side of the roadway for the entire length of the street
Tilton Street	"Fire Lane" no parking on the southerly side of the roadway
Toppan Street	No parking on the existing dead end
Toppan Street	"Fire Lane" no parking on southerly side of the roadway for the entire length of the street and within the cul-de-sac
Tower Drive	No parking on either side of the roadway from Lafayette Road for a distance of 360 feet
Towle Avenue	No parking on the easterly side of the roadway from the intersection of Winnacunnet Road for a distance of 150 feet, Monday to Friday, 7:00 a.m. to 3:00 p.m.
Tuttle Avenue	No parking on the paved portion of the northerly side of the roadway for the entire length of the street
Walnut Avenue	No parking on either side of the roadway east of Sapphire Avenue for the entire length of the street
Warner Lane	No parking on the westerly side of the roadway from Exeter Road to Donna Lane

Name of Street	Location
Wheaton Lane Terrace	No parking on either side of the roadway for the entire length of the street, Monday to Friday, 7:00 a.m. to 3:00 p.m., from September 1 to June 16 of the following year
Whites Lane	"Fire Lane" and "Emergency Lane" no parking on either side of the roadway from Mill Road east approximately 150 feet to the gate
Whitten Street	"Fire Lane" no parking on the easterly side of the roadway for the entire length of the street and within the cul-de-sac
Williams Street	"Fire Lane" and "Emergency Lane — Seasonal" no parking on either side of the roadway for the entire length of the street
Winnacunnet Road	No parking on either side of the roadway from Mill Road to Landing Road, Monday to Friday, 7:00 a.m. to 3:00 p.m.
Winnacunnet Road	No parking on the northerly side of the roadway in front of the Town fire station
Winnacunnet Road	No parking on the northerly side of the roadway from No. 30 Winnacunnet Road to Lafayette Road
Winnacunnet Road	No parking on the northerly side of the roadway from No. 58 Winnacunnet Road to No. 82 Winnacunnet Road, Monday to Friday, 7:00 a.m. to 3:00 p.m.
Winnacunnet Road	No parking on the southerly side of the roadway from No. 47 Winnacunnet Road to No. 117 Winnacunnet Road, Monday to Friday, 7:00 a.m. to 3:00 p.m.
Winnacunnet Road	No parking on the southerly side of the roadway from No. 615 Ocean Boulevard for a distance of 60 feet
Winnacunnet Road	No parking on the easterly side of the roadway from Park Avenue to No. 232 Winnacunnet Road
Woodland Road	No parking from No. 189 Woodland north for a distance of approximately 448 feet +/-
Woodland Road	From the approximate point of the end of the "No Parking," measured from No. 189 Woodland, for a distance of 70 feet, on-street parking is allowed for a distance of 70 feet
Woodland Road	No parking from the end of the allowed on-street parking to No. 221 Woodland
Woodstock Street	No parking on either side of the roadway for the entire length of the street

§ 805-20.1. Parking on property owned by the State of New Hampshire on the west side of Route 1A. [Added 3-17-2014]

The Town of Hampton Board of Selectmen ordains the following ordinance subject to the approval of the State of New Hampshire Department of Transportation for the regulation of parking on the property owned and under the exclusive control of the State of New

Hampshire on the west side of New Hampshire Route 1A from High Street to Church Street as follows:

1. Parking on the west side of Route 1A between High Street and Winnacunnet Road.

   Beginning at the southerly corner of High Street on the west side of Route 1A and heading south, there shall be No Parking on the west side of Route 1A to the northeasterly corner of Tax Map 168, Lot 12 - 185 Kings Highway.

   From the northeasterly corner of Tax Map 168, Lot 12 - 185 Kings Highway on the west side of Route 1A to twenty feet northerly of the intersection of 1st Street and Route 1A, there shall be 10-Minute Parking.

   Beginning from twenty feet north of 1st Street on the west side of Route 1A and heading south to the end of the Route 1A located on the north side of Winnacunnet Road, there shall be No Parking.

   Within the entire area included in this Section 1, there shall be No Parking on the west side of Route 1A that is (a) within twenty feet (20) of any intersecting roadway, (b) within twenty feet either side of a crosswalk, or (c) within fifteen feet of a fire hydrant.

2. Parking on the west side of Route 1A between Winnacunnet Road and Church Street.

   Beginning at the south side of Winnacunnet Road, on the west side of Route 1A, and heading south, there shall be No Parking on the west side of Route 1A to the northerly corner of Tax Map 235, Lot 17 - 603 Ocean Boulevard.

   From the northerly corner of Tax Map 235, Lot 17 - 603 Ocean Boulevard on the west side of Route 1A, to the southerly boundary of Tax Map 255, Lot 6 - 545 Ocean Boulevard, there shall be 10-Minute Parking.

   Beginning at the southerly boundary of Tax Map 255, Lot 6 - 545 Ocean Boulevard on the west side of Route 1A and heading south, there shall be No Parking on the west side of Route 1A to the southerly boundary of Tax Map 266, Lot 50 - 497 Ocean Boulevard.

   From the southerly boundary of Tax Map 266, Lot 50 - 497 Ocean Boulevard on the west side of Route 1A, to the northerly side of Church Street, there shall be 10-Minute Parking.

   Within the entire area included in this Section 2, there shall be No Parking on the west side of Route 1A that is (a) within twenty feet either side of a crosswalk, except at Church Street and Route 1A, or (b) within fifteen feet of a fire hydrant.

3. Effective. This ordinance shall take effect when approved by the Commissioner of the State Department of Transportation or his representative and filed with the Town Clerk.

§ 805-21. Signage for parking.

The following signage shall be considered the legal signage for parking within the Town of Hampton:

10 Min Parking Only 6 AM to 2 AM, the next day
10 Min Parking Only
15 Min Parking Only
20 Min Parking Only
One-Hour Parking
Two-Hour Parking
Accessible Parking Space
All Day/Overnight Parking
Hampton Residential Parking Only
Hampton Leased Parking Only
Leased Parking Sticker Required
Live Parking Only
Loading Zone 8:00 AM — 6:00 PM
Loading Zone
Loading Zone — 15 Min Parking Only
No Stopping, Standing or Parking — "Loading Zone"
No Parking
No Parking here to corner
No Parking anytime
No Parking on either side
No Parking between Signs
No Parking Mon-Fri 7:00 AM — 3:00 PM
No Parking — Fire Lane
No Parking — Emergency Lane
No Overnight Parking 10:00 PM to 7:00 AM
Residential Parking Sticker Required
Tow Zone
Van Accessible Parking Space

§ 805-22. Display of unauthorized signs, signals, markings or devices prohibited.

A. No person shall place, maintain, or display, upon or in view of any street, any unofficial sign, signal, marking, or device which purports to be, or is an imitation of, or resembles an official traffic sign, signal, marking, or device, or which attempts to direct the movement of traffic, or which hides from view any official sign, signal, marking, or device, unless otherwise authorized by the Town of Hampton.

B. Any person found to have violated this section shall be subjected to a fine for each offense, plus a twenty-percent penalty assessment, with such fines to be deposited in the general fund and to inure to the use of the Town.

§ 805-23. Interference with signs, signals, markings or devices prohibited.

A. No person shall willfully deface, damage, move, obstruct, or interfere with any official traffic sign, signal, marking, or device.

B. Any person found to have violated this section shall be subjected to a fine for each offense, plus a twenty-percent penalty assessment, with such fines to be deposited in the general fund and to inure to the use of the Town.

§ 805-24. Obedience to traffic signs, signals, markings or devices.

The driver of any vehicle shall obey the instructions of any official traffic control sign, signal, device, marking, or legend, unless otherwise directed by a police officer.

§ 805-25. Parking fines.

A. Any vehicle found to have an expired Town of Hampton residential parking sticker or a Town of Hampton residential lease parking placard and/or having the placement of said sticker or placard not in the authorized location shall be subject to a fine of $5, with such fines to be deposited in the general fund and to inure to the use of the Town.

B. Any person found violating the parking regulations of this article by parking his or her vehicle in a municipally owned parking lot and/or a municipally maintained parking lot which requires a Town of Hampton resident parking permit and/or a Town of Hampton lease parking placard as permitted or authorized by this article shall be subjected to a fine of $100 for each offense, with such fines to be deposited in the general fund and to inure to the use of the Town.

C. Any person found violating the parking regulations of this article by parking his or her vehicle for a period of time in excess of maximum time allowed or permitted or authorized by this article shall be subjected to a fine of $25 for each offense, with such fines to be deposited in the general fund and to inure to the use of the Town.

D. Any person found violating the parking regulations of this article by parking his or her vehicle in any area designated and defined as "no parking," "loading zone," "driveway," "sidewalk," "crosswalk," "winter ban," "snow emergency," "double parking," "in an intersection" or "other" shall be subjected to a fine of $30 for each offense, with such fines to be deposited in the general fund and to inure to the use of the Town.

E. Any person found violating the parking regulations of this article by parking his or her vehicle in any area designated and defined as "15 feet of a hydrant," "fire lane" or "emergency lane" shall be subjected to a fine of $60 for each offense, with such fines to be deposited in the general fund and to inure to the use of the Town.

F. Any person found violating the parking regulations of this article by parking his or her vehicle in any area designated and defined as "time restricted" shall be subjected to a fine of $25 for each offense, with such fines to be deposited in the general fund and to inure to the use of the Town.

G. Any person found violating the parking regulations of this article by parking his or her vehicle in an area designated as an accessible parking space as required by RSA 265:73-a, without a special plate or placard issued or recognized pursuant to RSA 261:86 or RSA 261:88, shall be subject to a fine of $250 for each offense, with such fines to be deposited in the general fund and to inure to the use of the Town.

H. Any person found violating the parking regulations of this article by parking his or her vehicle in an area designated as an "access aisle — no parking" shall be subject to a fine of $50 for the first offense and $100 for each subsequent offense, with such fines to be deposited in the general fund and to inure to the use of the Town.

I. Payments of all parking fines shall be made within five days of receipt of the parking ticket and shall be paid to the Town of Hampton and mailed or delivered to the Hampton Police Department, with such fines to be deposited in the general fund and to inure to the use of the Town.

J. A thirty-dollar fee shall be added to the fine if the parking ticket is not paid within the five days, with such fees to be deposited in the general fund and to inure to the use of the Town.

§ 805-26. Penalty assessment.

A penalty assessment of not more than 20% shall be assessed if the parking ticket remains unpaid 21 days after the issuance of a notice of the parking ticket, with such fees to be deposited in the general fund and to inure to the use of the Town.

§ 805-27. Towing.

A. Any vehicle found violating the parking regulations of this article by parking in any area designated and defined as "no parking" shall be subject to being towed by order of the Hampton Police Department at the expense of the owner or custodian of the vehicle.

B. A vehicle may be towed and impounded if it is found that payment of a parking ticket(s) issued to that vehicle has not been received by the Hampton Police Department within the five days.

C. All towing and storage costs for a vehicle so ordered towed away for the failure to pay all fines under this article shall be the responsibility of the owner or custodian of said vehicle.

D. No vehicle shall be released to the owner or the custodian of said vehicle until payment has been received by the Hampton Police Department for all unpaid fines, with such fines to be deposited in the general fund and to inure to the use of the Town.

§ 805-28. Tow zone.

A. Any way, as defined in RSA 259:125, as amended, shall be considered a tow zone for illegally parked motor vehicles, provided that "No Parking" signs are erected on said way.

B. The provisions of this section shall also include areas designated as fire lanes in accordance with the NFPA 1 (National Fire Protection Association) Uniform Fire Code, most recent edition, as adopted by the State of New Hampshire under administrative rule, where the parking of a vehicle is prohibited on either side or both sides of the way.

C. The provisions of this section shall also include areas designated as emergency lanes in accordance with RSA 231:59-a as adopted by the Town.

D. Any vehicle parked in violation of this article or otherwise illegally parked or for which a parking violation ticket has been issued shall be subject to being towed by order of the Hampton Police Department at the expense of the owner or custodian of the vehicle.

§ 805-29. Severability.

If any section or part of a section or paragraph of this article is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this article.

§ 805-30. Authorization of renumbering of all references.

This section authorizes the renumbering of all references to the previous article within the Hampton Code of Ordinances and in all corresponding articles and other sections of this article to reflect the numbering of this article.

§ 805-31. When effective; repealer.

This article shall become effective upon its adoption, and all previous ordinances and regulations on this subject shall be automatically repealed upon its approval.

ARTICLE IV
Stop and Yield Intersections; Turns
[Adopted as Ch. 3, Arts. 6 and 10, of the Code of Ordinances, as amended through 8-23-2010]

§ 805-32. Stop intersections. [Amended 2-3-2014]

Subject to the approval of the State Highway Commissioner, as to the specifications for stop signs, the Board of Selectmen of the Town of Hampton has hereby established the following stop intersections. All traffic shall stop on the following designated stop streets, as indicated by signs, when proceeding in the direction of travel indicated, before entering, including crossing, the following designated through streets:

Stop Street	Direction of Travel and Through Street
A Street	Westerly before entering Ashworth Avenue
Academy Avenue	Northerly before entering High Street
Academy Avenue	Southerly before entering Winnacunnet Road
Alexander Drive	Northerly before entering Presidential Circle
Ann's Lane	Easterly before entering Mill Road; 4-way stop with Mill Road/Mace Road
Ann's Lane	Westerly before entering Lafayette Road
Atlantic Avenue	At Ocean Boulevard
B Street	Easterly at Ocean Boulevard
Barbour Road	Westerly before entering Mill Road
Baron Road	Southerly before entering Exeter Road
Bear Path	At Little River
Belmont Circle	Easterly before entering Lafayette Road
Bonair Avenue	South before entering Acadia Avenue
Bonair Avenue	Westerly before entering Esker Road
Boston Avenue	4-way stop at intersection of Boston and River Avenue
Boston Avenue	Northerly before entering Ocean Boulevard
Bradford Avenue	Easterly or westerly before entering Ocean Boulevard
Bride Hill Road	Northerly before entering Exeter Road
Brooke's Lane	Northerly before entering Roberts Drive and Donnas Lane
Brown Avenue	Easterly before entering Ashworth Avenue
Brown Avenue	Easterly and westerly before entering Island Path
Brown Avenue	Northerly before entering Church Street
Brown Avenue	Northerly or southerly before entering Highland Avenue
Burgundy Drive	Southerly before entering Longwood Drive
C Street	Westerly before entering Ashworth Avenue
Campbell Drive	Northerly before entering Towle Farm Road
Campton Street	Easterly and westerly before entering Portsmouth Avenue
Carlson Road	Northerly before entering Locke Road
Carlson Road	Southerly before entering Winnacunnet Road
Carolan Avenue	Northwesterly before entering Longwood Drive
Carolan Avenue	Westerly before entering Exeter Road
Cassie Lane	Southerly before entering Exeter Road
Concord Avenue	4-way stop at intersection of River and Concord Avenue
Cusak Road	Easterly before entering Ocean Boulevard
Cusak Road	Westerly before entering North Shore Road
Cuss Lane	Northerly before entering Park Avenue
Cuss Lane	Southerly before entering Landing Road

Stop Street	Direction of Travel and Through Street
D Street	Easterly at Ocean Boulevard
Dalton Lane	Easterly before entering Woodland Road
Dearborn Avenue	Northerly before entering Ann's Lane
Dearborn Avenue	Southerly before entering High Street
Dover Avenue	At Ocean Boulevard
Dover Avenue	Easterly or westerly before entering River Avenue
Drakeside Road	Northerly before entering Towle Farm Road
Drakeside Road	Southerly before entering Lafayette Road
Driftwood Road	Northerly before entering Exeter Road
Dumas Avenue	Westerly before entering Ocean Boulevard
Dustin Avenue	Easterly before entering Ashworth Avenue
Edgewood Drive	Easterly before entering Locke Road
Edgewood Drive	Southerly before entering Winnacunnet Road
Elm Drive	Southwesterly before entering Josephine Drive
Esker Road	Easterly before entering Bonair Avenue
Esker Road	Southerly at intersection of Bonair Avenue
F Street	Westerly at Ashworth Avenue
Fairfield Drive	Easterly before entering Lafayette Road
Falcone Circle	Easterly before entering 4-way with St. Cyr
Falcone Circle	Southerly before entering Exeter Road
Falcone Circle	Southerly before entering Falcone Circle
Falcone Circle	Westerly before entering 4-way with St. Cyr
Falcone Circle	Westerly before entering St. Cyr Drive
Foss Manufacturing	Easterly before entering Lafayette Road
G Street	Easterly at Ocean Boulevard
Gale Road	Easterly before entering Gale Road 3-way intersection
Gale Road	Northerly before entering Exeter Road
Gale Road	Southerly before entering Gale Road Circle
Gale Road	Westerly before entering Gale Road 3-way intersection
Glade Path	Easterly at Route 101
Great Gate Drive	Westerly before entering Woodland Road
H Street	Westerly at Ashworth Avenue
Hackett Lane	Southerly before entering Kershaw and Moore intersection
Hardardt's Way	All driveways at Hardardt's Way
Hardardt's Way	Stop before entering Hardardt's Way onto Tide Mill Road
Harris Avenue	Southerly before entering Dustin Avenue
Hedman Avenue	Southerly before entering High Street
Heritage Drive	Northerly before entering Exeter Road

Stop Street	Direction of Travel and Through Street
Highland Avenue	Easterly at Brown Avenue
Highland Avenue	Easterly before entering Ocean Boulevard
Hilda Drive	Easterly before entering Landing Road
Hobbs Road	Northerly before entering Mace Road
Hobbs Road	Southerly before entering High Street
Holly Lane	North and southbound before entering Morningside Drive
Holman Drive	Easterly before entering Mill Road
Homestead Circle	Easterly before entering Mill Road
Huckleberry Lane	Southeasterly before entering North Shore Road
Huntington Place	Southerly before entering Exeter Road
I Street	Easterly at Ocean Boulevard
Island Path	Easterly or westerly before entering Brown Avenue
J Street	Easterly at Ocean Boulevard
Jane Appleton Way	Southerly before entering Exeter Road
Janet Lane	Westerly at Mace Road
Jeffrey Drive	Easterly before entering Winnacunnet Road
Josephine Drive	Northeasterly before entering Carolan Avenue
Josephine Drive	Southerly before entering Exeter Road
Juniper Lane	Northeasterly before entering Great Gate Drive
K Street	Easterly at Ocean Boulevard
Katie Lane	Northwesterly before entering Woodland Road
King's Highway	Northerly before entering High Street
King's Highway	Southerly before entering Winnacunnet Road
L Street	Westerly at Ashworth Avenue
Lamprey Terrace	Northerly before entering High Street
Lamson Lane	Westerly before entering Lafayette Road
Landing Road	Northerly before entering Park Avenue
Landing Road	Northerly before turning left onto Winnacunnet Road
Landing Road	Northeasterly before turning right onto Winnacunnet Road
Landing Road	Northerly and southerly at Cuss Lane and Winnacunnet Road
Landing Road	Southerly at east side of island at intersection with Winnacunnet Road (wye intersection)
Langdale Drive	Northerly before entering Exeter Road
Lawrence Court	Southerly before entering Esker Road
Leavitt Road	Northerly before entering High Street
Linden Lane	Westerly before entering Juniper Lane
Little River Road	Easterly before entering Woodland Road

Stop Street	Direction of Travel and Through Street
Little River Road	Northwesterly before entering Barbour Road
Little River Road	Southerly before entering High Street
Little River Road	Southwesterly before entering Mace Road
Locke Road	Northerly before entering High Street
Locke Road	Southerly before entering Winnacunnet Road
Longwood Drive	Southerly before entering Exeter Road
Mace Road	4-way stop with Mill Road/Ann's Lane
Mace Road	At 5-Corners before entering Little River Road
Maplewood Drive	Northerly before entering Exeter Road
Marston Way	Southerly before entering High Street
Mary Batchelder Road	Southerly before entering Towle Farm Road
Mary Batchelder Road	Westerly before entering Timber Swamp Road
Merrill Industrial Drive	Northerly before entering Towle Farm Road
Mill Road	4-way stop with Mace Road/Ann's Lane
Mill Road	Easterly at spur before entering Mill Road, north or south
Mill Road	Southerly before entering Winnacunnet Road
Moore Avenue	South side before entering Dearborn Avenue
Mooring Drive	Easterly before entering Ashworth Avenue
Morningside Drive	Easterly before entering Edgewood Drive
Morningside Drive	Southeasterly or northwesterly before entering Leavitt Road
Morningside Drive	Westerly before entering Moulton Road
Moulton Road	Northerly before entering High Street
Moulton Road	Southerly before entering Winnacunnet Road
Munsey Drive	Easterly before entering Woodland Road
Nathaniel Court	Northerly before entering Winnacunnet Road
Naves Road	Southerly before entering Mace Road
Noel Street	Westerly before entering Mace Road
North Shore Road	Easterly before entering Woodland Road
Norton Road	Westerly before entering Little River Road
Nudd Avenue	Easterly before entering Ashworth Avenue
Oakdale Avenue	Northerly before entering Exeter Road
Olde Road	Southerly before entering Exeter Road, at both outlets
Park Avenue	Easterly before turning left or right on Winnacunnet Road
Park Avenue	Northeasterly before turning right onto Winnacunnet Road
Park Avenue	Westerly before entering Lafayette Road
Parr Street	Southerly before entering Mace Road
Philbrook Terrace	Easterly before entering Mill Road

Stop Street	Direction of Travel and Through Street
Playhouse Circle	Northerly before entering Winnacunnet Road
Playhouse Circle	Westerly before entering Playhouse Circle
Post Road	Easterly before entering Lafayette Road
Presidential Circle	Northerly before entering Alexander Drive
Presidential Circle	Southerly before entering Winnacunnet Road
Presidential Circle	Westerly before entering Alexander Drive at Presidential
Rice Terrace	Northwesterly before entering Lafayette Road
Rings Terrace	Northerly before entering Winnacunnet Road
River Avenue	4-way stop at intersection of Concord and River Avenue
River Avenue	4-way stop at intersection of River and Boston Avenue
Roberts Drive	Northerly before entering Roberts Drive and Rosia Road
Sanborn Road	Easterly before entering Winnacunnet Road
Sanborn Road	Westerly before entering Carlson Road
Scott Road	Easterly before entering Lafayette Road
Seavey Street	Northwesterly before entering Longwood Drive
Seavey Street	Southeasterly before entering Carolan Avenue
Seventh Street	Westerly before entering King's Highway
Sherburne Drive	Southerly before entering Barbour Road
Smith Avenue	Northerly before entering Smith Circle
Springhead Lane	Southerly before entering High Street
St. Cyr Drive	Southerly before entering Exeter Road
Stowecroft Drive	Southerly before entering Exeter Road
Summerwood Drive	Northwesterly before entering Timber Swamp Road
Swain's Court	Westerly before entering Lafayette Road
Taylor Street	Westerly before entering Little River Road
Thomsen Road	Northerly before entering Mace Road
Thomsen Road	Southerly before entering High Street
Thorwald Avenue	Westerly before entering Acadia Avenue
Tide Mill Road	Before entering Hardardt's Way
Tide Mill Road	Northerly before entering Landing Road
Timber Swamp Road	Northerly before entering Exeter Road
Timber Swamp Road	Northerly before entering Exeter Road, at Towle Farm Road
Tobey Street	Northerly before entering Mace Road
Tobey Street	Southerly before entering High Street
Tower Drive	Easterly before entering Lafayette Road
Towle Avenue	Northerly before entering High Street
Towle Avenue	Southerly before entering Winnacunnet Road

Stop Street	Direction of Travel and Through Street
Towle Farm Road	Easterly before entering Exeter Road
Tucker Lane	North and southbound before entering Morningside Drive
Tuck Road	Southerly before entering Ann's Lane
Viking Street	Southerly before entering Winnacunnet Road
Walnut Avenue	Westerly before entering Acadia Avenue
Warner Lane	Northerly before entering Exeter Road
Watson Lane	Easterly before entering Mill Road
Watson Lane	Westerly before entering Lafayette Road
Wayside Farm Lane	Westerly before entering Mill Road
Westridge Drive	Easterly before entering Stowecroft Drive
Westridge Drive	Southerly before entering Exeter Road
Wigwam Circle	Westerly before entering Josephine Drive
Windmill Lane	Northerly before entering High Street
Windmill Lane	Southerly before entering Winnacunnet Road
Wingate Street	Northerly to Carolan Avenue
Winnacunnet Road	Easterly before entering Winnacunnet Road
Winnacunnet Road	Westerly turning left (south) onto Lafayette Road
Winnacunnet Road	Westerly turning right (north) onto Lafayette Road

§ 805-33. Yield intersections.

Subject to the State Highway Commissioner, as to the specifications for yield signs, the Board of Selectmen of the Town of Hampton has hereby established the following yield intersections. All traffic shall yield on the following designated yield streets as indicated by signs, when proceeding in the direction of travel indicated, before entering, including crossing, the following designated through streets:

Yield Street	Direction of Travel and Through Street
High Street	Southwesterly before entering Ocean Boulevard
Little River Road	Northeasterly before entering Barbour Road
Winnacunnet Road	Westerly before turning left onto Park Avenue

§ 805-34. Turning restrictions.

A. No left turn:

(1) Ashworth Avenue: right lane from Q Street to Duston Avenue.

(2) Church Street: entering Brown Avenue.

B. Turn lane only:

(1) Ashworth Avenue: left lane from Q Street to Duston Avenue.

C. Right turn on red prohibited. It shall be unlawful to make a right turn on a red signal at the following intersections in the Town of Hampton when proper signs are posted:

(1) High Street at Mill Road (four ways).

§ 805-35. One-way streets. [2]

A. Munsey Drive, circular drive at end of Munsey Drive, one way, keep right.

§ 805-36. Violations and penalties; severability.

A. Any person violating any of the provisions of this article shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a penalty of not more than $100 for each offense.

B. If any section or part of a section or paragraph of this article is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this article.

ARTICLE V
Vehicle Use
[Adopted as Ch. 3, Art. 7, of the Code of Ordinances, as amended through 6-28-2005]

§ 805-37. Possession and consumption of alcohol.

No person shall consume any liquor or beverage or possess any opened container thereof, as defined by RSA 175:1, while in any vehicle upon a public highway or while upon any public highway, sidewalk or common within the limits of the Town of Hampton.

§ 805-38. Changing clothes in motor vehicle.

It shall be unlawful for any person to change his or her clothes in any motor vehicle stopped or parked on any public highway or on any public right-of-way in the Town of Hampton.

§ 805-39. Sleeping in motor vehicles.

It shall be unlawful for any person having the custody or control of any vehicle to sleep in said vehicle upon any public highway or public property without first obtaining permission from the Hampton Police Department.[3]

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2. **Editor's Note: See also Art. II, One-Way Streets, of this chapter.**

3. **Editor's Note: Original Sec. 3:704, Noise, which immediately followed this section and was effective 5-22-1987, was deleted as superseded by the Noise Ordinance adopted 3-11-2008. See Ch. 328, Noise.**

§ 805-40. Violations and penalties; severability.

A. Any person violating any of the provisions of this article shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a penalty of not more than $100 for each offense (plus a court-imposed assessment of $20).

B. If any section or part of a section or paragraph of this article is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this article.

ARTICLE VI
Fire Lanes
[Adopted as Ch. 3, Art. 11, of the Code of Ordinances, as amended through 5-24-2010]

§ 805-41. Fire lanes designated.

The following fire lanes have been designated by the Hampton Board of Selectmen and/or Fire Chief in accordance with Section F-313.0 of the Fire Prevention Code, 1987 Edition, as adopted by a vote of the Annual Town Meeting on March 12, 1988:

Name of Street	Location
17th Street	South side of street from Ocean Boulevard to Kings Highway
18th Street	North side of street from Ocean Boulevard to Kings Highway
19th Street	South side of street from Ocean Boulevard to Kings Highway
Anchor Street	Both sides of street
Auburn Avenue	Both sides of street
Beach Plum Way	Both sides, entire length
Boar's Head Terrace	Within the cul-de-sac
Carol Lane	South side
Casino Building	For 22 feet west from rear of building from D to F Street with no parking east side of this lane
Charles Street	Both sides
Chase Street	Both sides
Cole Street	West side parking is permissible on the east side, inside the white line
Cora Avenue	Both sides
Crest Street	Both sides
Cutler Avenue	Both sides
D Street	Both sides
Dover Avenue	No parking on the south side of the driveway of 35 Dover Avenue

Name of Street	Location
Fellows Avenue	Both sides of street
Francis Street	Both sides
Fogg Lane	Both sides
Fuller Acres	East side for a distance of 100 feet in from Ocean Boulevard
Glade Path **[Added 4-8-2014]**	South side at a point beginning 370' west of the stop line at Route 101 to the beginning of the resident/mooring parking
Great Boar's Head Avenue	Both sides of street for entire length
Gulseth Avenue	East side for entire length
Harbor Road	Accessway on the southerly side of roadway, on both sides of the accessway
Haverhill Avenue	North side from Ocean Boulevard to the beginning of the state-leased spaces
Hickory Lane	Both sides
High Street Parking Lot	West side of the west entrance to the lot from High Street for 50 feet along the side of the building
Ice House Lane	West side of street
Ina Avenue	Both sides
James Street	Fire lane, no parking on southerly side of the roadway for the entire length of the street and within the cul-de-sac
James Street	South side, entire length
Joseph William Brown Park	Southern frontal access, north side
Keefe Avenue	South side from Ashworth Avenue to cul-de-sac
Kentville Terrace	Fire lane, both sides
630 Lafayette Road	See Shop 'N Save (Hannafords) below
Lyons Street	Both sides
Manchester Street	Both sides
Marston Way	East side from High Street 400 feet to circle
McKay Avenue	Both sides
1 Merrill Industrial Drive	Along the entire rear of the building and along the north side, a paved strip 18 feet in width
Ocean Boulevard	Common driveway between 419 and 421 Ocean Boulevard
Ocean Boulevard	No parking on either side along the right-of-way between 593 and 595 Ocean Boulevard
Reubins Driftway	West side of street
Robin Lane	West side of street for its entire length
Ross Avenue	No parking either side on the hot top portion
Sacred Heart Parking Lot	Entire outside perimeter

Name of Street	Location
Shop 'N Save Supermarket	(Hannaford's) 630 Lafayette Road from northeast corner of building along the front for a distance of approximately 200 feet
Smith Avenue	South side 180 feet to curve
Sunsurf Avenue	Entire north side and entire cul-de-sac
Tilton Street	No parking on the southerly side of the roadway
Toppan Street	South side, entire length
Whites Lane	No parking on either side of the roadway from Mill Road east approximately 150 feet to the gate
Whitten Street	East side of street between addresses 14 and 18
Whitten Street	No parking on the easterly side of the roadway for the entire length of the street and within the cul-de-sac
Williams Street	Both sides, entire length

§ 805-42. Fire Department connections.

A. It shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access to any fire department connecting for the pressurization of fire suppression systems, including fire department connections that are located on public or private streets and access lanes, or on private property.

B. Designated areas shall be maintained free of obstructions and vehicles and marked in a manner prescribed by the fire official at the owner's expense. If upon the expiration of the time mentioned in a notice of violation obstructions or encroachments are not removed, the fire official shall proceed with appropriate legal action.

C. Vehicles parked within five feet in either direction or within 15 feet in front of a fire department connection shall be ticketed and towed at the vehicle owner's expense.

§ 805-43. Violations and penalties.

Any person convicted of a violation of this article shall be liable to a penalty of not more than $100. Each day of violation shall be considered a separate offense.

ARTICLE VII
Speed Limits
[Adopted as Ch. 3, Art. 13, of the Code of Ordinances, as amended through 11-27-2006]

§ 805-44. Authority.

In accordance with the authority granted by RSA 262-A:56-a[4] and any other applicable chapter or amendment thereto of the New Hampshire Revised Statutes Annotated, the

4. **Editor's Note: For current provisions on speed limits see RSA 265:60 et seq.**

following article of the Town of Hampton Code of Revised Ordinances was enacted by the Board of Selectmen.

§ 805-45. Speed limits established.

A. Limit of 20 miles per hour for School Zones: **[Amended 3-9-2015; 3-23-2015]**

Winnacunnet Road between Park Avenue and Jeffrey Drive between 6:45 a.m. and 7:30 a.m. and 2:00 p.m. and 3:30 p.m.

Winnacunnet Road, both sides, from the westerly line of Citizen's Bank to Academy Avenue

B. Limit of 25 miles per hour: **[Amended 3-9-2015]**

Academy Avenue
Ancient Highway
Ashworth Avenue
Bonair Avenue
Brown Avenue
Carlson Road
Church Street
Cliff Avenue
Downer Drive
Dumas Avenue
Esker Road
Exeter Road from Lafayette Road to Josephine Drive
Fox Road
Glen Road
Highland Avenue
High Street from Academy Avenue east to George Avenue
James Street
King's Highway
Landing Road from Winnacunnet Road to New Hampshire Route 51
Mill Pond Lane
Moulton Road
Reddington Landing
Shaw Street
St. Cyr Drive
Surfside Park, all streets

Thorwald Avenue
Tide Mill Road
Toppan Street
Viking Street
Walnut Avenue
Windmill Lane

C. Limit of 30 miles per hour: **[Amended 3-9-2015]**

Barbour Road
Exeter Road from Josephine Drive to New Hampshire Route 51
High Street from Lafayette Road to Locke Road
Lafayette Road from Park Avenue to North Hampton Town line
Mill Road from Winnacunnet Road to North Hampton Town line
Winnacunnet Road from Lafayette Road to Locke Road except in school zone area (20 miles per hour)
Woodland Road

D. Limit of 35 miles per hour:

Exeter Road from New Hampshire Route 51 to 100 yards west of Timber Swamp Road
High Street from Locke Road to Ocean Boulevard
Winnacunnet Road from Locke Road to Ocean Boulevard

E. Limit of 40 miles per hour: Exeter Road from 100 yards west of Timber Swamp Road to Exeter Town line.

ARTICLE VIII
Police Wrecker Service
[Adopted as Ch. 3, Art. 14, of the Code of Ordinances]

§ 805-46. Authority.

This article is adopted in accordance with the authority granted by RSA 31:39, 41:11 and 47:17 and any other applicable chapter or amendment thereto of the New Hampshire Revised Statutes Annotated.

§ 805-47. Purpose.

The purpose of this article is to establish procedures and regulations pertaining to the operation and maintenance of a twenty-four-hour police wrecker call list.

§ 805-48. Definitions.

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

APPROVED BUSINESS LOCATION — A readily recognizable place of business conforming to the Zoning Ordinance of the Town, which shall have normal established business hours. For the purpose of this article, there will be only one towing company at each business location.

DISABLED MOTOR VEHICLE — Any vehicle unsafe for the roadway due to a mechanical failure or accident damage.

DISCIPLINARY ACTION — This may take the form of either a written reprimand or a suspension from the police wrecker list.

ITEMIZED BILL — This will be a detailed bill listing the basic towing charge and the specification of any other additional charges incurred, such as storage, labor, equipment, etc.

NO PREFERENCE TOW — This type of tow will be mandatory as the result of an arrest, parking violation, unregistered or abandoned vehicle, road service call, or accident scene, where the driver of said vehicle is incoherent or disabled or absent, or in the interest of public safety.

OWNER'S PREFERENCE TOW — This type of tow will be the result of a disabled motor vehicle's driver or owner selecting a towing company.

REMEDIAL ACTION — Any form of a corrective measure that is initiated by a problem not foreseen by the formulation of the rules, regulations, and requirements that is not the result of deliberate misconduct or nonadherence to this article.

STORAGE — Any vehicle left on a towing company's business location unclaimed over 24 hours from the time of the initial tow is subject to the basic storage rate.

TOWING COMPANY — Any person, corporation, firm or entity properly qualified to tow vehicles for the Town of Hampton.

TWENTY-FOUR-HOUR SERVICE — All towing companies will respond to any towing request, and will also be responsible for the releasing of a towed vehicle to its owner/driver upon request and payment of all charges, at any hour of the day or night, seven days a week.

WRECKER CALL LIST — To be maintained and regularly updated by the Police Department. Said list will provide the name of each towing company properly qualified to tow vehicles for the Town of Hampton or any of its public safety agencies and shall contain each company's address, telephone number, and AAA or ALA designation if applicable.

WRECKER OPERATOR — The owner/driver or any employee(s) of a towing company performing any wrecker service.

§ 805-49. Compliance required.

Only towing companies agreeing to these conditions in writing will be allowed to perform any wrecker service in conjunction with the Town of Hampton or any of its public safety agencies.

§ 805-50. Call list.

A. Wreckers for removal of vehicles from accident scenes, parking violations, arrest, for unregistered or abandoned vehicles, and where otherwise required in the interest of public safety will be made available by means of a call list that will be maintained and administered by the Police Department. Said call list will be open to public inspection. Impounded and unregistered or abandoned vehicles towed at the request of the Town of

Hampton shall be towed to a destination stipulated by the Town, and charges for these tows shall be paid for by the Town of Hampton.

B. The wrecker call list will be maintained with two sections. One will be the standard list where the wrecker services will be called in normal rotation. This section will indicate the date, time, location, registration number, vehicle description, towing destination, and officer on the scene, as well as the duty dispatcher's initials. The second section will be designed for owner's preference requests. They will be recorded in the order that they occur. This section will indicate the date, time, location, registration number, vehicle description, telephone number of vehicle's driver, towing destination, and officer on the scene, as well as the duty dispatcher's initials. All preference requests shall be supported by a signed preference authorization slip.

§ 805-51. General procedure.

A. A police officer requiring a wrecker will advise the dispatcher of his needs. The dispatcher will then consult the wrecker call list to determine which wrecker is next in sequence to be called. This wrecker will be requested to perform said wrecker service. If a wrecker does not arrive at the tow site within 30 minutes, the tow will be forfeited, and the dispatcher will notify the next tow company on the wrecker list and the tow is assigned to that tow company. When an arrest situation is the cause behind a wrecker being required to tow a vehicle in the interest of public safety, there will be no officer preference under any circumstances.

B. In circumstances where there is a disabled motorist requesting assistance, said motorist will be afforded an opportunity to review a list of the wrecker services available on the call list. All individuals present at the scene of any tow should be allowed to have the police call for any preference, provided that time avails itself and that the vehicle does not hamper movement of traffic. No officer shall recommend a specific wrecker service. If a specific wrecker on the list is requested, then that request will be so noted and recorded on the call list as the result of owner's preference, and the owner will be required to sign a preference authorization slip. If no owner request is made, the dispatcher will follow the normal rotational sequence of the standard list.

C. At accident scenes, the police officer in charge will afford the owner or person responsible for any disabled vehicle the opportunity to request a specific wrecker on the call list. This situation will be honored as an owner's preference and so recorded, provided that the owner or person responsible shall sign a preference authorization slip. In circumstances at an accident scene where there is an arrest or the driver of a disabled vehicle is unable to exercise his right to owner's preference, the call list will be utilized in the manner enumerated in arrest situations. There will be no deviation from this procedure.

§ 805-52. Towing companies and wrecker operators.

The Chief of Police is authorized to enter into agreements with towing companies in the Town of Hampton. The following regulations, rules and requirements are established as a prerequisite to participation. They are as follows:

A. Towing companies desiring to participate in the wrecker call list must have an approved business location within the Town of Hampton, and any towed vehicles shall be stored within the Town of Hampton unless otherwise specified by the owner of said vehicle.

B. Adequate insurance coverage shall be maintained to cover liability of said towing company. Proof of this insurance coverage will be filed with the Chief of Police. Thirty days' notice of cancellation of any such policy is required. The towing company also will agree to hold the Town of Hampton harmless of any claims arising out of any towing, nor shall the Town be held liable for any towing fees incurred.

C. The Chief of Police reserves the right to regulate maximum basic rates for towing and storage. Those rates will be predicated upon the requests and consensus of the towing companies and the Chief's discretion in fairness to both the public and the companies participating. These rates will be posted at each towing company's place of business in a conspicuous location. These rates are subject to review upon petition by 2/3 of the participating towing companies to the Chief of Police. A hearing will be held where each towing company will have an opportunity to justify its request for a rate increase, and a rate revision will be made by the Chief of Police at his discretion. This basic maximum rate does not preclude additional charges in instances where additional labor, equipment, and manpower are required to perform minimum or any additional services that may be requested by the owner or operator of the vehicle.

(1) Towing and storage rates. **[Added 2-21-2008 (Chief of Police)]**

(a) Under authorization granted by § 805-52 of the Hampton Town Ordinances, the following basic tow and storage rates are to become effective 12:01 a.m. on February 21, 2008:

Basic tow rate (all tows)	$110.00
Storage (after 24 hours)	$50.00
After-hours release rate (6:00 p.m. - 8:00 a.m.)	$55.00

This rate may be charged for the after-hours release of necessary personal items from the vehicle or for releasing the vehicle. The towing company must have closed for the day and the employee must respond from another location to open the facility to accommodate the owner/operator.

(b) The maximum rate does not exclude additional charges in instances where additional labor, equipment, and manpower are required to perform minimum or any additional services that may be requested by the owner or operator of the vehicle.

D. The driver/owner of any vehicle being towed under this article will be provided an itemized bill detailing all charges.

E. The towing company will agree to be reliable, timely and cooperative with the Police Department in its methods of towing, storage, and relations with the public. The towing company agrees that 30 minutes is a reasonable length of time to respond to a tow request and that the Town will move to the next tow company on the list in the event

that 30 minutes is exceeded. Requests by the police to clean debris off the roadways at accident scenes will be honored within reason, equipment and manpower available.

F. The Chief of Police will have the authority to suspend the use of the wrecker call list in times of emergency when an imminent threat to life, personal injury, or property damage exists which requires that the wrecker call list be suspended and the action taken be that which would most readily relieve the existing emergency.

G. The Chief of Police will have the authority to conduct informal administrative hearings that will oversee the proper processing of any complaints regarding a towing company or the call list.

H. Notwithstanding other provisions of this article, Public Utilities Commission rights are a requirement for any tow which traverses any Town boundary.

§ 805-53. Administrative hearings.

A. The purpose of administrative hearings is to investigate a complaint or complaints against any participating towing company that indicate a need for corrective action. It is also intended to analyze all the factors involved in any complaint in order to decide upon the most suitable action, be it either remedial or disciplinary.

B. Prior to any administrative hearing, complaints will be investigated by a staff officer appointed by the Chief of Police to determine the nature and validity of the complaint. The purpose of this procedure is to effectively administrate the wrecker call list in a manner best suited to the interests of the Town, to towing companies, and the community.

C. If a hearing is recommended, it will be conducted as an administrative hearing and in an informal manner. The procedure used will be as follows:

(1) Evidence of misconduct substantiating a complaint will be presented by a staff officer appointed by the Chief of Police. Witnesses may be called upon to testify, but this will not be a requirement of any of these administrative hearings.

(2) Questions may be asked in the form of cross-examination of any evidence that may have been presented. It is to be remembered that this administrative hearing is informal in nature and that the rules of evidence will not be an absolute prerequisite.

(3) The towing company which has allegedly committed a misconduct will be allowed to present evidence in its behalf. Witnesses may be called upon to testify, but this will not be a requirement of any of these administrative hearings.

(4) The representative of the Police Department presenting the complaint will have an opportunity to ask questions in the form of cross-examination on the evidence that the towing company may have introduced.

(5) The Chief of Police will have the authority to determine if indeed there was a violation of the aforementioned rules, regulations or requirements set forth and

agreed upon by said towing company. If a violation has been found to have occurred, remedial or disciplinary action may be initiated by the Chief of Police as he deems appropriate.

§ 805-54. Remedial or disciplinary action.

When a violation of the rules, regulations or requirements is found to have occurred with a towing company, the remedial or disciplinary action that the Chief of Police may take is as follows:

A. Remedial action. This is any form of corrective measure that is initiated by a problem not foreseen by the formulation of the rules, regulations, and requirements that is not the result of deliberate misconduct or nonadherence to the aforementioned policies in this article. The remedial action will be whatever the Chief of Police feels is necessary to rectify any administrative or operational shortcomings of this wrecker call list procedure. Repetitive occurrences of the same complaint against the same towing company will not be treated with remedial action if a prior hearing has been held and the difficulty continued to arise on the part of said towing company.

B. Written reprimand. The Chief of Police may deem it necessary to issue a written reprimand as a form of disciplinary action. This written reprimand will be maintained in a file pertaining to said towing company and a copy will be forwarded to the owner of said company. Three written reprimands are prerequisite to the suspension of a towing company from the wrecker list.

C. Suspension. The Chief of Police will have the authority to suspend a towing company from the wrecker list for any period of time he deems appropriate in relation to the nature of the complaint against the company and the prior record of said towing company. The third suspension from the wrecker list may be for an indefinite period of time.

§ 805-55. Appeals.

Appeal of the findings of the Chief of Police and/or any action that he may have taken against a towing company may be taken to the Town Manager, Town of Hampton. The findings and action of the Town Manager will be final and binding.

§ 805-56. Severability.

If any section or part of a section or paragraph of this article is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or paragraph of this article.

ARTICLE IX
No Idle Policy
[Adopted 2-25-2009 (Town Manager)]

§ 805-57. Policy.

It is the policy of the Town of Hampton to create environmental policies that will assist in the preservation of acceptable levels of public health. The creation and enforcement of a "No Idle Policy" will assist in that effort. Excessive idling of motor vehicles contributes to smog, global warming, and the waste of taxpayer's funds and resources and adverse health issues related to excessive car, truck and bus engine emissions and noise. The following policy is therefore established to counter the negative aspects of unnecessary engine idling.

No employee shall cause, suffer, allow or permit the unnecessary operation of the engine of a motor vehicle while said vehicle is stopped for a foreseeable period of time in excess of five minutes.

This requirement shall not apply to the following:

(a) vehicles engaged in Public Safety and Public Works activities for which engine assisted power is necessary and substitute alternate means of power cannot be made available, or

(b) vehicles engaged in an operation for which engine power is necessary for an associate power need other than movement and substitute alternate power means cannot be made available, or

(c) vehicles engaged in the delivery or acceptance of goods, wares, or merchandise for which engine assisted power is necessary and substitute alternate means of power cannot be made available, or

(d) vehicles being serviced provided that operation of the engine is essential to the proper repair thereof.

Chapter 809

WASTEWATER SYSTEM

ARTICLE I
Wastewater System Development Charge Rules and Regulations

§ 809-1. Authority.
§ 809-2. Purpose.
§ 809-3. Rates and Charges for Capital Costs.
§ 809-4. Construction of New Sewer Collection Systems.
§ 809-5. Wastewater System Development Charge Assessed When.
§ 809-6. Development Charges Shall be Paid When.
§ 809-7. Adjustments to Charges.
§ 809-8. Funds Collected, Deposited, Held.
§ 809-9. Expenditure Restricted.
§ 809-10. Development Charge Calculation.
§ 809-11. Amendments.

ARTICLE II
Wastewater System Development Charge

§ 809-12. Wastewater System Development Rate Charge.
§ 809-13. Bills Due and Payable.
§ 809-14. Adjustments to Charge.
§ 809-15. Returned Check Fees and Charges.
§ 809-16. Rates to be Adjusted.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Sewers — See Chs. 406 and 749. **Water works — See Ch. 509.**

ARTICLE I
Wastewater System Development Charge Rules and Regulations
[Adopted 5-12-2014]

§ 809-1. Authority.

These rules and regulations are enacted in accordance with the requirements and authority granted in accordance with RSA 149-I:24 by the Town of Hampton Annual Town Meeting of March 11, 2014, under Article 26 of the Warrant by a vote of 2437 yes, 396 no, to adopt the provisions of RSA 149-I and thereby authorizing the Board of Selectmen to perform all the duties and possess all the powers in the Town of Hampton which, in the case of a city, are conferred by RSA 149-I upon the mayor and alderman.

§ 809-2. Purpose.

It is the express intent and purpose of these rules and regulations and the rates and charges authorized hereunder to provide for just and equitable charges to be billed and collected against those property owners who seek to enter the Town of Hampton Municipal Sewer System for the treatment of wastes deposited therein.

§ 809-3. Rates and Charges for Capital Costs.

The rates and charges billed hereunder are for the collection and expenditure of funds for capital improvements to the wastewater treatment plant in accordance with the provisions of RSA 149-I:7 but not for the debt incurred, management, maintenance, operation and repair of the collection system.

§ 809-4. Construction of New Sewer Collection Systems.

When the Town votes to construct new sewer collection systems or additions to existing sewer collection systems the Wastewater System Development Charge shall not be assessed against existing structures to be connected to the new systems at the time of passage of the new system during construction. Existing structures in such cases shall be charged only the sewer collection fee then in effect.

§ 809-5. Wastewater System Development Charge Assessed When.

The Wastewater System Development Charge shall be assessed when:

1. A new structure that is to be connected to the wastewater collection system makes application for such connection, except that properties for which no access to the Town's wastewater system has been available prior to the enactment of these Rules and have historically been granted sewer abatements shall not be assessed this charge.

2. An existing structure is enlarged by increasing the number of bedrooms thereby increasing the occupancy and the sewer system load from that property.

3. An existing building is changed from an existing use to a new use that requires a higher loading on the wastewater system.

4. A structure is demolished and replaced with a new structure.

In assessing the Development Charge in each of the above cases the State of New Hampshire Department of Environmental Services Wastewater Division rules and regulations for loading to septic systems shall be used.

§ 809-6. Development Charges Shall be Paid When.

The Wastewater System Development Change shall be paid in full in United States Dollars at the time that an application for connection to the Town of Hampton Sewer System is made in writing to the Department of Public Works, Sewer Division.

§ 809-7. Adjustments to Charges.

The charges to be paid in accordance with the rate established for entrance to the sewer system under the Wastewater Sewer Development Charge shall be adjusted when:

1. A service location is changed from one type of facility listed on Table 1008-1 to another type of facility listed on the table. A credit against the new facility shall be applied equal to the charge for the first facility and will be applied to the billing for the new service type.

2. There is an increase in demand loading as a result of an enlargement of the existing structure or change in use of the existing building from one use to another, and where there are conversions to or from residential, commercial, industrial or other uses. SA credit shall be applied equal to the portion of the demand that existed for the building or use on the property that existed before the enlargement or change or conversion so that only the additional amount of sewer capacity required is charged for.

§ 809-8. Funds Collected, Deposited, Held.

All funds collected under the Wastewater System Development Charge shall be held by the Town Treasurer in accordance with RSA149-I:10, I & II in a separate and distinct fund to be known as the sewer fund. Such fund shall be allowed to accumulate from year to year, shall not be commingled with Town revenues, and shall not become part of the municipality's general fund.

§ 809-9. Expenditure Restricted.

The expenditure of Wastewater System Development Funds from the sewer fund shall be made for the sole purpose of expansion or replacement of sewage treatment facilities at the wastewater treatment facility located at 11 Hardardt's Way.

§ 809-10. Development Charge Calculation.

The Wastewater System Development Charge shall be calculated in the following manner:

1. The fee per gallon shall be based on the value of the wastewater system divided by the total daily capacity of the system to establish a unit cost.

2. The depreciated value of the system is $25,000,000 divided by the design capacity of 4,700,000 gallons per day equals $5.32 per gallon effective May 12, 2014.

3. The per-gallon cost is multiplied by the daily flow volume in gallons derived from the New Hampshire Department of Environmental Services Table 1008-1 Unit Design Flow Figures contained in Env-Wq 1008.03 Daily Flow Volume in effect May 12, 2014, and as subsequently amended.

§ 809-11. Amendments.

The Board of Selectmen may amend these regulations at a posted meeting of the Board.

ARTICLE II
Wastewater System Development Charge
[Adopted 5-12-2014]

§ 809-12. Wastewater System Development Rate Charge.

Pursuant to RSA 149-I:7, a wastewater system development charge shall be assessed in those instances set forth in § 809-5.4 of the Rules and Regulations adopted by the Board of Selectmen relating to the charge, in the amount of $5.32 per gallon as multiplied by the daily flow volume from the NH DES Table 1008.1 under Env-Wq 1008.03 or amendments thereto for the service category being applied for. See table attached hereto.

§ 809-13. Bills Due and Payable.

All charges are due and payable in full with the filing of an application for sewer service.

§ 809-14. Adjustments to Charge.

All charges will be adjusted in accordance with the Rules and Regulations for the Wastewater System Development Charge when such adjustments are due.

§ 809-15. Returned Check Fees and Charges.

Checks returned as unpaid, currency returned as invalid or counterfeit, or other payments in any form that are returned as unpaid are subject to a $30.00 fee regardless of the reason for the return of the instrument used for payment. In such cases the service will not be activated until the charges are paid in full with United States currency including any returned fees.

§ 809-16. Rates to be Adjusted.

The billing rates hereunder are to be adjusted whenever any of the base data figures are changed.

Chapter 812

WELFARE GUIDELINES

§ 812-1. Authority and purpose.

§ 812-2. Definitions.

§ 812-3. Severability.

§ 812-4. Confidentiality of information.

§ 812-5. Maintenance of records.

§ 812-6. Application process.

§ 812-7. Verification of information.

§ 812-8. Disbursements.

§ 812-9. Determination of eligibility and amount.

§ 812-10. Nonresidents.

§ 812-11. Municipal work programs.

§ 812-12. Burials.

§ 812-13. Right to notice of adverse action.

§ 812-14. Fair hearings.

§ 812-15. Liens.

§ 812-16. Recovery from municipality of residence or liable relative.

§ 812-17. Application of rent payments to overdue taxes.

[HISTORY: Adopted by the Board of Selectmen of the Town of Hampton 6-22-1992 (Ch. 2, Art. 13, of the Code of Ordinances). Amendments noted where applicable.]

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§ 812-1. Authority and purpose.

In accordance with RSA 164 and 165[1] and any other applicable chapter or amendment thereto, the following chapter of Welfare Guidelines for the Town of Hampton has been made by the Overseer of the Public Welfare and approved by Town Meeting.

§ 812-2. Definitions.

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

APPLICANT — A person who expresses a desire to receive general assistance or to have his/her eligibility reviewed and whose application has not been terminated. This desire may be expressed either directly or through a person having knowledge of his/her circumstances.

APPLICATION (REAPPLICATION) — Action by which a person requests assistance from a welfare official or the action by which a person's representative indicates to the welfare official that the applicant is found actually without sufficient assets or resources and for the time being unable to support himself/herself or to supply immediate needs. The completion of a written application form, with any assistance of the welfare official or the applicant's representative, triggers the applicant's right to a notice under § 812-13 of these guidelines.

APPLICATION FORM — Written confirmation that a person has made an application. This application must be made on a form acceptable to the Town of Hampton.

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1. **Editor's Note: Chapter 164 was repealed effective 1-1-1968.**

ASSETS — All real property, cash, personal property, expectancies and future interests owned by the applicant.

AVAILABLE LIQUID ASSETS — Amount of liquid assets after exclusions enumerated in § 812-9D(1). Includes cash on hand, bank deposits, credit union accounts, and securities. Insurance policies with a loan value and nonessential personal property shall be considered as available liquid assets when they have been converted into cash.

CASE RECORD — Official files of forms, correspondence and narrative records pertaining to the application, with determination of initial or continuing eligibility, reasons for decisions and action by the welfare official, and kinds of assistance given.

CLAIMANT — A person who has requested, either in person or through a representative, a fair hearing under § 812-14 of these guidelines.

ELIGIBILITY — Determination by a welfare official, with the assistance of the guidelines, of a person's poverty and inability to support himself/herself, and therefore his/her need for general assistance under the formula of § 812-9.

FAIR HEARING — A hearing which the applicant or recipient may request to contest a denial, termination or reduction of assistance. The standards for such a hearing are in § 812-14.

LIQUID ASSETS — Cash, checking accounts, savings deposits, stocks, bonds, insurance policies and other securities.

MINOR — A person under 18 years of age.

NEED — The basic maintenance and support requirements of a person, as determined by a welfare official under the standards of § 812-9E of these guidelines.

REAL ESTATE — Land, structures and fixtures attached to it.

RECIPIENT — A person who is receiving general assistance.

RESIDENCE or RESIDENCY — A person's place of abode or domicile. The place of abode or domicile is that designated by a person as his principal place of physical presence for the indefinite future to the exclusion of all others. Such residence or residency shall not be interrupted or lost by a temporary absence from it, if there is an intent to return to such residence or residency as the principal place of physical presence.

VOUCHER SYSTEM — The system whereby a community issues vouchers directly to the recipient's vendors and creditors rather than cash to the recipient. (See § 812-8.)

WELFARE OFFICIAL — The official of the Town, or his/her designee, who performs the function of administering general assistance. The person with the general power to make all decisions regarding the granting of assistance under RSA 165, subject to the overall fiscal responsibility vested in the Selectmen or Town Manager. The term includes "overseers of public welfare" (RSA 165:1 and 41:46) and "administrator of town welfare" (RSA 165:2).

§ 812-3. Severability.

If any provision of these guidelines is held at law to be invalid or inapplicable to any person or circumstances, the remaining provisions will continue in full force and effect.

§ 812-4. Confidentiality of information.

Information given by or about an applicant or recipient of local welfare is confidential and privileged and is not a public record under the provisions of RSA 91-A. Such information will not be released to or discussed with any individual or agency without written permission of the applicant or recipient, except when disclosure is required by law or when necessary to carry out the purposes of RSA 165.

§ 812-5. Maintenance of records.

Each welfare official is required by law to keep complete records of general assistance. In addition to general statistical records concerning the number of persons given assistance and the cost for such support, a separate case record shall be established for each individual or family applying for general assistance (RSA 41:46).

A. The purposes for keeping complete records of general assistance are:

(1) To provide a valid basis of accounting for expenditure of the Town of Hampton's funds.

(2) To support decisions concerning the applicant's eligibility.

(3) To assure availability of information if the applicant or recipient seeks administrative or judicial review of the welfare official's decision.

(4) To provide social welfare agencies with accurate statistical information, including the number of persons assisted and the amount of money spent for their support, in order that taxpayers and officials may be aware of the scope of the general assistance program; RSA 165:2-c requires that an itemized account of all general assistance furnished (without recipients' names) be released to any citizen requesting it.

(5) To provide a complete history of a recipient's assistance that might aid a welfare agency in the effort to rehabilitate the recipient (subject to the guidelines on the confidentiality of such information).

B. The welfare official shall maintain case records containing the following information:

(1) The complete application for assistance.

(2) Written grounds for approval or denial of application, contained in a notice of decision form.

(3) A narrative history recording need for relief, the results of home visits, if any, collateral information, referrals, changes in status, etc.

(4) A tally sheet which has complete data concerning the type, amount, and dates of assistance given.

(5) A signed authorization by the applicant allowing the welfare official to release, obtain, or verify any pertinent information in the course of assisting the recipient.

§ 812-6. Application process.

A. Right to apply.

(1) Anyone may apply for local welfare assistance by completing a written application form. Either the application or the notice of decision form shall notify applicants of their right to a fair hearing if they are dissatisfied with the welfare official's decision. If more than one adult resides in a household, they all shall be required to appear at the welfare office to apply for assistance unless one is working or otherwise reasonably unavailable.

(2) The welfare official shall not be required to accept an application for general assistance from a person who is subject to a suspension pursuant to § 812-13 of these guidelines, provided that any person who contests a determination of continuing noncompliance with the guidelines may request a fair hearing as provided in § 812-13C(7), and provided further that a recipient who has been suspended for at least six months due to noncompliance may file a new application (RSA 165:1-b). **[Amended 7-26-1993]**

B. Welfare official's responsibilities at time of application. When application is made for general assistance, the welfare official shall inform the applicant of:

(1) The requirement of submitting a written application.

(2) Eligibility requirements.

(3) The applicant's right to a fair hearing and the manner in which review may be obtained.

(4) The applicant's responsibility for reporting all facts necessary to determine eligibility.

(5) Joint responsibility of the welfare official and applicant for exploring facts concerning eligibility, needs and resources, and the applicant's responsibility for presenting records or documents to support his or her statements. The welfare official shall assist the applicant in completing the application.

(6) Kinds of verification needed.

(7) The fact that an investigation will be conducted in an effort to substantiate the facts and statements as presented by the applicant and that this investigation may take place prior to, during, or subsequent to the applicant's receipt of welfare assistance.

(8) The applicant's responsibility for notifying welfare officials of any change in circumstances which will affect eligibility.

(9) Any other programs of assistance or service that the welfare official may know of, if the applicant appears ineligible for general assistance, or of which the applicant may avail himself in addition to receiving general assistance.

(10) The requirement of placing a lien on any real property owned by the recipient for any assistance given, except for good cause.

(11) The fact that recovery from the applicant is possible if he/she becomes able to repay the amount of assistance given.

(12) The applicant's right to review the guidelines.

C. Responsibility of each applicant and recipient.

(1) At the time of initial application, and at all times thereafter, the applicant has the following responsibilities:

(a) To provide accurate, complete and current information concerning his needs and resources and the whereabouts and circumstances of relatives who may be responsible under RSA 165:19.

(b) To notify the welfare official within 72 hours when a change in needs or resources may affect eligibility for continuing assistance.

(c) Within one week of application, to apply for and utilize any benefits or resources, public or private, that will reduce or eliminate the need for general assistance.

(d) To keep appointments as scheduled.

(e) To notify the welfare official within 72 hours of a change of address and change in members of the household.

(f) To diligently search for employment and provide verification of application for employment when requested.

(g) To accept employment when offered.

(h) To provide a doctor's statement if the applicant claims an inability to work due to medical problems.

(i) To participate in the welfare work program if physically and mentally able.

(2) An applicant shall be denied assistance if he/she fails to fulfill any of these responsibilities without a reasonable justification.

(3) Any person may be denied or terminated from general assistance who, by means of intentionally false statements or intentional misrepresentation or by impersonation or other willfully fraudulent act or device, obtains or attempts to obtain any assistance to which he/she is not entitled.

D. Action on application.

(1) Unless an application is withdrawn, the welfare official will make a decision concerning the applicant's eligibility immediately or within five days after completion of the written application form.

(2) If, at the time the application is received, the applicant demonstrates and verifies that an immediate need exists, because of which the applicant may suffer irreparable harm if aid is withheld until a decision is made within the usual limit specified in these guidelines (e.g., food, heat, or prescriptions), then temporary aid to fulfill such immediate needs shall be given immediately, pending a decision on the application.

(3) An application shall be considered withdrawn if the applicant:

(a) Has failed to cooperate in completing an application or provide sufficient information for the completion of an application.

(b) Dies before assistance is rendered.

(c) Avails himself of other resources in place of assistance.

(d) Requests that the application be withdrawn.

(e) Does not contact the welfare official after the initial interview after being requested to do so.

E. Home visits.

(1) A home visit may be made to each applicant. The applicant shall be informed that a visit will be made within specified hours. At the applicant's request, a specific appointment may be made if the welfare official is available at the requested time and date.

(2) The home visit is necessary for the welfare official to understand all the services needed to help the applicant. The welfare official will guard against such violations of legal rights and common decencies as entering home by force, without permission, or under false pretenses, making home visits outside working hours, particularly during sleeping hours, and searching in the home (i.e., in rooms, closets, drawers, or papers to seek clues to possible deceptions).

(3) During the home visit, the welfare official may discuss any noticeable, applicable housing code violations with the applicant and ensure that all violations are reported to proper authorities. The welfare official will follow up on all reported violations and may ensure that reprisal actions taken by the landlord are also reported to proper authorities.

(4) Refusal to grant home visits, without reasonable justification, shall be grounds for terminating or denying assistance.

§ 812-7. Verification of information.

Any determination or investigation of need or eligibility shall be conducted in a manner that will not violate privacy or personal dignity of the individual or harass or violate his or her individual rights.

A. Verification will normally be required of the following:

(1) Applicant's address.

(2) Names and incomes of persons residing with applicant.

(3) Applicant's income and assets.

(4) Applicant's financial obligations.

(5) Applicant's physical and mental condition where relevant.

(6) Any special circumstances claimed by applicant.

(7) Applicant's employment status and availability in the labor market.

(8) Names, addresses, and employment status of potentially liable relatives.

(9) Utility costs.

(10) Housing costs.

(11) Facts relevant to the person's residence, as set forth in § 812-10.

B. Verification may be made through records provided by the applicant (for example, birth and marriage certificates, pay stubs, pay checks, rent receipts, bankbooks, etc.) as primary sources. The failure of the applicant to bring such records does not affect the welfare official's responsibility to process the application promptly. The welfare official shall inform the applicant what records are necessary, and the applicant is required to produce records possessed as soon as possible. However, the welfare official shall not insist on documentary verification if such records are not available.

C. Verification may also be made through other sources, such as relatives, employers, banks, school personnel, and social or government agencies. The cashier of a national bank or the treasurer of a savings and trust company is authorized by law to furnish information regarding amounts deposited to the credit of an applicant or recipient (RSA 165:4).

D. When information is sought from such other resources, the welfare official shall explain to the applicant or recipient what information is desired, how it will be used, and the necessity of obtaining it in order to establish eligibility. Before contact is made with any other source, the welfare official shall obtain written consent of the applicant or recipient, unless the welfare official has reasonable grounds to suspect fraud. In the case of suspected fraud, the welfare official shall carefully record his or her reasons and actions, and before any accusation or confrontation is made, the applicant shall be given an opportunity to explain or clarify the suspicious circumstances.

E. Should the applicant or recipient refuse comment and indicate an unwillingness to have the welfare official seek further information which is necessary, assistance will be denied for lack of eligibility verification.

F. The welfare official may use home visits for verification purposes. See § 812-6E.

§ 812-8. Disbursements.

A. The municipality pays in a voucher system. It deals directly with the vendor (e.g., agencies, landlords, stores, etc.) involved. Tobacco products, alcoholic beverages and pet food cannot be purchased with the voucher. If there is any unspent money, the voucher shall be returned to the municipality for payment of the actual amount listed on an itemized bill or register tape.

B. In addition, the amount shown on the voucher is the amount to be used for payment. An applicant may not exceed the amount listed on the voucher, nor may he change the amount listed. An applicant must sign the voucher to ensure proper usage. The vendor returns the voucher with an itemized bill or register tape, for payment, to the welfare official.

§ 812-9. Determination of eligibility and amount.

A. Formula. A person is eligible to receive assistance when he/she meets the nonfinancial eligibility factors listed in Subsection C below and when the applicant's basic maintenance need, as determined under Subsection E below, exceeds his/her available income (Subsection F below) plus available liquid assets (Subsection D below). If available income and available assets exceed the basic maintenance need (as determined by the guideline amounts), the person is not eligible for general assistance. If the need exceeds the available income/assets, the amount of assistance shall be the difference between the two amounts, in the absence of circumstances justifying an exception.

B. Legal standard and interpretation. "Whenever a person in any town is poor and unable to support himself, he shall be relieved and maintained by the overseers of public welfare of such town, whether or not he has residence there." RSA 165:1.

(1) A person cannot be denied assistance because he is not a resident. See § 812-10.

(2) "Whenever" means at any or whatever time that person is poor and unable to support himself or herself.

(a) The welfare official, or a person authorized to act on his behalf, shall be available during normal working hours.

(b) The eligibility of any applicant for general assistance shall be determined no later than five days after the application is submitted.

(c) Assistance shall begin as soon as the person is determined to be eligible.

(3) "Poor and unable to support" means that an individual lacks income and available liquid assets to adequately provide for the basic maintenance needs of himself or family as determined by the guideline maintenance amounts.

(4) "Relieved" means a person shall be assisted to meet those basic needs.

C. Nonfinancial eligibility factors.

(1) Age. General assistance cannot be denied any person because of the person's age; age is not a factor in determining whether or not a person may receive general assistance. (However, age does make certain persons eligible for other kinds of state or federal assistance, e.g., over 65: old age assistance and social security, or under 18: aid to families with dependent children (AFDC), foster care, etc. Income from those other types of assistance does affect eligibility under the guidelines.)

(2) Support actions. No applicant or recipient shall be compelled as a condition of eligibility or continued receipt of assistance to take any legal action against any other person. The Town may pursue recovery against legally liable persons or governmental units. See § 812-16.

(3) Eligibility for other categorical assistance. Applicants or recipients whom the welfare official believes may be eligible for any other form of public assistance must apply for such assistance within seven days after being advised to do so by the welfare official. Failure to do so will render the applicant or recipient ineligible for assistance until he/she makes such application. Unless and until another form of public assistance is received, a person otherwise eligible is entitled to receive general assistance. No person receiving Old Age Assistance or Aid to the Permanently and Totally Disabled, under RSA 167 or RSA 161, shall at the same time be eligible for general assistance, except for medical and surgical assistance (RSA 167:27). Only in extraordinary circumstances will a person receiving another form of public assistance also be considered as potentially eligible for general assistance. **[Amended 7-26-1993]**

(4) Employment. A person who is gainfully employed but whose income and assets are not sufficient to meet necessary family expenses may be eligible to receive general assistance. However, applicants who without good cause refuse a job offer or referral to suitable employment are ineligible for general assistance. The welfare official should determine whether there is good cause for such refusal, taking into account the ability and physical and mental capacity of the person, transportation problems, working conditions that might involve risks to health or safety, or lack of workmen's compensation protection, lack of adequate child care, or any other factors that might make refusing a job reasonable.

(5) Registration with the New Hampshire Department of Employment Security/Work Search (DES).

(a) Registration with DES is not necessary for initial eligibility for general assistance. However, all recipients and adult members of their families should, within one week after having been granted assistance, register with DES to find work and must conduct an adequate work search. Each applicant

must apply for employment to each employer to whom he is referred by the welfare official. The welfare official may require a reasonable number of daily job applications.

(b) These work search requirements apply unless the applicant or adult member of his family is gainfully employed; a dependent 18 or under who is regularly attending school; unable to work due to illness or disability of another member of the household; or responsible for the care of a child under age.

(6) A person responsible for the care of a child over six but under 12 shall not be excused from work search requirements but shall be deemed to have good cause to refuse a job requiring work during hours the child is not usually in school, if there is no responsible person available to provide care and no other care is available. The welfare official should give all necessary and reasonable assistance to ensure compliance with registration and work requirements, including the granting of allowances for transportation and work clothes. The welfare official may contact DES to verify the fact that the recipient has registered with DES, or he may ask to see the recipient's DES identification card. Merely because DES has determined that a person is not eligible for unemployment compensation does not mean that the recipient will no longer be eligible for general assistance. Failure of the applicant to comply with these requirements without good cause will be reason for denial of assistance.

(7) Students. College students refusing full-time employment are not eligible for general assistance.

D. Available assets.

(1) Available liquid assets. Cash on hand, bank deposits, credit union accounts, and securities are available liquid assets. Insurance policies with a loan value and nonessential personal property may be considered as available liquid assets when they have been converted into cash. The welfare official shall allow a reasonable time for such conversion. However, tools of a trade, livestock and farm equipment, and necessary and ordinary household goods are essential items of personal property which shall not be considered as available assets.

(2) Automobile ownership. The ownership of one automobile by an applicant or his dependent does not affect eligibility if it is essential for transportation to seek employment or to procure medical services or rehabilitation services or if its use is essential to the maintenance of the individual or the family. Car payments shall not be included as part of "need" when determining eligibility or amount of aid.

(3) Insurance. The ownership of insurance policies, in and of itself, does not affect eligibility. However, when a policy has cash or loan value, the applicant will be required to obtain and/or borrow all available funds, which shall then be considered available liquid assets. Premium payments shall not be included in "need" when determining eligibility or amount of aid (medical insurance excepted).

(4) Real estate. The type and amount of real estate owned by an applicant does not affect eligibility, although rent or other such income from property should be

considered as available to meet need. Applicants owning real property, other than that occupied as a home, shall be expected to make reasonable efforts to dispose of it at fair market value. Applicants shall be informed that a lien covering the amount of any general assistance they receive may be placed against any real estate they own.

E. Standard of need.

(1) The basic financial requirement for general assistance is that a person be poor and unable to support himself. A person shall be considered poor when he has insufficient available income/assets to purchase either for himself or his dependents:

(a) Shelter. The amount to be included as "need" for shelter is the actual cost of rent or mortgage necessary to actually provide shelter. Such cost may be determined with the aid of the most recent United States Department of Housing and Urban Development published fair market rents or by local market factors. No shelter arrearages will be included in the "need" formula, but every effort will be undertaken to prevent eviction. Whenever a relative of an applicant is also the landlord for the applicant, that landlord will be expected to assist his relative pursuant to RSA 165:19 and must prove an inability to assist before any aid payment for shelter is made. Security deposits are not included in the "need" formula. If the unit for which rent assistance is requested for the period between October 15 and May 1 does not have a year-round occupancy permit, the Town will not be responsible for the rent assistance. Upon request, every effort will be made to relocate the applicant.

(b) Utilities. When utility costs are not included in the rental expense, the most recent outstanding monthly utility bill will be included as part of "need" by the welfare official. Arrearages will not be included except when necessary to ensure the health and safety of the applicant. If the unit for which utility assistance is requested for the period between October 15 and May 1 does not have a year-round occupancy permit, the Town will not be responsible for utility assistance. Upon request, every effort will be made to relocate the applicant. **[Amended 1-11-1993]**

(c) Food. The amount included as "need" for food purchases will be in accordance with the most recent standard food stamp allotment, as determined under the food stamp program administered by the Division of Welfare under RSA 161:2, XIII. More than the food stamp allotment may be granted if a physician has stated in writing that one or more members of the family need a special diet, the cost of which is greater than can be purchased with the family's allotment of food stamps.

(2) Maintenance allowance. Supplementary orders may be issued under extenuating circumstances to provide maintenance necessities for personal or household supplies where need is demonstrated.

(a) Single-person household: $3.50 per week.

(b) Additional persons in household: $1.50 per person per week.

(3) Telephone. If the absence of a telephone would create unreasonable risk to the recipient's health or safety (verifiable in writing by a physician), the lowest available basic monthly rate will be budgeted as "need."

(4) Emergency and other expenses.

(a) In the event that the applicant has the following current expenses, their actual cost shall be included as emergency and other expenses to determine eligibility and amount of assistance:

[1] Medical, etc. The welfare official shall not consider including amounts for medical, dental or eye services unless the recipient or applicant can verify that all other potential sources have been investigated and that there is no other source of assistance other than local welfare. Other sources to be considered shall include state and federal programs, local and area clinics, area service organizations and area hospital programs (including the Hill-Burton Act) designed for such needs. When a person applies for medical service, prescriptions, dental service or eye service to the local welfare official, he must provide written documentation from a doctor, dentist or person licensed to practice optometry in the area indicating that these services are absolutely necessary and cannot be postponed without creating a significant risk that the applicant's or recipient's well-being will be placed in serious jeopardy.

[2] Where the recipient owns a home and is otherwise eligible for general assistance, payments necessary to prevent foreclosure and protect the health and safety of the recipient may be included in "need."

[3] Except for those specifically required by statute, no legal expenses will be included.

[4] No moving expenses shall be included, except the expense of returning a person to his residence at his request pursuant to RSA 165:1-c.

[5] Emergencies not otherwise provided for in these guidelines.

(b) If the welfare official determines that the applicant's needs have substantially changed, or that strict application of the standard of need criteria will result in unnecessary or undue hardship (e.g., needed services are inaccessible to the person), such official may make minor adjustments in the criteria or may make allowances using the emergency need standards stated in § 812-6D of these guidelines. Any such determination, and the reasons therefor, shall be stated in writing in the applicant's case record.

F. Income. In determining eligibility and the amount of assistance, the standard of need, as determined under Subsection E above, shall be compared to the available income/assets.

Computation of income and expenses will be by the week or month. The following items will be included in the computation:

(1) Earned income. Income in cash or in kind earned by the applicant or any member of his family or household through wages, salary, commissions, or profit, whether self-employed or as an employee, is to be included as income. Rent income and profits from produce sold are in this category. With respect to self-employment, total profit is arrived at by subtracting business expenses from gross income in accordance with standard accounting principles. When income consists of wages, the amount computed should be that available after income taxes, social security and other payroll deductions required by state, federal, or local law, court-ordered support payments and child-care costs, and work-related clothing costs have been deducted from income. Wages that are trusteed, or income similarly unavailable to the applicant or applicant's dependents, should not included.

(2) Income or support from relatives. Contributions from relatives shall be considered as income only if actually received by the applicant or recipient.

(3) Income from other assistance or social insurance program state categorical assistance benefits, OASDI payments, social security payments, VA benefits, and payment from other government sources shall be considered income.

(4) Court-ordered support payment. Alimony and child-support payments shall be considered income only if actually received by the applicant or recipient.

(5) Income from other sources. Payment from pensions and trust funds and the like shall be considered income. Any income actually available to the applicant or recipient from members of his or her household shall be considered as income.

(6) Earnings of a child. No inquiry shall be made into the earnings of a child 14 years of age or less unless that child makes a regular and substantial contribution to the family.

§ 812-10. Nonresidents.

A. Eligibility. No person shall be refused assistance solely on the basis of residence (RSA 165:1).

B. Standards. The application procedure, eligibility standards and standard of need shall be the same for nonresidents as for residents.

C. Verification.

(1) Verification records shall not be considered unavailable, nor the applicant's responsibility for providing such records relaxed, solely because they are located in the applicant's community of residence.

(2) If a home visit to a residence outside the municipality is impractical, the decision shall be made on the basis of other sources of verification.

D. Temporary or emergency aid. The standards for the fulfilling of immediate or emergency needs of nonresidents, and for temporary assistance pending final decision, shall be the same as for residents, as set forth in § 812-6D.

E. Determination of residency.

(1) Minors. The residence of a minor shall be presumed to be the residence of his/her custodial parent or guardian.

(2) Adults. For competent adults, the standard for determining residence shall be the overall intent of the applicant, as set forth in the definition of "residence" in § 812-2.

(a) The following criteria shall aid the welfare official in determining the applicant's residence:

[1] Does the person have, or immediately intend to establish, a dwelling place within the municipality?

[2] Does the person have property, an established dwelling place or employment in any other municipality, to which he/she intends to return?

[3] Does the person have a present intent to leave the municipality at some specific future time?

[4] Has the person evidenced his domiciliary intent in some manner, such as registering a vehicle, paying residence tax, registering to vote, opening local bank accounts, etc., or does he/she intend to do so in the immediate future?

(b) None of the above factors is conclusive. The statement of a person over 18 as to his/her residence or intent to establish residence shall be accepted in the absence of strongly inconsistent evidence or behavior.

F. Return home transportation (RSA 165:1-c). At the request of a nonresident applicant, any aid, temporary or otherwise, to which he/she would be otherwise entitled under the standards set forth in these guidelines may be used by the welfare official to cause the person to be returned to his/her community of residence.

G. Recovery. Any aid given to a nonresident, including the cost of return home transportation, may be recovered from his/her community of residence using the procedures of § 812-16.

§ 812-11. Municipal work programs.

A. Anyone receiving general assistance may be required to work at any available bona fide job that is within his capacity (RSA 165:31). Applicants shall be encouraged to apply for available Town positions for which they are qualified.

B. The recipient/worker shall be paid or allotted the prevailing wage for the work he or she performs, and in no case less than the minimum wage. All wages attributable to such employment shall be used to reimburse the locality for current assistance given. No recipient shall be required to work more hours than necessary to reimburse for aid rendered. Employment under this section shall continue for as long as assistance is required and given. **[Amended 7-26-1993]**

C. If, due to lack of available Town work or other good cause, a recipient does not work a sufficient number of hours to fully compensate the Town for the amount of his aid, the full amount of aid for which he is eligible under these standards shall still be paid.

D. The Town shall provide reasonable time during working hours for the recipient to secure work in the labor market.

E. Refusal to work does not include failure to appear for or to perform work where the applicant:

(1) Has a conflicting interview for a job possibility.

(2) Has a conflicting interview at a service or welfare agency.

(3) Has a medical appointment or illness.

(4) Must care for children under the age of six. A person responsible for a child over six but under 12 shall be deemed to have good cause to refuse to work during hours the child is not in school, if there is no responsible person available to provide care and no other care is available.

(5) Must remain at home because of the illness or disability of another member of the household (verified in writing by a physician).

(6) Does not possess the materials or tools required to perform the task and the municipality fails to provide them.

F. Working hours are subject to approval of the supervisor and the applicant. Failure of the applicant to adhere to the agreed working hours (except for the reasons listed above in Subsection E) will prompt review of the applicant's eligibility for general assistance.

§ 812-12. Burials. [Amended 7-26-1993]

The welfare official shall provide for proper burial, at municipal expense, of assisted persons found in the community at time of death, regardless of whether the deceased person ever applied for or received general assistance from any community. In such cases, assistance may be applied for on behalf of the deceased person; however, the application shall be made before any burial expenses are incurred. The expense may be recovered from the deceased person's municipality of residence or from a relative. If relatives, other private persons, the state or other sources will not cover the entire burial expenses, the municipality should pay up to $750 for burial (RSA 165:3).

§ 812-13. Right to notice of adverse action.

All persons have a constitutional right to be free of unfair, arbitrary or unreasonable action taken by local government. This includes applicants for and recipients of general assistance whose aid has been denied, terminated or reduced.

A. Notice required.

(1) Every applicant and recipient shall be given a written notice of every decision regarding assistance. The welfare officials will make every effort to ensure that the applicant understands the decision.

(2) Whenever a decision is made to deny assistance or to refuse to grant the full amount of assistance requested, a notice of the decision shall be given or mailed to the applicant within three working days from the time the decision is made.

(3) In any case, where the welfare official decides to terminate or reduce assistance in advance of the next anticipated date of assistance, the official shall send notice at least seven days in advance to the recipient stating the intended action. The notice shall comply with Subsection B(2) below.

B. Contents of notice. Where the application is granted, the notice shall state the type of assistance and the time period of the aid. Where the application is denied or the official proposes to terminate or reduce assistance, the notice shall contain:

(1) A clear statement of the reasons for the denial or proposed termination or reduction. If the denial, termination or reduction is due to the person's failure to comply with these guidelines, the notice shall list the guidelines with which the person presently does not comply, those specific actions which are deemed necessary to meet those obligations, and a statement of the consequences of noncompliance.

(2) A statement advising the individual of his right to a fair hearing and that any request for a fair hearing must be made in writing within five days.

(3) A form on which the individual may request a fair hearing.

(4) A statement advising the individual of the time limits which must be met in order to receive a fair hearing.

(5) A statement that assistance may continue until the date of hearing if requested by the applicant. Aid must be repaid if the applicant fails to prevail at the hearing. A copy of the notice of decision shall be given or mailed to the applicant within three working days after the decision is made, with a copy placed in the case file.

C. Suspension for noncompliance with the guidelines. **[Added 7-26-1993]**

(1) Recipients must comply with these guidelines, and the reasonable request of the welfare officials. Recipients should be given reasonable notice of the conditions and requirements of eligibility and continuing eligibility and notice that noncompliance may result in termination or suspension.

(2) Conditions. Any person otherwise eligible for assistance shall become ineligible under RSA 165:1-b if he/she willfully fails to comply with the requirements of these guidelines relating to the obligation to:

(a) Disclose and provide verification of income, resources or other material financial data, including any changes in this information.

(b) Participate in the work program, to the extent assigned by the welfare official.

(c) Comply with the work search requirements imposed by the welfare official.

(d) Apply for other public assistance, as requested by the welfare official.

(3) First notice. No recipient otherwise eligible shall be suspended for noncompliance with conditions unless he/she has been given a written notice of action required in order to remain eligible and a seven-day period within which to comply.

(4) Noncompliance. If a recipient willfully fails to come into compliance during the seven-day period or willfully falls into noncompliance within 30 days from receipt of first notice, the welfare official shall give the recipient a suspension notice.

(5) Suspension notice. Written notice to the recipient that he/she is suspended from assistance due to failure to comply with the conditions required in the first notice shall include:

(a) A list of the guidelines with which the recipient is not in compliance and a description of those actions necessary for compliance.

(b) The period of suspension.

(c) Notice of the right to a fair hearing on the issue of willful noncompliance and that such request must be made in writing within five days of receipt of the suspension notice.

(d) A statement that assistance may continue until the fair hearing decision is made if the recipient so requests on the request form for the fair hearing; however, if the recipient fails to prevail at the fair hearing, the suspension will start after the decision and such aid must be repaid by the recipient.

(6) Suspension period.

(a) The suspension period for failure to comply with the guidelines shall last either seven days or 14 days if the recipient has had a prior suspension which ended within the past six months.

(b) If the recipient, upon expiration of the seven- or fourteen-day suspension period, continues to fail to carry out the specific actions set forth in the notice, he/she may be suspended up to six months for continued noncompliance. If at any time during the six-month suspension the recipient comes back into compliance, his/her assistance will be resumed, provided that the recipient is still eligible.

(c) A recipient who has been suspended for noncompliance for at least six months may file a new application for assistance without coming back into compliance.

(7) Fair hearing on continuing noncompliance. A recipient who has been suspended until he/she complies with the guidelines may request a fair hearing to resolve a dispute; however, no assistance shall be available.

§ 812-14. Fair hearings.

A. Requests. A request for a fair hearing is a written expression by the applicant or recipient, or any person acting for him, to the effect that he wants an opportunity to present his case to a higher authority.

B. Time limits for requests. When an application is denied, a request for a fair hearing must be received within five working days of the denial.

C. Time limit for hearing. Hearings requested by claimants must be held within seven days of the receipt of the request. The welfare official shall give notice to the claimant setting forth the time and location of the hearing. This notice must be given to the individual at least 48 hours in advance of the hearing or mailed to the individual at least 72 hours in advance of the hearing.

D. Procedures at the hearing.

(1) A claimant or his duly authorized representative has the right to examine, prior to a fair hearing, all records, papers and documents from the claimant's case file which either party may wish to introduce at the fair hearing, as well as any available documents not contained in the case file but relevant to the welfare official's action of which the claimant complains. The claimant may introduce any such documents, papers or records into evidence. No record, paper or document which the claimant has not been allowed to examine prior to the hearing shall be introduced at the hearing or become part of the record.

(2) The welfare official (director or a duly authorized representative) shall have the right to examine at the fair hearing all documents on which the claimant plans to rely at the fair hearing and may request a twenty-four-hour continuance if such documents contain evidence not previously provided or disclosed by the claimant.

(3) Procedure for fair hearing.

(a) All fair hearings shall be conducted in such manner as to ensure due process of law.

(b) Fair hearings shall not be conducted according to strict rules of legal procedure and strict rules of evidence. However, in order to protect the right of cross-examination, the fair hearing official shall not rely upon any hearsay evidence in making his decision if any party objects to its introduction.

(c) The burden of proof shall be on the claimant, who shall be required to establish his/her case by a preponderance of the evidence.

(d) The welfare official responsible for the decision complained of shall attend the hearing and testify about his actions and the reasons therefor.

(e) Both parties shall be given the opportunity to offer evidence and explain their positions as fully and completely as they wish.

(f) The claimant or his representative and the welfare official or his representative shall have the opportunity to examine all records and documents used at the hearing. The claimant shall have the opportunity to present his case for himself or, at his option, with the aid of others, to bring witnesses, to establish all pertinent facts, to advance any arguments without undue interference, and to question or refute testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses.

(g) The decision of the fair hearing officer must be based solely on the record, in light of these standards. Evidence, both written and oral, which is admitted at the hearing shall be the sole contents of the record. The hearing officer shall not review the case record or other material prior to introduction at the hearing.

(h) The parties may stipulate to any facts.

(4) The fair hearing officer or officers shall be chosen by the Town Manager or Chairman of the Board of Selectmen. The person(s) serving as the fair hearing authority must:

(a) Not have participated in the decision causing dissatisfaction.

(b) Be impartial.

(c) Be sufficiently skilled in interviewing to be able to obtain evidence and facts necessary for a fair determination.

(d) Be capable of evaluating all evidence fairly and realistically, to explain to the claimant the laws and regulations under which the welfare official operated, and to interpret to welfare officials any evidence of unsound, unclear or inequitable policies, practices or action.

E. Decisions.

(1) Fair hearing decisions shall be rendered within seven working days of the hearing. Decisions shall be in writing setting forth the reasons for decision and the facts on which the fair hearing officer relied in reaching his decision. A copy of the decision shall be mailed or delivered to the claimant and to the welfare official.

(2) Fair hearing decisions will be rendered on the basis of the officer's findings of fact, these regulations and state and federal law. The fair hearing decision shall set forth appropriate relief.

(3) The decision shall be dated. In the case of a hearing to review a denial of aid, the decision is retroactive to the date of the action being appealed. If the recipient fails to prevail at the hearing, the assistance given pending the hearing shall be a debt owed by the individual to the municipality.

(4) The welfare official shall keep all fair hearing decisions on file in chronological order.

(5) None of the procedures specified herein shall limit any right of the applicant or recipient to subsequent court action to review or challenge the adverse decision.

§ 812-15. Liens.

The law requires the Town to place a lien for welfare aid received on any real estate of an assisted person in all cases except for just cause (RSA 165:28). The Selectmen shall file the notice of lien with the County Registry of Deeds complete with the owner's name and a description of the property sufficient to identify it. The lien remains in effect during the lifetime of a person or until the amount of the lien is repaid to the municipality. Upon repayment of a lien, the municipality must file written notice of the discontinuance of the lien with the County Registry of Deeds.

§ 812-16. Recovery from municipality of residence or liable relative.

A. The amount of money spent by a municipality to support a person who has a residence in another municipality or has a father, mother, stepfather, stepmother, husband, wife or child (who is no longer a minor) of sufficient ability to also support the assisted person may be recovered from the municipality of residence or the liable relative. However, written notice of money spent in support of an assisted person must be given to the liable relative. The welfare official shall make reasonable efforts to give such written notice prior to the giving of aid, but aid to which an applicant is entitled under these guidelines shall not be delayed due to inability to contact possibly liable relatives. Any legal action to recover must be filed in a court within six years after the expenditures (RSA 165:19, 165:20 and 165:25).

B. There shall be no delay, refusal to assist, or reduction or termination of assistance while the welfare official is pursuing the statutory remedies to secure reimbursement from responsible relatives.

§ 812-17. Application of rent payments to overdue taxes.

A. The provisions of HB 1124, allowing rent payments for assisted persons to be applied to any overdue taxes to the Town of Hampton by the landlord that would be receiving the rent payment, have been adopted (RSA 165:4-a).

B. The money applied will be credited to the most delinquent tax bill, with the interest charges being credited before the principal due. A tax payment shall be considered "in arrears" if more than 30 days have elapsed since the mailing of the bill.

C. Any rent payment or partial payment tendered by the tenant in the form of a written promise to pay by the Town shall constitute payment by the tenant in the amount represented in the voucher. The landlord will receive notification that the assistance rendered has been applied to an outstanding tax bill by way of a "Rent Voucher — Landlord Delinquency" notice that will be included with a copy of the voucher mailed to the landlord.

PART V

LAND USE LEGISLATION

Chapter SI

SITE PLAN REVIEW REGULATIONS

SECTION I. Authority and Purpose.

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SECTION VII. Design and Construction Requirements.

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Appendix A, Use Change Application Review

Appendix A-1, Temporary Parking Lot Review

Appendix B, Fee Schedule

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Appendix D, Typical Roadway Cross-Section

[HISTORY: Adopted by the Planning Board of the Town of Hampton 7-10-2002; amended 7-5-2006; 3-21-2007; 8-20-2008; 7-15-2009; 11-4-2009; 6-4-2014; 7-16-2014. Amendments noted where applicable.]

SECTION I. Authority and Purpose.

Pursuant to the authority vested in the Town of Hampton Planning Board voted in accordance with the provisions of the New Hampshire Revised Statues Annotated, Chapters 674:43-44, as amended, the Town of Hampton Planning Board adopts the following regulations governing the review of multi-family dwellings and non-residential site plans, whether or not such development includes a subdivision or resubdivision of the site. These regulations shall be entitled, "Site Plan Review Regulations."

The purpose of Site Plan Review Regulations is to protect the public health, convenience, safety and welfare; to provide for responsible and desirable growth; to prevent premature and uncoordinated development of land without the adequate provision of public services and facilities; to ensure sound site utilization; to avoid development which may result in negative environmental impacts; to ensure a safe and convenient traffic flow both on and off the site; to ensure adequate off-street parking; to maintain adequate open spaces, light, air and access; and to ensure appropriate landscaping and building aesthetics.

The Site Review Procedure in no way relieves the developer, his/her agent, or individual from compliance with the Zoning Ordinance, Subdivision Regulations, or any other ordinance which pertains to the proposed development. No site plan will be approved until it complies in all respects to any and all pertinent ordinances and regulations.

SECTION II. Definitions.

For the purpose of these regulations, certain words used herein are defined as follows and are in addition to those outlined in the Town of Hampton Zoning Ordinance:

ABUTTER — Means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration. For purposes of receiving testimony only, and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term abutter includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration. **[Amended 3-21-2007]**

AISLE WIDTH — Means the unobstructed distance measured from the rear of a parking space to one of the following: another parking space; an obstruction created by a wall, fence, structure, or any other permanent fixture; a property line, unless said property line abuts a roadway. in situations where a support column and/or wall (or any other obstruction) is located "in between parking spaces" but to the rear of a parking space, the aisle width shall be measured from the edge of the obstruction adjacent to the aisle to any one of the items listed above in 1, 2 or 3; thereby rendering the aisle free of all obstructions within the required width. No aisle is required for parking spaces pulling out directly onto a roadway; however, the Planning Board reserves the right to require adequate space between a parking space and a property line and/or roadway in the interest of public safety or any other of the review standards listed in Section IV.D of the Site Plan Regulations. **[Added 3-21-2007]**

BOARD — Means the Planning Board of the Town of Hampton.

COMPLETION APPLICATION — Means a final site plan and application form submitted with all other information and materials required by the Board, to enable it to proceed with consideration and to make an informed decision.

CONDITIONAL APPROVAL — Means approval of a site plan application by a majority of the Board, with conditions that must be met prior to and/or after final approval.

DEVELOPMENT — Means the construction of improvements on a tract or tracts of land which shall include the enlargement of the structure or physical changes to the site to accommodate the intended use.

ENGINEER — Means a person licensed in accordance with Chapter 310-A, Section 2-27, New Hampshire Revised Statutes Annotated, 1955, as amended.

FINAL APPROVAL — Means all precedent conditions have been met, and the site plan has been signed by the chairman and recorded (if necessary) at the Registry of Deeds.

IMPERVIOUS SURFACE — Means any modified surface that cannot effectively absorb or infiltrate water.

LOW IMPACT DEVELOPMENT (LID) — Means an innovative stormwater management approach that is modeled after nature utilizing decentralized micro-scale controls that mimic a site's predevelopment hydrology.

PARKING AREA — Means any commercial, for pay public or private area, excluding personal use, under or outside of a building or structure, designed and used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public street.

PARKING LOT — Means any commercial, for pay, excluding personal use, off street, ground level open area used for temporary storage of motor vehicles.

PRECEDENT CONDITIONS — Means conditions placed on a site plan approval by the Board that must be met prior to final approval of the plan. These conditions must be met prior to issuance of a building permit.

RESIDENT INSPECTOR — Means the person hired to oversee and inspect the actual construction to ensure that all work is installed in accordance with the approved plans and specifications.

SELECTMEN — Mean the Selectmen of the Town of Hampton.

STREETS — Means relates to and includes street, right-of-way, avenue, road, boulevard, land, alley, viaduct, highway, freeway and other ways.

SUBSEQUENT CONDITIONS — Means conditions placed on a site plan approval by the Board that must be met after final approval, and prior to occupancy being granted (unless otherwise stated in the approval).

SURVEYOR — Means a person licensed in accordance with Chapter 310-A, Section 53-74, New Hampshire Revised Statues Annotated, 1955, as amended.

TOWN ENGINEER — Means a person or firm designated by the Town to perform such duties as may be determined by the Town.

SECTION III. Procedures.

No new structure shall be erected before a plat has been approved by the Board, and recorded at the Rockingham County Registry of Deeds. In accordance with RSA 676:16, as amended, the transfer or sale of any lot in an unapproved plat shall be enjoined. **[Amended 9-16-1998]**

A. Site Plan Review Required. The Planning Board shall require site plans to be submitted to it for review by an applicant seeking any of the following:

   The development of any tract for any non-residential use, including but not limited to motels, hotels, and any other use allowing for overnight guests other than multifamily dwellings.

   The development of any tract for multi-family dwelling units.

   The conversion or enlargement of existing non-residential or multi-family uses. This may include changes to existing parking areas and/or flow of traffic on the site.

Any change of use to a building or site which does not have an approved site plan. The Planning Board may, at its discretion, waive this requirement if there is no anticipated impact on traffic, off-street parking, drainage, municipal services, or the surrounding neighborhood.

Any disturbance greater than or equal to one (1) acre, regardless of use. For the purposes of this requirement, "disturbance" is defined as follows: the clearing, grading and/or excavating of land. Exclusions from this definition include: disturbance that results from routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (such as ditch maintenance), or activities that are excluded from permitting by the Clean Water Act (e.g., agriculture and silviculture activities).

Telecommunications Facilities. **[Added 3-21-2007]**

B. Other Reviews Required. Certain proposals require review by the Planning Board, but do not require a public hearing or notification of abutters as outlined in these regulations. The following applications shall be exempt from notification of abutters and shall not require a public hearing. The Board may take testimony from the public as it sees fit.

1. In instances where a change of use does not require a site plan, a change of use review may still be required as outlined in Appendix A.[1] The final decision on whether to require a site plan or a use change shall be made by the Board.

2. As required in the Town of Hampton Zoning Ordinance, off-street parking lot and/or area proposals require Planning Board approval. Certain instances, as outlined in the Zoning Regulations, require the submittal of a plan stamped by a licensed land surveyor.

C. Application Procedures. Site plan review shall be conducted in accordance with the procedural requirements listed within these regulations. If a site plan is approved by the Planning Board, then the applicant may apply for a building permit. No building permit will be issued until approval of the site plan is granted.

1. Optional Pre-application Review. **[Amended 5-20-1992]**

a. Preliminary Conceptual Consultation. The Board provides for a preliminary conceptual consultation and review on applications. Such review shall not bind either the applicant or the Board. The preliminary consultation may include, but not be limited to, discussions of the proposal in general terms to include the desirability of the development and the development's relationship to the Master Plan. Preliminary consultation may occur without the necessity of giving formal public notice as required by RSA 676:4I(d) but must occur only at formal meetings of the Board. Review beyond such conceptual and general discussion may proceed only after identification of, and notice to, abutters and the general public as required by these regulations. In a preliminary conceptual consultation, the applicant may present a rough sketch or other information useful in defining the general scope and concept of the site plan. The Board may make suggestions to assist the applicant in

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1. Editor's Note: Appendix A is included as an attachment to this chapter.

preparing the formal application and in resolving problems foreseen with meeting site plan requirements or other applicable regulations of the Town.

b. Design Review Phase. The Board provides for an optional design review phase on applications. Such review is beyond a preliminary consultation and involves more specific design and engineering details. Such review shall not bind either the applicant or the Board. The design review phase may proceed only after notice to abutters and all holders of conservation, preservation, or agricultural preservation restrictions and the general public as provided for in these regulations. The applicant shall submit a completed application form, a check for the filing fee, a list of all individuals and abutters requiring notification, and a preliminary plan, by the posted submittal deadline date. If the applicant wishes to proceed beyond the design review phase, a public hearing for the final site plan must be held. **[Amended 12-17-1997]**

2. Final Site Plan. Application for approval of the final plan should be filed with the Board by the applicant or his agent in writing on the application forms provided by the Town. Submitted material shall be complete and include material described in 0. Should an application be found incomplete, the Board shall notify the applicant, requesting that the necessary documentation be submitted and informing the applicants that no further consideration of the application can be made until the application is complete.

3. Timing for Formal Consideration.

a. The applicant shall file a complete application with the Board at least nineteen (19) days prior to the hearing date. The Board shall post a list of hearing dates and submittal deadline dates. The exact time of day of the deadline shall be posted by the Board. The application shall include the names and addresses of the applicant (and owner, if different); all holders of conservation, preservation, or agricultural preservation restrictions; all abutters as indicated in Town records not more than five (5) days before the day of filing; and every engineer, architect, land surveyor or soils scientist whose professional seal appears on the plan. **[Amended 12-17-1997]**

b. At the next regular, posted meeting or within thirty (30) days of the date of submission of the application, for which notice can be given in accordance with these regulations, the Board shall determine if a submitted application is complete. Upon determination by the Board that a submitted application is incomplete, the Board shall notify the applicant of the determination in accordance with RSA 676:3, which shall describe the information, procedure, or other requirement necessary for the application to be complete. Upon determination by the Board that the application is complete, the Board shall vote upon its acceptance (accept jurisdiction) and begin formal consideration. Within sixty-five (65) days of accepting jurisdiction, the Board shall act to approve, conditionally approve, or disapprove the application, subject to extension or waiver as provided in the following paragraph. **[Amended 5-20-1992]**

c. The Board may apply to the Selectmen for an extension not to exceed an additional ninety (90) days before acting to approve, conditionally approve, or disapprove an application. The applicant may waive the requirement for Board action within the time periods specified above, and consent to such extension as may be mutually agreeable. If the Board does not follow these procedures, the applicant may request that the Selectmen act in accordance with RSA 676:4I(c)(1). **[Amended 5-20-1992]**

d. Notice of the date and time of the public hearing at which a site plan application will be formally presented to the Board shall be sent via certified mail return receipt to each of the following: abutters; applicant (and owner, if different); holders of conservation, preservation, or agricultural preservation restrictions; and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on the plan. Notice shall be mailed at least ten (10) days prior to the public hearing. Notice to the general public shall also be given at the same time by posting in two (2) public places and publication in a newspaper of general circulation in the Town. The notice shall include a general description of the proposal and shall identify the landowner, the applicant (if not the landowner), and the location of the proposal, along with any request for waiver or waivers as outlined in these regulations. Additional notice shall not be required of an adjourned session of a hearing if the date, time and place of the adjourned session were made known at the prior hearing. All of the costs of the notice, whether mailed, posted or published, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the plan without a public hearing.

D. Fees.

1. A filing fee must accompany any application for Site Plan Review, Use Change, and Parking Lot Review, the fee being equal to the schedule outlined in Appendix B.[2]

2. In accordance with RSA 676:4, the Applicant shall be required to pay all reasonable costs or fees for special investigative studies, including, but not limited to, traffic analysis, environmental assessments, engineering assessment, and the legal review of documents, which are particular to the application, in addition to application fees as required by the regulations. If deemed necessary by the Board, applicants may be required to pay an inspection fee into an escrow account before receiving final acceptance.

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2. Editor's Note: Appendix B is included as an attachment to this chapter.

If the Board requires a study as outlined above, the Applicant may be required to provide the Town with funds equal to the estimated cost of said study, assessment or legal review. These funds shall be placed in a separate interest-bearing escrow account prior to starting the study. The escrow account shall be drawn down to pay any related expenses. If the expenses exceed the amount in the escrow account, the Applicant shall be required to add additional funds to the account. Any funds, and accrued interest, remaining in the escrow account shall be returned to the Applicant upon completion of the study. **[Amended 4-1-1998]**

E. Public Hearings. For all Site Plan applications outlined in 0, before any decision is made to approve or disapprove the plat, the Board will hold a public hearing at which all abutters and other interested parties will be allowed to speak.

1. At the public hearing, any applicant, applicant's agent, abutter, holder of conservation, preservation, or agricultural preservation restriction, or any person with a direct interest in the matter may testify in person or in writing.

2. No application may be denied or approved without a public hearing on the application, unless the Board determines that the application is incomplete. If an application is incomplete, the Board may deny the application without a public hearing.

3. The Board may disapprove the application for the following reasons:

   a. Failure of the applicant to supply information required by the Regulations, including proper identification of abutters' or holders of conservation, preservation, or agricultural preservation restrictions.

   b. Failure to meet reasonable deadlines established by the Board.

   c. Failure to pay costs of notice or other fees required by the Board.

   d. Failure to conform to any applicable State or local statutes, ordinances or regulations.

   e. The project is determined to be scattered or premature as outlined in these regulations.

   f. Other grounds for disapproval may also be relied upon, if the Board adequately states such grounds in its records.

4. In case of disapproval of any application submitted to the Board, the ground(s) for such disapproval shall be adequately stated upon the records of the Board.

F. Issuance of Decision. The Board shall issue a final written decision of their action to approve or disapprove the application. If the application is not approved, the Board shall provide the applicant with written reasons for disapproval. The decision shall be placed on file in the Board's office and shall be made available for public inspection within one hundred forty-four (144) hours after the decision is made.

G. Conditional Approval.

1. The Board may grant conditional approval of an application, but the plat will not be signed or recorded until all of the precedent conditions have been met. A further public hearing is not required when such conditions:

   a. are administrative in nature;

   b. involve no discretionary judgment on the part of the Board; or

   c. involve the applicant's securing possession of permits and approvals granted by other boards or agencies, such as the Department of Transportation, Department of Environmental Services Wetlands Bureau, or Water Supply and Pollution Control Division.

   A further public hearing will be required to demonstrate compliance with the terms of all other conditions pursuant to RSA 676:4I(i).

2. The applicant shall have one year to comply with the conditions of the approval and to have the plan signed by the Board. During this year, the conditionally approved plans are exempt from changes in the Zoning Ordinance, Subdivision Regulations or Site Plan Review Regulations. If the conditions are not met within one year, the conditional approval shall lapse, unless applicant requests and is granted a one year extension by the Board prior to the expiration date. The Board may grant the extension, subject to the Planning Board finding that all three of the following conditions have been met:

   a. There has been no fault of or delay by the applicant;

   b. There have been no changes in relevant land use regulations; and

   c. There have been no changes in conditions on or around the site.

3. Extensions may be granted for a one-year time period only. The Board shall have the option of holding a public hearing, with notice to abutters and holders of conservation, preservation, or agricultural preservation restrictions and the general public as required in these regulations if the Board determines that circumstances have changed appreciably. Conditionally approved plans granted extensions shall not be exempt from amendments to the Zoning Ordinance, Subdivision Regulations or Site Plan Review Regulations. The Board shall have the authority to deny a request for an extension to a conditionally approved plan if the applicant cannot comply with the conditions as stipulated during the approval process.

4. As part of the conditions for approval, the Board may require the granting of easements (i.e., stormwater, conservation land, etc.) to the Town. Acceptance of easements and land may require approval from the Board of Selectmen and/or the Conservation Commission, and shall follow the procedures outlined in RSA 41:14-a and RSA 36-A: 4, as applicable.

H. Minor Field Modifications and Site Plan Amendments. If at any time before or during construction of the improvements required pursuant to a site plan approval, the applicant

demonstrates to the satisfaction of the Town Planner and the Town Engineer that unforeseen conditions make it necessary or preferable to modify the design of the improvements, the Town Planner and the Town Engineer, with input where necessary from the Building Inspector, Conservation Coordinator, or Director of Public Works or his/her designee, may authorize such modifications provided they are limited to the following:

1. Minor changes in the dimensions or locations of any building or structure, which do not require changes in parking, loading, access or public utilities.

2. Minor changes in the configuration of parking lots, which do not result in the change in number of parking spaces required or an encroachment into any approved landscaped area.

3. Minor changes in the locations, dimensions and materials of proposed utilities and drainage improvements, provided the changes do not necessitate permits or approvals from any federal, state or local entity.

4. Changes in the locations and types of outdoor lighting and landscaping, provided that the integrity of the site plan approved by the Planning Board is maintained.

At the discretion of the Town Planner, any request for modification to a site plan, which is not in clear conformance with the guidelines above, shall be referred to the Planning Board for review and action pursuant to Section III of these regulations.

Amendments to an approved site plan that must be submitted to the Planning Board for its prior approval shall include any revision not specifically listed as a minor field modification and shall be submitted to the Planning Board for review and action pursuant to Section III of these regulations. **[Added 3-21-2007]**

I. Developments of Regional Impact. In accordance with RSA 36:54-58, the Board shall review all site plans to determine if they have regional impact and shall follow the notification procedures required in RSA 36:57.

J. Recording and Filing of Plats.

1. After an application has met all precedent conditions, the Chairman of the Board or the acting Chairman as directed under the Board's Rules of Procedure shall sign the plans and Mylar. No plat shall be filed or recorded until it has been signed by the Chairman or the acting Chairman. Every approved plat must be filed by the Board with the Rockingham County Register of Deeds (Register). The cost of recording, according to the fee schedule of the Register of Deeds, in effect at the time of the signing, plus an appropriate handling charge shall be paid by the Applicant: **[Amended 3-21-2007]**

   a. All plats shall be drawn with the following sizes: 8.5" x 11", 11" x 17", 17" x 22", 22" x 34", or such specifications and sizes as may be required by the register of deeds. The material composition of the plats shall be suitable for electronic scanning and archiving by the register of deeds.

b. All plats shall have a minimum of 1/2 inch margins on all sides.

c. All text and dimensions shall be legible for reproduction, and the text sizes shall be no smaller than .08 of an inch for mechanical drafting and 1/8 inch for hand drafting.

d. All certifications, seals, and approval blocks shall have original dates and signatures in a legible, permanent black ink.

i. Type of survey, such as a boundary survey, subdivision, American Land Title Association (ALTA) survey, or lot line adjustment.

ii. Owner of record.

iii. Title of plat or development.

iv. Tax map number.

v. Name of the town in which the parcel is located.

vi. Plat and revisions dates.

e. All plats shall have a scale both as a written and graphic representation.

f. All plats shall have a north arrow with reference to magnetic grid or astronomic north, as applicable. The north arrow shall be labeled with its reference direction.

g. Shading over any text shall not be permitted on any plat. Cross hatching or other hatching at a scale large enough not to interfere with text legibility, before and after reproduction, may be permitted.

h. No lines, whether hatching, boundary lines, or topographic contours shall obstruct or interfere with the legibility, either before or after reproduction, of any bearings, dimensions, or text.

i. The minimum line widths on plats shall not be smaller than .01 inches.

2. Per RSA 674:39, every site plan approved by the Board and properly recorded with the Register, shall be exempt from all subsequent changes in the Site Plan and Subdivision Regulations and Zoning Ordinances for a period of four (4) years after the date of recording provided that: **[Added 3-21-2007]**

a. Active and substantial development or building has begun in accordance with the approved plan within 12 months after the date of final approval (recording the plan) and a surety has been posted as required by these regulations;

b. Development remains in full compliance with the public health regulations;

c. At the time of approval and recording, the plan conforms to the Site Plan and Subdivision Regulations and Zoning Ordinances then in effect;

d. As part of its approval, the Board may specify the threshold level of work which shall constitute "active and substantial development or building," or may extend the 12-month period set forth in paragraph a, above.

e. If the Planning Board does not specify the threshold level of work which shall constitute "active and substantial development or building" the default definition shall be:

i. Construction of and/or installation of basic infrastructure to support the development (roadways, access ways, and the like) to a minimum of gravel base; and utilities placed in underground conduit ready for connection to proposed buildings/structures) in accordance with approved plans; and

ii. Construction and completion of stormwater management systems or drainage improvements to service the development (detention/retention basins, bioretention systems, treatment swales, pipes, under drain, catch basins, etc.) in accordance with the approved plans; and

iii. All erosion control measures (as specified on the approved plans) must be in place and maintained on the site; and

iv. Items i, ii, and iii shall be reviewed and approved by the Town Engineer and Department of Public Works or designated agent.

SECTION IV. Standards.

A. Higher Standards Shall Apply. If any other provision of the Town, State or Federal law relates to any matter covered herein, the regulation providing the higher standard shall apply.

B. General Requirements. The applicant/developer shall observe the following general requirements and principles of land use:

1. Land unsuitable for development due to the presence of poorly drained soils, flood hazard, steep slopes or other conditions constituting a danger to health, safety or the environment or contrary to the purposes of this Ordinance and the Master Plan shall not be approved for development unless the applicant presents satisfactory evidence or data to the Board, establishing that the methods proposed to overcome any such conditions are adequate.

2. The Planning Board, in its discretion, will not approve such scattered or premature developments as would make danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, sewerage, transportation, or other public services or necessitate an excessive expenditure of public funds for the supply of such services.

3. Due regard shall be given to the preservation and protection of existing features, trees, scenic vistas, streams, rock out-cropping, water bodies, other natural resources and historic landmarks.

4. The proposed plan shall conform to the Zoning Ordinance, Master Plan and any other pertinent federal, state and local laws or regulations.

C. Erection of Buildings. No building permit shall be issued by the Building Inspector for the construction of any building, subject to these Regulations, until final approval is granted by the Planning Board, and no certificate of occupancy shall be issued until the all terms and conditions of the Planning Board's approval have been fulfilled, unless otherwise stated in the Board's conditional approval.

D. Review Standards.

1. In reviewing site plans, the Board shall take into consideration the public health, safety and general welfare, the comfort and convenience of the general public, and shall ensure that proposed development does not have a detrimental effect on the abutters, the neighborhood, and the environment of the Town.

2. In order to attain these goals, the Board shall determine that:

i. Appropriate buffers are maintained or installed to screen the use from neighboring properties. Landscape treatment shall consist of natural vegetation, shrubs, trees or fences, as appropriate.

ii. Safe, adequate and convenient vehicular and pedestrian traffic circulation, both within and adjacent to the site, is provided.

iii. Requisite off-street parking and loading space is provided, including off-street areas for maneuvering the anticipated trucks or other vehicles.

iv. Access, parking and loading areas are constructed so as to minimize dust, erosion and run-off conditions that would have a detrimental effect on abutting or neighboring properties. The Planning Board may require paving if appropriate or necessary.

v. Grading, paving and stormwater management systems will not result in erosion/sedimentation of streams, or damage to abutting properties and roads.

vi. Light, glare, odors, noise and vibration will not be discernible off the premises except for indirect lighting on permitted signs or security lighting. Such lighting shall not glare on abutting properties or public highways or streets.

vii. Access to public streets will meet the standards of the New Hampshire Department of Transportation and/or the Town.

viii. Water supply, sewage, and disposal facilities are provided that meet the needs of the proposed use and comply with applicable regulations.

3. In acting upon any site plan, the Board may take into consideration the recommendations of the Building Inspector, the Public Works Director, the Fire Department, the Police Department, the Highway Safety Committee, the Conservation Commission and any other Town agencies or outside specialists which it may consult.

SECTION V. Submission Requirements.

The following items must be submitted in order for the Board to consider it a complete application. An applicant must submit a waiver request as outlined in these regulations for any information not provided with the application.

A. Application. A properly filled out and signed application, using the most current application form available.

B. Abutters and all parties to be notified.

1. On a separate paper, the correct names and mailing addresses of the following individuals shall be listed:

   a. Abutters as defined in RSA 672:3 and these regulations;

   b. The owner(s) of record (and applicant, if different);

   c. All holders of conservation, preservation or agricultural preservation restrictions;

   d. Every engineer, architect, land surveyor or soils scientist whose professional seal appears on the plan.

2. Mailing labels, in triplicate, shall be provided, said labels to contain the correct names and addresses of a through d above. **[Amended 7-16-2014]**

C. Fees. A check made payable to the Town of Hampton equal to the fee required.

D. Site Plan. All applications requiring formal Site Plan review shall submit seven (7) copies of the site plan in the format outlined in this section. An original Mylar in permanent ink of the site plan plat will be required prior to final approval of the plat.

1. Sheet size in conformance with the requirements of the Registry of Deeds of Rockingham County.

2. Scale: 1" = 100', 1" = 80', 1" = 60', 1" = 50', 1" = 40', 1" = 30', 1" = 20', or 1" = 10' as appropriate.

3. Margin of at least 1/2" outside rule border lines on three sides and at least 2" along the left side for bindings.

4. Proposed site improvements including (but not limited to) streets, driveways, parking, pavement, buildings (including type of structure), stormwater management facilities, and any existing features to remain.

5. Proposed site plan name, plan number, date of plan and any revision dates.

6. Current owner(s) of record (and applicant, if different), option holder, and all abutters and all holders of conservation, preservation, or agricultural preservation restrictions keyed to plan. **[Amended 9-16-1998]**

7. Name, license number, seal and address of the New Hampshire registered Land Surveyor and/or registered professional engineer.

8. North arrow and location (locus) map.

9. Tax map and parcel number.

10. Zoning district(s) and lines.

11. Dimensional and setback requirements as listed in current Zoning Ordinance. Dimensions of proposed buildings and proposed setbacks from all property lines. **[Amended 3-21-2007]**

12. Adequate space for the necessary endorsement by the proper authorities.

13. The property lines of the lot including angles or bearings of the lines, dimensions and the lot area prepared and stamped by a registered New Hampshire Land Surveyor.

14. Metes and bounds.

15. All proposed and existing monuments required by these regulations that are adjacent to and in the site shall be shown on the plat.

16. Title and deed references.

17. Easements and other encumbrances.

18. All variances and special exceptions granted by the Board of Adjustment for the parcel involved and the dates granted.

19. Name(s) of proposed streets within a project, as approved by the Board of Selectmen.

E. Detailed Plans. A detailed plan or set of plans shall be provided and shall include the information listed below. The detailed plan information may be combined with the site plan if it does not clutter the plan or create a hard-to-read plan.

1. Existing topographic contours at two-foot intervals and proposed contours after grading. Include benchmarks and datum used.

2. Natural features such as water courses, ponds, wetlands and appropriate setbacks, rock ledges, tree lines and other essential features.

3. FEMA Flood Insurance Rate Map (FIRM) flood zone and 100-year flood elevation contour.

4. Existing and proposed streets, driveways, parking, pavement and buildings, including typical pavement sections and details.

5. Utilities on and adjacent to the tract including location, size and invert elevation of sanitary and stormwater sewers; location and size of water mains; location of gas mains, fire hydrants, electric and telephone poles and street lights. If water mains

and sewer are not on or adjacent to the tract, indicate the direction and distance to, and the size of the nearest one of each.

6. Where the topography or other conditions are such as to make it difficult to include any facilities mentioned above, within areas to be dedicated to the public, the preliminary layout shall show the boundaries of proposed permanent easements to be located over or under private property. Such easements shall be not less than 20 feet in width and shall be satisfactory access to existing or proposed public ways.

7. Description of proposed grade surface (i.e., grass, pavement, etc.), and percent of sealed surface (driveways, parking lots and roofs).

8. Stormwater management plan, including location of all structural best management practices including but not limited to catch basins, culverts, drainage pipe, drain manholes, outlets, and subsurface treatment; method of storage and discharge; and three (3) copies of calculations. The calculations shall be consistent with NH Stormwater Manual requirements and shall include water quality, volume, and flow, groundwater recharge volume, peak flow control for flood control purposes, channel protection, effective impervious cover, certification of no adverse effects on downstream drainage facilities, design storm frequency analysis for pre- and post-construction runoff and assessment of pre- and post construction water quality treatment.

9. Location of existing and proposed fire hydrants, street lighting, fencing, loading docks and exterior lighting.

10. Description and location of exterior utility areas including solid waste disposal facilities HVAC units, electric transformers, towers, above-ground fuel storage tanks, etc.

11. A landscaping plan that includes the type, extent, and location of proposed landscaping and open space areas indicating what existing landscaping and open space areas will be retained. The plan should also include necessary snow storage areas.

12. The location, size and design of proposed signs and other advertising or instructional devices.

13. Three (3) copies of an architectural rendering showing all elevation views of all buildings and their exterior design.

14. Three (3) sets of floor plans for the proposed construction.

15. Soil erosion and sedimentation control plan.

F. Other Items Required as Applicable. The following items shall be submitted with the application, as applicable.

1. Location and results of test pits and location of primary and secondary leach bed sites as required by NH DES.

2. High Intensity Soil Mapping.

3. Wetland analysis/report, stamped by a NH licensed Soils or Wetland Scientist.

4. Any State or Federal permits required for the project.

5. Any written waiver request as outlined in these regulations.

SECTION VI. Special Requirements.

The special requirements outlined in this section may be required by the Board, and will be assessed on a case by case basis.

A. Traffic Impact Analysis.

1. Purpose. The review of any site plan conducted by the Board under these regulations shall ascertain that adequate provisions have been made by the owner or his/her authorized agent for traffic safety. To facilitate this review, the Board may require the developer to submit a traffic impact analysis when deemed necessary due to the size, location or traffic-generating characteristic of the development. Traffic Impact Analysis shall address each of the following:

   a. Traffic circulation and access, including adequacy of adjacent streets and intersection, entrances and exits, traffic flow, sight distances, curb cuts, turning lanes, and existing or recommended traffic signalization.

   b. Pedestrian safety and access.

   c. Off-street parking and loading.

   d. Emergency vehicle access.

2. Independent Review. The Board may retain the services of a consultant qualified in traffic planning to review the traffic impact analysis and to ensure that adequate provisions are made in the development plan to reduce or eliminate those impacts. The Board may further require, pursuant to RSA 676:4(g) that the developer reimburse the Town for reasonable costs of this review. No plan shall be approved until such fees, if applicable, are paid in full.

3. Guidelines for Content of a Traffic Impact Analysis.

   a. Proposal.

      i. Size and type of development defined as either gross square feet in commercial, industrial or other non-residential developments OR number of units in residential or overnight accommodation (such as hotels, motels, etc.) developments.

      ii. Location Map, with proposed driveways.

   b. Traffic Data.

i. Manual counts per peak hour data. This data must be gathered at or near time of analysis.

ii. Twenty-four-hour machine counts (an average weekday). Machine counts on record may be used if taken less than two years prior to the analysis.

c. Traffic Analysis.

i. Assumptions used (i.e., growth rates, committed improvements, and other proposed developments).

ii. Trip generation volumes determined using the Institute of Transportation Engineers (ITE) "Trip Generation Manual" as amended. Refer to ITE code numbers. Trip generation volumes not obtainable using manual must be documented.

iii. Required Level of Analysis:

• All analyses must be completed for existing conditions, existing conditions plus 10 years (no build), opening year, and opening year plus 10 years (build).

• Analysis for each proposed driveway at its intersection with an existing street must conform to "Transportation Research Circular 212" Intersection Capacity Analysis.

• Assignment of generated traffic to surrounding road network. Analysis of adjacent road network and intersection for roadway and intersection capacity. (Note: For roadway capacity analysis, techniques developed in the Highway Capacity Manual, as amended are recommended. For intersection capacity analysis techniques developed in "Transportation Research Circular 212" are recommended).

d. Conclusions. Summary of improvements by location, including but not limited to:

i. additional pavement widths and markings for right and left turn lanes;

ii. additional traffic lanes; and

iii. intersection signalization.

B. Performance and Maintenance Surety.

1. Prior to the final approval of the site plan, the Board may require performance surety to ensure the completion of required improvements. The surety shall be in a form and amount satisfactory to the Board to insure the construction and installation of such improvements. The surety shall be in an amount, as estimated by the applicant's engineer and as reviewed and approved by the Department of Public Works, and in a form satisfactory to the Board to insure the construction

and installation of such improvements. The Board may accept as a surety, one of the following:

a. certified check, bank check, or savings account passbook properly endorsed to the Town of Hampton.

b. irrevocable Letter of Credit written so as to be self-calling.

c. performance bond written so as to be self-calling. **[Amended 5-20-1992]**

2. A performance agreement for any improvements and for compliance with any condition shall be submitted and is subject to review and approval by Town Counsel as to proper legal form and enforceability. The cost of this review shall be borne by the applicant.

3. As improvements are completed, the surety may be reduced based on the following schedule. Prior to release of funds, the applicant shall submit a written request to the Planning Board that includes certification by the engineer of work completed to date.

a. Fifty percent (50%) of any surety filed with the Board for the benefit of the Town for satisfactory completion of the streets, drainage, sewage and water lines, and all other facilities and improvements shown upon said site plan, may be released to the developer when the following are completed and accepted:

i. Approval of the underground utilities, including sewer and stormwater lines;

ii. Application of binder paving.

iii. Installation of sedimentation measures and slope stabilization.

b. Subsequent reductions in the surety amount may be made once the following are completed and accepted. The amount of reduction shall be based on the original cost estimate of work, but shall not exceed 90% of original surety amount.

i. Completion of final paving and loaming and seeding the right-of-way;

ii. Submittal of "as-built" plans and profile, prepared by a surveyor and an engineer, on a reproducible wash-off-Mylar, with three (3) blueline copies, scale of 1"=50' on sheets of 22" x 34", showing all property lines, edges of pavement, sewer laterals at the property line and mains (with ties from permanent features) and all utilities located by station and offset from the final base line stationing of the sanitary sewer if present, if not, then from the center line of the right-of-way;

iii. Final cleanup, including removing sediment from all catch basin sumps;

iv. Completion of any punch list items determined by the Department of Public Works;

v. Installation of monumentation and submittal of certificate of monumentation;

vi. Installation of streetlights, street name signs, stop signs, and/or other required traffic signs;

vii. If a new Roadway is proposed: submittal of a deed from the applicant to the Town for all rights-of-way and easements, acceptance of the deed by the Board of Selectmen and subsequent recording of said deed(s) at the Registry of Deeds.

c. If public ROW improvements are required, or if a new roadway is constructed: ten percent (10%) of the original surety amount shall be retained as maintenance surety for one (1) year after the date of conveyance to insure the continued proper operation and integrity of the streets, drainage, sewer and water lines, and all other facilities and improvements. Should any improvement fail or need repair, the Town shall be able to draw on this surety as reimbursement of costs.

4. The acceptance of a deed, as provided above, by the Board of Selectmen, and subsequent recording, shall acknowledge the formal dedication of the streets, and maintenance thereafter shall be the responsibility of the Town. **[Amended 5-20-1992]**

SECTION VII. Design and Construction Requirements.

A. Access and Roadway Design.

1. The Planning Board shall approve of the design for a proposed access/egress point onto the public way, which point shall provide an adequate sight distance, grade, width, and curb.

2. In all cases, the number of points of access to a given street shall be held to a minimum, preferably one, in order to reduce traffic hazards from turning movements and to ease the installation of traffic control devices when necessary.

3. The Board may require improvement of existing access/egress point(s) to provide safe flow onto abutting streets, should increased traffic be generated by the developer.

4. Off-site requirements may be required, such as pavement width, deceleration lanes, curbing, guardrails, or signal devices.

5. Traffic circulation, pedestrian access, parking and loading facilities, emergency and fire access shall be designed and located to ensure safety on the site.

6. When new and/or additions to paved roadways are required, they shall be constructed in accordance with the typical cross-section in Appendix D.[3]

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3. Editor's Note: Appendix D is included as an attachment to this chapter.

a. Permits for residential driveways more than one hundred fifty (150) feet in length shall only be issued following recommendation by the Hampton Fire Department and approval by the Planning Board. **[Amended 12-17-1997]**

b. Commercial driveways: The width shall be as recommended by the Town of Hampton Fire Department. **[Amended 12-17-1997]**

c. Private roads shall be built to the same quality standards as town-accepted roads. The width of the roadway shall be as recommended by the Town of Hampton Fire Department. **[Amended 12-17-1997]**

d. Variation from the accepted standards as shown in Appendix D may only be granted with a written waiver, as outlined in these regulations.

7. When required, street name signs, stop signs, and/or other traffic signs shall be shown on the plan and installed by the developer.

B. Parking Lot Design.

1. Parking areas and drives shall be paved if public use is intended; however, the Board may waive paving to reduce runoff which cannot be disposed of properly.

2. Each parking space shall conform to the definition in Section 1.6 of the Zoning Ordinance of the Town of Hampton.

3. Sufficient areas shall be provided for easy access into and out of the parking spaces. The following standards shall be used in determining aisle width:

Angle of Parking Space	**Aisle Width Required**
90°	22 feet
60° or less	18 feet
45° or less	11 feet

4. The minimum grade for parking areas shall be .5%, the maximum grade shall be five percent (5%).

5. The final design of the parking lot shall be subject to approval of the Board, which may require other standards as special circumstances warrant.

C. Landscaping and Screening.

1. Landscaping and screening shall be provided with proper regard to adjacent properties, the public highway and within the site, including interior landscaping of parking areas.

2. All outdoor storage areas and trash receptacles shall be screened to prevent visibility from neighboring properties.

D. Stormwater Management.

A stormwater management plan will be required for all approved site plans except as exempted by vote of the Planning Board. The design and maintenance of stormwater management systems shall conform to the appropriate Best Management Practices in the most recent edition of the NH Stormwater Manual. **[Amended 3-21-2007]**

The following standards shall apply:

1. The USDA NRCS method TR- 55 Urban Hydrology for Small Watersheds shall be used for estimating stormwater runoff. (The Rational method is not acceptable for storm water analysis except for static analysis of storm drains.)

2. Low Impact Development practices, which are designed to mimic natural hydrology by reducing impervious surfaces and stormwater runoff and increasing groundwater recharge and pollutant removal, shall be used to the extent practicable unless the applicant can document infeasibility to the satisfaction of the Planning Board.

3. Stormwater runoff analysis shall include modeling of 2-year, 10-year, 25-year, 50-year and 100-year 24-hour rainfall events. The peak rate of runoff after development shall match the existing condition runoff for these events to the extent possible.

4. Stormwater management systems for roadways that consist primarily of catch basins, manholes and storm drain piping shall be designed to accommodate a 25-year, 24-hour storm event. Swales, ponds, bioretention and infiltration systems and other structures subject to erosion or potential flooding shall be designed to be stable during a 100-year storm event. Outlets from storm drainage systems shall be designed to be consistent with the NH Stormwater Manual and ensure discharge velocities do not cause erosion. The Planning Board may require energy analysis (hydraulic grade line analysis) of storm drain systems if deemed necessary.

5. A stormwater management plan shall be prepared for any use that will render an area impervious for more than 15% or 10,000 square feet of any lot.

6. Sites requiring a Site Specific Permit from the State of New Hampshire shall meet the stormwater management requirements of the NH DES Best Management Practices for Urban Stormwater Runoff, as amended (BMP USR) as well as the Green Book, as amended.

7. The peak rate of runoff discharged from the site shall not exceed the existing discharge rate. Existing patterns of runoff across site boundaries shall not be changed.

8. Stormwater management for the site shall emulate the natural hydraulics and conveyance system of the site to the extent feasible. Stormwater discharge from the site should occur at the natural drainage points as determined by topography and existing drainage patterns.

9. The Stormwater Management Plan for the development or redevelopment of the site shall be designed and stamped by a New Hampshire Registered Professional

Engineer and be sized to be consistent with the NH Stormwater Manual requirements addressing the following:

10. Water Quality Volume (WQV) - The WQV is the amount of stormwater runoff produced during rain events that shall be treated through appropriate BMPs. The WQV represents the volume of runoff produced from the first one inch of rainfall falling on impervious surfaces. On average and on an annual basis, 90% of all runoff is produced by storms that produce one inch of rainfall or less.

11. Water Quality Flow (WQF) - represents the flow rate (expressed in cubic feet per second) associated with the runoff produced from the first 1 inch of rainfall and is typically used in combination with the WQV to size the water quality treatment practices such as rain pre-treatment devices.

12. Groundwater Recharge Volume (GRV) - As a means of maintaining the pre-development groundwater recharge volume from the site, the design shall include infiltration practices that enable groundwater that relates to the site's hydrologic soil conditions.

13. Peak Flow Control for Flood Control Purposes - Consistent with NH DES requirements in the NH Stormwater Manual, drainage calculations shall be conducted to show that the post-development flow rates for all flows leaving the site does not exceed the pre-development flow rates for 2-year, 10-year, 25-year, 50-year and 100-year, 24-hour design storms. The applicant shall also demonstrate no adverse impact to downstream properties for proposed development within an identified 100-year floodplain.

14. Channel Protection - Post-development flow shall comply with one of the two following criteria:

    a. If the runoff volume for a 2-year, 24-hour storm volume has not increased over the pre-development storm volume, then the post-development peak rate for a 2-year storm needs to be no greater than the pre-development peak flow.

    b. If the runoff volume for the 2-year, 24-hour storm will increase then the post-development peak rate of flow for a 2-year, 24-hour storm shall be controlled to less than 50 percent of the peak flow rate of a 2-year, 24-hour storm or to the 1-year, 24-hour pre-development.

    c. Effective Impervious Cover (EIC) - Calculate the effective impervious cover and determine if project falls under the "1065" rule. If not, confirm whether project will be required to prepare a pollutant loading and meet water quality requirements under antidegradation requirements.

    d. Certification of No Adverse Effects on Downstream Drainage Facilities - The applicant's engineer (registered professional engineer) shall determine and certify that any additional runoff produced from the proposed development will not have any adverse impact or overload any existing downstream facilities either on public or private property. The following certification

statement shall be included on the site plan: "I certify that any additional runoff related to the proposed development on this site will not have any adverse effects on any open or closed, public or private downstream drainage facilities or natural resources, under the proposed design assumptions and considerations."

e. Design Storm Frequency - The post-development peak flow rate shall not exceed the pre-development flow rate for 2-year, 10-year, 25-year, 50-year and 100-year storm events for all flows leaving the site.

f. Catch Basins - All catch basins shall be designed with a minimum 3-foot sump. Commercial sites that have the potential for oil and gasoline spills shall have catch basins equipped with inverted hood outlets.

g. French or trench type drains shall not be allowed for the purpose of draining surface water from any street that will, or has the potential to, become the property of the Town.

h. Components of a stormwater system shall not be located within Town and/or State-owned Rights-of-Way (ROW) unless written approval is received from DPW and/or NH DOT. Proposed systems shall be located entirely on the lot of application. If multiple lots are included on the proposed site plan, the proposed stormwater system shall be contained on one lot. This lot must remain a buildable lot, and shall meet all requirements for a lot as outlined in the Town's Zoning Ordinance. If an applicant demonstrates that locating the stormwater component or facility on one lot would not be the best solution to comply with all of the other requirements of this section, the applicant may request a waiver from this requirement.

15. The Planning Board may, at the applicant's expense, have the stormwater management plans reviewed by an independent engineer designated by the Board.

16. The Planning Board shall, at the applicant's expense, require phased inspections of the proposed stormwater management system. The frequency and extent of these inspections will be determined by and under the direction of the Director of Public Works.

17. A Stormwater Management Operation and Maintenance Plan (O&M Plan) that ensures adequate long term operation and maintenance of stormwater Best Management Practices (BMPs) shall be prepared for the stormwater management system. The plan shall establish the functional, financial and organizational mechanisms for ongoing operation and maintenance of the stormwater management system that ensures that it continues to function as designed. The plan shall address the following:

a. All components within land deeded to the Town for ROW shall be the responsibility of the Town once accepted by the Town, to include but not limited to; pipes, ditches, catch basins, shoulders, etc.

b. Closed pipes extending out from the Town ROW may be the responsibility of the Town once accepted by the DPW and Town and located within an easement running to the Town for that purpose. As-constructed plans must be provided to the Town before acceptance. **[Amended 3-21-2007]**

c. Stormwater Management Best Management Practices including bioretention and subsurface infiltration systems, surface treatment systems defined by the NH Stormwater Manual, including but not limited to: treatment swales, level spreaders, filter strips, rain gardens, pervious pavement, sand filters, dry ponds and wet ponds, outside of the ROW shall be the sole responsibility of and shall be maintained by the owner of the lot or by the owners' association if applicable. If the system extends over more than one lot, then the applicant shall demonstrate which lot owner(s) shall be responsible for maintenance. **[Amended 3-21-2007]**

d. Maintenance of open drainage systems shall follow the recommendations of the Stormwater Management and Erosion and Sediment Control Handbook for Urban Developing Areas in NH, as amended. The Town reserves the right to correct deficiencies in such drainage systems resulting from improper or inadequate maintenance if, in the opinion of the Town, there is a threat to the safety or property of the general public from such deficiencies.

e. The O&M Plan shall include details of the inspection and maintenance requirements of the stormwater Best Management Practices. The plan shall identify the party(ies) responsible for implementing the O&M Plan once construction is complete.

f. Annual O&M Report and Certification - The property owner or association identified as responsible for the operation and maintenance of the stormwater management system shall provide a report on activities performed throughout the year and a certification that the system continues to function as designed. The annual report and certification shall be submitted to the Town Planner by December 31st of each year.

g. Those portions of a proposed stormwater management system not within Town ROW and proposed to be maintained by the Town shall be located within a drainage easement per Appendix C[4] and shall be subject to acceptance by the Town. Privately maintained systems that do not connect to a Town maintained system are not required to be the subject of an easement. **[Amended 3-21-2007]**

18. Easement widths and building setbacks for detention ponds shall be as follows:

a. The easement area shall cover the entire pond and extend 5 feet from the toe of the exterior slope.

b. The easement area shall extend 5 feet from the emergency overflow.

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4. Editor's Note: Appendix C is included as an attachment to this chapter.

c. Any pond not abutting the ROW shall provide a 15-foot wide access easement from the ROW to the pond.

d. The pond shall be set back from proposed or existing septic systems 75 feet, unless reduced by the State of New Hampshire, Department of Environmental Services Subsurface Systems Bureau.

e. Easement widths and building setbacks (BSB) for pipes and channels shall be as follows:

For Pipes

ID (inside diameter)	**Easement Width**	**Building Setback**
ID ≤ 36"	15 feet	5 feet from easement 10 feet from pipe
36" ≤ ID < 60"	20 feet	7.5 feet from easement 10 feet from pipe
ID > 60"	ID plus 10 feet either side	10 feet from easement

For Channels and Swales

W (top width of channel)	**Easement Width**	**Building Setback**
W ≤ 10 feet	20 feet	10 feet from top of slope
10 feet < W ≤ 30 feet	W plus 10 feet each side	10 feet from easement
W > 30 feet	W plus 15 feet each side	To be determined by Planning Board. Minimum 10 feet from top of slope.

19. The Planning Board may waive the requirements of this section if, in its judgment, a waiver is deemed to be in the best interest of the Town.

E. Erosion and Sediment Control Regulations.

1. General. For the purpose of controlling soil erosion and sedimentation in surface waters resulting from site construction and development, no site plan shall be approved without plans for erosion and sediment control, unless a waiver is applied for and approved by the Board as provided in these regulations. A waiver may only be granted if:

a. No new construction and/or disturbance is proposed; or

b. If the project receives a waiver from the USEPA General Permit Discharges from Large and Small Construction Activities.

2. Standards. The following standards shall be applied in planning for erosion and sediment control:

   a. Whenever practical, natural vegetation shall be retained, protected or supplemented. The stripping of vegetation will be done in a manner that minimizes soil erosion.

   b. The disturbed area shall be kept to a minimum and shall be protected from erosion during the winter months.

   c. Measures shall be taken to control sediment and retain it within the project area. To the extent possible, sediment in runoff water shall be trapped and retained within the project area.

   d. Final vegetation and permanent erosion control structures shall be installed as soon as possible following disturbances on the site.

   e. Off-site surface water shall either be diverted around, or conducted safely through, the project area.

   f. All plans shall conform to the most recent edition of the NH Stormwater Manual.

   g. The plans shall include methods for controlling wastes such as discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes. These plans shall conform to the restrictions required by the EPA Storm Water Phase II Program.

3. Responsibility For Installation/Construction. The applicant shall bear final responsibility for the installation and construction of all erosion and sediment control measures required by the provisions of this Section. Where erosion and sediment control plans call for the construction of permanent erosion or sediment control measures, the Board may require a bond or other surety sufficient to provide for the actual construction and installation of such improvements within a period specified by the Board.

F. Water and Sewer Service.

1. In areas of Town where municipal sewer service or private utility company water supply is not provided, sewage disposal systems and water supply must be sized to meet the needs of the proposed use.

2. Should connection to the municipal sewer system be requested, the applicant shall obtain a letter from the Public Works Director indicating acceptance of the proposed design and agreement to furnish the requested service once the project is approved by the Planning Board. If the capacity of the system is such that provision of the service is denied, the Planning Board shall deny the application until such time as: (1) the Town, based upon the Sewer Master Plan, is able to upgrade the facilities to provide service, or (2) a proposal is agreed upon to upgrade said service at the developer's expense.

3. The expansion of existing uses which create additional demands for sewage shall be subject to this section.

G. Construction Standards.

1. Whenever, in the construction of a non-residential or multi-family development, pavement on an existing Town street is disturbed due to the inclusion of any utility, the road surface will be replaced using the following method. The excavated ditch will be replaced with clean bank-run gravel to an elevation of nine inches (9") below the finished grade; six inches (6") of gravel, New Hampshire Standard Specification 304.4; 95% compaction; a two inch (2") tight binder in the trench with a one inch (1") overlay wearing course to the entire width of the road.

2. All site plans requiring the construction of a sanitary sewer, drainage system or roadway will require review by the Department of Public Works. The Board may also request review by the designated Town engineer, at the expense of the developer, in order to see that they comply with the Town's Master Plan, best engineering practices, and Federal, State and Town regulations.

3. A resident inspector will be required for all site plans requiring the construction of a road. It shall be the responsibility of the developer's engineer to provide the resident inspector subject to the approval of the Director of Public Works. It shall be the responsibility of the resident inspector to see that the site plan is in fact constructed in accordance with the approved plan. The developer's engineer shall certify, at the completion of the work, that the work has been completed in accordance with the approved plans and specifications. All required test results shall be submitted to the Director of Public Works. If, during construction, the resident inspector discovers any errors or changes that will require a deviation from the approved plan, he will notify the engineer and the Director of Public Works of same.

4. A pre-construction conference will be mandatory prior to the beginning of any construction of a site plan involving municipal improvements. It shall be called by the developer. In attendance will be representatives of the Public Works Department, Police and Fire Departments, all utility companies involved and the developer's engineer, contractor, resident inspector, and any State and/or Federal officials, as necessary.

H. Fire Protection.

1. Fire alarms and fire hydrants shall be provided as specified by the Fire Department, indicated on the plans and installed by the applicant.

2. Hydrant locations for relocations or additions to existing water mains shall be spaced so that no structure is more than 600 feet along a street front from a hydrant.

3. No hydrants which have been approved for a development shall be operative until construction with combustible materials begins. The installation of concrete foundations is allowed prior to hydrants being operational. Hydrant(s) may be

placed into service up to seven (7) days prior to construction with combustible materials. Combustible materials shall be as defined by the Town adopted BOCA Basic National Building Code.

4. The Chief of the Fire Department or his designee may require hydrants to be operational before construction of the development begins.

5. Hydrants shall be installed so that there will be not less than 18 inches from the bottom of the steamer connection to the finish grade.

6. The Fire Department will make recommendations for hydrant locations to the Planning Board within time specified in the written request. When final plans are approved by the Planning Board, a copy of the plan showing hydrant locations shall be forwarded to the Fire Department. The Fire Department will follow-up with a letter to the Town Manager requesting approval for the hydrant(s) installation.

I. Lot Monumentation.

1. Street construction. In situations where a public road is proposed, the developer shall install concrete or granite monuments at least four feet in length and four inches in diameter with suitable drill hole at the center point, at the beginning and end of each curve at each street intersection on the right-of-way. The developer shall further install additional concrete or granite monuments along street lines within the site such that two permanent concrete or granite monuments, one rear and one fore, are visible from each other concrete or granite monument within the site or project area.

2. Lot corners. In situations where monumentation does not exist, a minimum one-inch-diameter iron pipe monument shall be set at all lot corners on the site to establish the boundary lines of lots upon the ground with reasonable permanence. Each monument shall be set two to six inches above the finished grade of the surrounding property. Where appropriate, one-inch-deep drill holes may be set in an existing stone wall or in ledge, in lieu of a required monument. When it is impossible or impractical to set a boundary monument on a corner, it shall be set in compliance with NH Land Surveyors Administrative Rules.

3. Wetland buffers and boundaries.

   a. Granite or concrete monuments, at least four feet in length and four inches in diameter with suitable drill hole at the center point shall be set along the defined edge of wetlands.

   b. Conservation Commission disks, approximately 4 inches in diameter, shall be placed along the edge of wetland buffers, conservation easements and conservation land. In situations where Conservation Commission disks cannot be installed, an alternate method of buffer edge demarcation may be approved by the Board.

c. The location and placement of monumentation and markers shall be determined by the Planning Board and made a condition of approval. The developer shall bear the cost of installation of the monument and disks.

4. For situations in which installation of monuments cannot comply with paragraphs 1 & 2 of this section, a licensed land surveyor may substitute an alternate monument as long as the monument complies with the NH Code of Administrative Rules, Board of Licensure for Land Surveyors, LAN 503.08, as amended (authorized by RSA 310-A:53).

5. To insure the installation of monuments required by the site plan, the developer shall meet either of following requirements:

   a. All monumentation shall be in place and certified prior to final approval of the site plan; OR

   b. A surety shall be collected and held until all monumentation has been installed and certified.

6. Once in place, a form certifying that the monumentation has been accurately installed shall be filed with the Planning Board by the developer. The form shall contain the signature and seal of the licensed land surveyor that certified the placement of the monumentation. **[Amended 9-6-1989; 9-5-1990]**

SECTION VIII. Special Flood Hazard Areas.

All site plan proposals governed by these Regulations having lands identified as Special Flood Hazard Areas in the "Flood Insurance Study for the County of Rockingham, NH" as amended together with the associated Flood Insurance Rate dated May 17, 2005, as amended, shall meet the following requirements:

1. Site plan proposals, including their utilities and drainage, shall be located and designed to be consistent with the need to minimize flood damage.

2. All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage.

3. Adequate drainage shall be provided to reduce exposure to flood hazards.

4. Water and Waste Disposal systems:

   a. New and replacement water systems (including on-site systems) shall be located, designed and constructed to minimize infiltration and avoid impairment.

   b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood water.

   c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the Board, in addition to the copies required by RSA 482-A:3 Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Board, including notice of all scheduled hearings before the Wetlands Bureau.

   Within the altered or relocated portion of any watercourse, the applicant shall submit to the Planning Board certification provided by a registered professional engineer assuring that the flood carrying capacity of the watercourse can and will be maintained.

6. Site plan proposals shall include 100-year flood elevation data.

   [Please note that this statement was included to be consistent with the town's subdivision regulations. This statement is more restrictive than what the NFIP requires. If the town wishes to only require the minimum NFIP requirement then the following statement should be used instead: All proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e., floodplain boundary and 100-year flood elevation).]

7. All necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334.

SECTION IX. Special Requirements for Telecommunication Towers and/or Facilities.

A. Aesthetics and Lighting. The guidelines in this subsection shall govern the location of all towers, and the installation of all commercial antennas. However, the Planning Board may waive these requirements, in accordance with these regulations, only if it determines that the goals of this regulation are served thereby.

   1. Towers shall either maintain a galvanized steel finish, subject to any applicable standards of the FAA or be painted, so as to reduce visual obtrusiveness.

   2. At a tower site, the design of the buildings and related structures shall, to the maximum extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities with the natural setting and built environment. These buildings and facilities shall also be subject to all other Site Plan Review Regulation requirements.

   3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

   4. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

5. Towers shall not contain any permanent or temporary signs, writing, symbols, or any graphic representation of any kind.

B. Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Regulation shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal, in accordance with these regulations, of the tower or antenna, as abandoned, at the owner's expense through the execution of the posted security.

C. Building Codes-Safety Standards. To ensure the structural integrity of towers and antennas, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Town concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within 30 days, such action shall constitute an abandonment and grounds for the removal, in accordance with these regulations, of the tower or antenna, as abandoned, at the owner's expense through execution of the posted security.

D. Additional Requirements for Telecommunications Facilities. These requirements shall supersede any and all other applicable standards found elsewhere in Town Ordinances or Regulations that are less strict.

1. Setbacks and Separation. See Article IV, Table II, of The Hampton Zoning Ordinance.

2. Security Fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device.

3. Landscaping.

a. Towers shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from any adjacent property. The standard buffer shall consist of a landscaped strip at least 25 feet wide outside the perimeter of the compound. Natural vegetation is preferred.

b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived entirely.

c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers

sited on large wooded lots, natural growth around the property may be deemed a sufficient buffer.

E. Information Required. Each applicant under this regulation shall submit a scaled plan in accordance with the Site Plan Review Regulations and further information including; a scaled elevation view, topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses (up to 200' away), and any other information deemed necessary by the Planning Board to assess compliance with this ordinance. Furthermore, the applicant shall submit the following prior to any approval by the Board:

1. The applicant shall submit written proof that the proposed use/facility complies with the FCC regulations on radio frequency (RF) exposure guidelines.

2. The applicant shall submit written proof that an evaluation has taken place, as well as the results of such evaluation, satisfying the requirements of the National Environmental Policy Act (NEPA) further referenced in applicable FCC rules. If an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is required under the FCC rules and NEPA, submission of the EA or EIS to the Board prior to the beginning of the federal 30 day comment period, and the Town process, shall become part of the application requirements.

3. Each applicant for an antenna and or tower shall provide to the Planning Board an inventory of its existing towers that are within the jurisdiction of the Town and those within two miles of the border thereof, including specific information about the location, height, design of each tower, as well as economic and technological feasibility for co-location on the inventoried towers. The Planning Board may share such information with other applicants applying for approvals or conditional use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however that the Planning Board is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

   If the applicant is proposing to build a new tower, the applicant shall submit written evidence demonstrating that no existing structure can accommodate the applicant's proposed antenna. This evidence can consist of but not necessarily be limited to: substantial evidence that no existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements, provided that a description of the geographic area is also submitted.

4. The applicant proposing to build a new tower shall submit an agreement with the Town that allows for the maximum allowance of co-location upon the new structure. Such statement shall become a condition to any approval. This statement shall, at a minimum, require the applicant to supply available co-location for reasonable fees and costs to other telecommunications providers. Failure to provide such an agreement is evidence of the applicant's unwillingness to cooperate with the orderly and well planned development of the Town, and grounds for a denial.

5. The applicant shall submit the engineering information detailing the size and coverage required for the facility location. The Planning Board may have this

information reviewed by a consultant for verification of any claims made by the applicant regarding technological limitations and feasibility for alternative locations. Cost for this review shall be borne by the applicant in accordance with RSA 676:4 and applicable Site Plan Regulations.

F. Bonding and Security. Recognizing the extremely hazardous situation presented by abandoned and unmonitored towers, the Planning Board shall set the form and amount of security which represents the cost for removal and disposal of abandoned towers in the event that the tower is abandoned and the tower owner is incapable and unwilling to remove the tower in accordance with these regulations.

G. Removal of abandoned antennas and towers. Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned and hazardous to the public health and safety, unless the owner of said tower provides proof of quarterly inspections. The owner shall remove the abandoned structure within 90 days of receipt of a declaration of abandonment from the Town notifying the owner of such abandonment. A declaration of abandonment shall only be issued following a public hearing, noticed per Town regulations, with notice to abutters and the last known owner/operator of the tower. If the abandoned tower is not removed within 90 days the Town may execute the security and have the tower removed. If there are two or more users of a single tower, this provision shall not become effective until all users cease using the tower.

SECTION X. Administration and Enforcement.

A. General. These Regulations shall be administered by the Planning Board. The enforcement of these Regulations is vested with the Board of Selectmen.

B. Waivers. Following a public hearing for which proper notice has been given to the general public and abutters, the Board may waive such requirements of the foregoing Regulations that it determines, 1) are not requisite to the interest of public health, safety, general welfare, and 2) which do not contribute to the objectives of the regulations because of special circumstances and conditions relating to a particular site plan. When making its determination as to any waiver, the Board shall take into consideration the prospective character of the development and of abutting properties.

When the applicant desires the waiver of any provisions of the foregoing Regulations, he shall include a request therefor with a statement of reasons for such request, with the application for approval of the preliminary or final plan. Any such request for waivers shall be included in any notice given to the public and also in notice to abutters.

Costs for any additional public hearing held for the purpose of waivers shall be assessed to the applicant.

C. Penalties and Fines. Any violation of this Regulation shall be subject to a civil fine or criminal penalty as provided in RSA 676:17, as amended. The Board of Selectmen, or the Building Inspector, is hereby designated as the proper local authority of the Town to institute appropriate action under the provisions of RSA 676:17.

D. Other Regulations. Where these Regulations are in conflict with other local, state or federal ordinances, the more stringent shall apply.

E. Validity. If any Section or part of a Section or paragraph of these Regulations shall be declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or Sections or part of a Section or paragraph of these Regulations.

F. Record of Adoption. The Site Plan Review Regulations of the Town of Hampton have been adopted by a majority vote of the Hampton Planning Board on July 10, 2002, following a duly notified public hearing held on July 10, 2002. These Site Plan Review Regulations replace all sections of the previous Site Plan Review Regulations.

SI Attachment 1

Town of Hampton

APPENDIX A
Use Change Application Review

1. Each Use Change request must be accompanied by the current application fee.

2. Uses allowed are only those uses permitted in the appropriate zones under Article III, Use Regulations, of the Hampton Zoning Ordinance.

3. Use Changes requiring Planning Board review are determined to be:

   a. Any use of a residential or non-residential nature which is proposed to be changed to another use which is dissimilar and of a non-residential nature.

   b. Any change of use of a non-residential or multifamily dwelling site resulting in a change in the number of parking spaces required by Article VI of the Hampton Zoning Ordinance.

   c. Any change of use which results in the need for a new Certificate of Occupancy.

   d. Any change of use which, in the opinion of the Building Inspector, requires Planning Board approval in order to safeguard the health, welfare, convenience and safety of Hampton's citizens and recreational guests.

4. Proposals for Use Change Review must include the following information:

   a. Present use and proposed use of the property.

   b. Present and proposed parking facilities (to conform to the requirements of Article VI).

   c. A sketch of the property showing street frontage, building location, parking, driveways, traffic flow, loading spaces and walkways.

   d. Location, description, and size of existing and/or proposed signs.

   e. Physical changes to the exterior of the structure including color changes and lighting.

   f. Whether structure(s) involved meet ADA requirements for handicap accessibility. If requirements are not met, a brief description of alterations planned. Unless technically infeasible, existing buildings that undergo a Change of Use or Occupancy shall have all of the following features:

      - At least one accessible entrance.

- At least one accessible route from an accessible entrance to primary function areas.
- Signage.
- Accessible parking, where parking is being provided.
- At least one accessible passenger loading zone, where loading zones are provided.
- At least one accessible route connecting accessible parking and accessible passenger loading zones to an accessible entrance.

Where an area of primary function is altered, renovated and/or remodeled concurrently with a Change of Use or Occupancy, other standards and requirements may apply.

5. The Planning Board may request any further information it deems necessary for proper review of the use change request, and shall not take action upon said request until such time that the information is provided to the Board's satisfaction.

SI Attachment 2

Town of Hampton

APPENDIX A-1
Temporary Parking Lot Review

1. As per ARTICLE III - USE REGULATION, Section 3.26a of the Hampton Zoning Ordinance, Parking Lots and/or Parking Areas are permitted in the B, BS & I zones only.

2. Proposals for Temporary Parking Lot Review must include at a minimum the following information on a site plan:

   a. Surface material of lot/parking area;

   b. Parking diagram showing delineation of spaces;

   c. Ingress and egress points; and

   d. Hours of operation, and manned hours.

3. A waiver is required if the lot surface is not paved.

4. All spaces must be 9’ x 18’ with an aisle width of 22’ at a minimum; Handicap accessible parking of one spot for every fifteen spaces. Signage at entrances with: towing rules, hours of operation, emergency phone number and capacity.

5. Entrances and exits must be permitted by Department of Public Works or the State.

6. Parking spaces must be delineated by lines, curb stops or signs.

7. A fence, rope fence, or curb stops are required around the perimeter of the lot except at entrances and exits.

8. Trash barrels as well as regular cleanup are required. Failure to maintain an attractive, clean lot in a professional manner may be deemed a violation and enforced as per ARTICLE VI - PARKING, Section 6.4.7 of the Hampton Zoning Ordinance.

9. Approval shall be for one year only. Any extension past the one-year temporary must be applied for to the Planning Board and may be subject to number 10 listed below.

10. The Planning Board may require changes to the proposal that include but are not limited to the following: crushed stone, eco pavers, mobile restroom facilities, permanent fencing, lighting, hours of operation, proper dust control and grading.

SI Attachment 3

Town of Hampton

APPENDIX B
Fee Schedule
[Amended 3-21-2007]

ALL APPLICATIONS REQUIRING A PUBLIC HEARING:
must be accompanied by $7.50 for each of the following [refer to RSA 676:4(d)]:
- Abutter(s) (as defined in RSA 672:3)
- Applicant(s)
- Holders of conservation, preservation, and/or agricultural preservation restrictions
- Engineer, architect, land surveyor and/or soils scientist whose professional seal appears on the plan

SUBDIVISION REVIEW	
Lot Line Adjustment	$100.00
Condominium Conversion	$100.00
Other Subdivisions	$100.00 per lot
Optional Preliminary Consultation	No charge
Optional Design Review	No charge

SITE PLAN REVIEW	
Application Fee:	$100.00
PLUS:	
Non-residential fee	$100.00 per 1,000 square feet of floor area (Minimum $100.00 Maximum $3,000.00)
Multi-family fee	$100.00 per new dwelling unit (Maximum of $3,000.00)
Amended Site Plan (No additional dwelling units or square foot floor area)	Application fee only
Optional Preliminary Consultation/Design Review	No Charge

SPECIAL PERMIT	
Application Fee	$100.00

OTHER REVIEW	
Parking Lot Review	$50.00, no public notification required*
Use Change Application	$50.00, no public notification required**
Annual Stormwater O&M Report	$100 to $500***

* Refer to Zoning Ordinance Articles 3 and 6; certain parking lots may require public notification.
** If the Use Change Application requires full Site Plan review, then public notification is required and the Site Plan fees listed above apply.
*** Depending on size and complexity of system.

RECORDING FEES	Registry fee plus $35.00 (mileage and staff time)

NOTE: These fees do not include any potential independent professional reviews or inspection fees.

SI Attachment 4

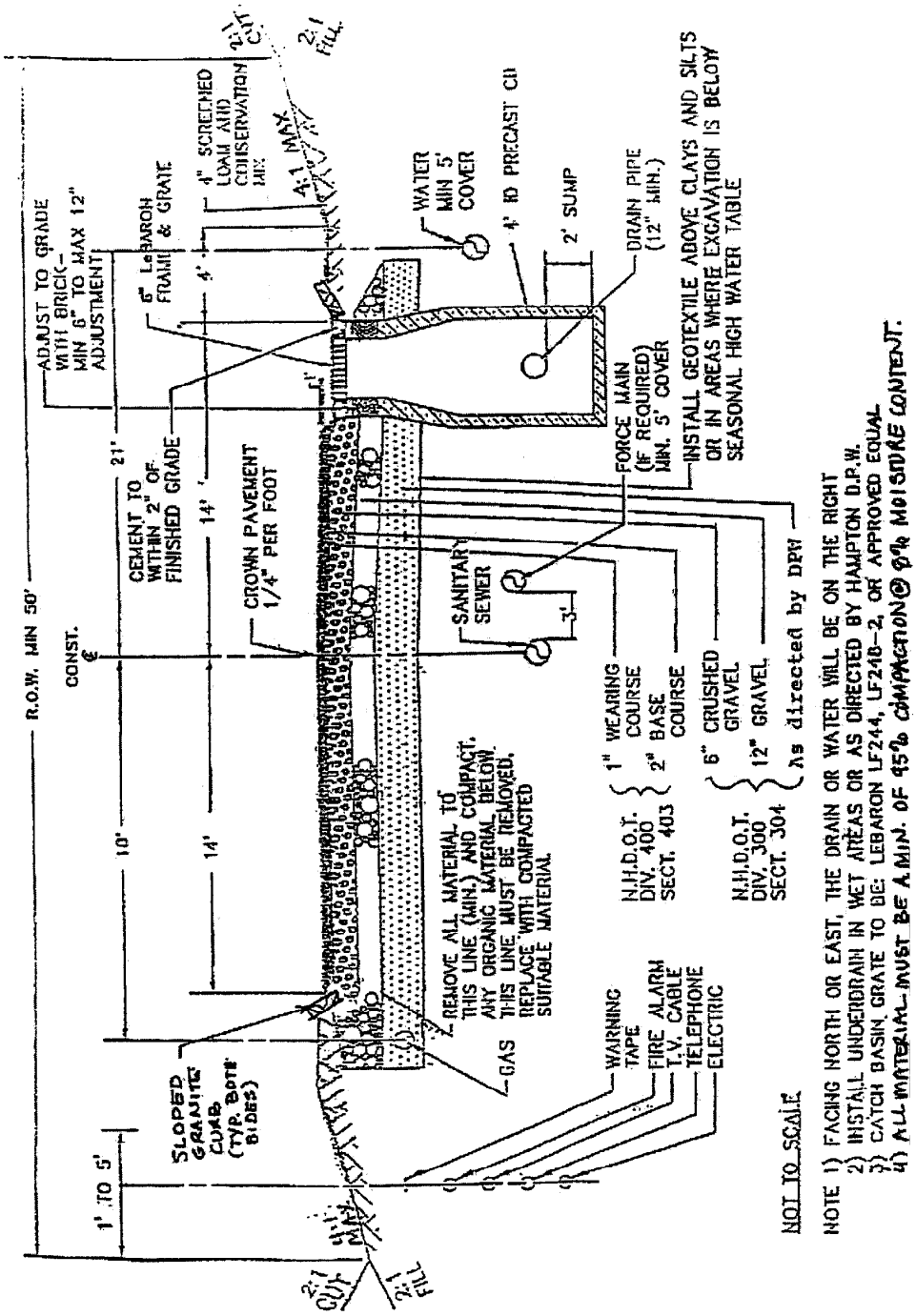
Town of Hampton

APPENDIX C
Stormwater Drainage Easement
[Repealed by the Planning Board on 6-4-2014]

SI Attachment 5

Town of Hampton

APPENDIX D
Typical Roadway Cross-Section



Chapter SU

SUBDIVISION REGULATIONS

SECTION I. AUTHORITY AND PURPOSE.

SECTION II. DEFINITIONS.

SECTION III. PROCEDURES.

SECTION IV. STANDARDS FOR SUBDIVISION OF LAND.

SECTION V. SUBMISSION REQUIREMENTS.

SECTION VI. SPECIAL REQUIREMENTS.

SECTION VII. DESIGN AND CONSTRUCTION REQUIREMENTS.

SECTION VIII. SPECIAL FLOOD HAZARD AREAS.

SECTION IX. ADMINISTRATION AND ENFORCEMENT.

Appendix A - Typical Roadway Cross-Section

Appendix B - Fee Schedule

Appendix C - Stormwater Drainage System Easement

Appendix D - Driveway Regulations

[HISTORY: Adopted by the Planning Board of the Town of Hampton 7-7-1967; amended 10-9-1967; 12-11-1967; 4-18-1968; 8-22-1979; 6-4-1980; 10-15-1986; 9-6-1989; 9-5-1990; 5-20-1992; 6-2-1992; 1-25-1995; 9-6-1995; 9-17-1997; 12-17-1997; 4-1-1998; 11-4-1998; 4-18-2001; 7-10-2002; 3-1-2006; 6-7-2006; 3-21-2007; 8-20-2008; 7-15-2009; 11-4-2009; 5-7-2014; 7-16-2014. Amendments noted where applicable.]

SECTION I. AUTHORITY AND PURPOSE.

The Hampton Planning Board prescribes the following rules and regulations to control the subdivision of land pursuant to Chapter 674:35-36, New Hampshire Revised Statutes Annotated, 1955, as amended. As provided in said Laws, no subdivision either public or private shall be authorized in the Town until its character and extent has been submitted and approved by the Hampton Planning Board.

The objects of the Subdivision Regulations are to:

• Provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services;

• Provide for the harmonious development of the municipality and its environs;

• Require the proper arrangement and coordination of streets within subdivisions in relation to other existing or planned streets or with features of the official map of the municipality;

• Provide for open spaces of adequate proportions;

• Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for firefighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system;

• Require, in proper cases, that plats submitted to the Planning Board for approval shall show open space or park land suitably located for recreational or conservation purposes;

• Require that proposed parks shall be of reasonable size for neighborhood playgrounds or other recreational or conservation uses;

• Require that the land indicated on plats submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health;

• Assure conformance with local Zoning Ordinances and provide such additional areas as may be needed for each lot for on-site sanitary facilities; and

• Include provisions which will tend to create conditions favorable to health, safety, convenience or prosperity.

SECTION II. DEFINITIONS.

For the purpose of these regulations, certain words used herein are defined as follows:

ABUTTER — Means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration. For purpose of receiving testimony only, and not for purpose of notification, the term abutter shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term abutter includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration. **[Amended 3-21-2007]**

BOARD — Means the Planning Board of the Town of Hampton.

COMPLETED APPLICATION — Means a final subdivision plat and application form submitted with all other information and materials required by the Board to enable it to proceed with consideration and to make an informed decision.

CONDITIONAL APPROVAL — Means approval of a subdivision plan application by a majority of the Board, with conditions that must be met prior to and/or after final approval.

DOUBLE FRONTAGE LOT — Means a lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot. **[Amended 9-17-1997]**

DRIVEWAY, COMMERCIAL — Means a way open to vehicular ingress and egress on private commercial or industrial property providing access to a street. This definition shall not apply to private streets. **[Added 12-17-1997]**

DRIVEWAY, RESIDENTIAL — Means a way open to vehicular ingress and egress on private residential property providing access to a street. This definition shall not apply to private streets. **[Amended 12-17-1997]**

DRIVEWAY WIDTH — Means the narrowest width of a driveway measured perpendicular to the driveway. **[Amended 12-17-1997]**

ENGINEER — Means a person licensed in accordance with Chapter 310-A, Section 2-27, New Hampshire Revised Statues Annotated, 1955, as amended.

FINAL APPROVAL — Means all precedent conditions have been met, and the subdivision plan has been signed by the Chairman and recorded at the Registry of Deeds.

IMPERVIOUS SURFACE — Means any modified surface that cannot effectively absorb or infiltrate water.

LOW IMPACT DEVELOPMENT — Means an innovative stormwater management approach that is modeled after nature utilizing decentralized micro-scale controls that mimic a site's predevelopment hydrology.

PRECEDENT CONDITIONS — Means conditions placed on a subdivision plan approval by the Board that must be met prior to final approval of the plan. These conditions must be met prior to issuance of a building permit.

PLAT — Means the final map, drawing or chart on which the subdivider's plan of subdivision is presented to the Board for approval, and which, if approved, will be submitted to the Register of Deeds of Rockingham County for recording.

PRE-APPLICATION REVIEW — Means the two optional steps, Preliminary Consultation and Design Review that an applicant may follow prior to filing a completed application. **[Amended 5-20-1992]**

PRIVATE ROAD (OR STREETS) — Means a way open to vehicular ingress and egress established as a separate tract for the benefit of certain, adjacent properties. This definition shall not apply to driveways. **[Amended 12-17-1997]**

RESIDENT INSPECTOR — Means the person hired to oversee and inspect the actual construction to ensure that all work is installed in accordance with the approved plans and specifications.

SELECTMEN — Mean the Selectmen of the Town of Hampton.

STREET — Means, relates to, and includes street, right-of-way, avenue, road, boulevard, lane, alley, viaduct, highway, freeway, and other ways.

SUBDIVISION — Means the division of the lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes re-subdivision

and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision. It further applies to any combination of and to any subdivision of any convertible land, convertible space, or unit.

SUBSEQUENT CONDITIONS — Means conditions placed on a subdivision plan approval by the Board that must be met after final approval, and prior to occupancy being granted (unless otherwise stated in the approval).

SURVEYOR — Means a person licensed in accordance with Chapter 310-A, Sections 53 - 74, New Hampshire Revised Statutes Annotated, 1955, as amended.

TOWN ENGINEER — Means a person or firm designated by the Town to perform such duties as may be determined by the Town.

SECTION III. PROCEDURES.

A. General Information.

1. Whenever any subdivision of land or building is proposed, the owner thereof, or his agent, shall apply in writing to the Board for approval. Application for subdivision shall be on the forms provided by the Board. The application shall conform to these regulations.

2. No lot line adjustment and/or subdivided property shall be transferred nor any contract for sale, lease or rental executed, nor structure erected before a plat of the subdivision has been approved by the Board, and recorded at the Rockingham County Registry of Deeds. Civil penalty will be in accordance with RSA, 676:16 as amended. **[Amended 12-17-1997]**

3. Minor lot line adjustments or boundary agreements which do not create additional lots or increase the development potential of a lot require subdivision application and approval in the same manner as ordinary subdivision, except that a public hearing shall not be required. However, notice to abutters and all holders of conservation, preservation, or agricultural preservation restrictions as defined in RSA 477:45 shall be given prior to approval and any abutter, all holders of conservation, preservation, or agricultural preservation restrictions, may be heard on the application upon request. [RSA 676:4I(e)(1)]. **[Amended 12-17-1997]**

4. Any owner of two (2) or more contiguous preexisting approved or subdivided lots or parcels may merge them per RSA 674:39-a, as long as such merger does not create a violation of current ordinances or regulations. No public hearing is required. Any land owner wishing to merge his/her lots shall complete a lot merger form, submit two (2) original copies, and pay any recording fees to the Hampton Planning Office.

5. The Board may make a visual on-site inspection of the land at any stage of the proposal.

6. If a plan is withdrawn prior to having notification for the public hearing, no further action is required of the Board, and it will be considered terminated. One copy of any such plan(s) shall be retained for Board files.

7. Approval of the plan by the Board shall not constitute an acceptance by the Town of the dedication of any proposed street, highway, park or other public open space.

8. The Board may approve the plan with such conditions as may be necessary to ensure proper completion of required improvements including performance surety.

9. Proposed Road Names. When an Application is submitted to the Board, the Applicant shall submit a proposed road name (preferred plus two alternates) to the Board of Selectmen for approval. Such an application form may be secured through the Board of Selectmen or Planning Board office. The approved road name must be submitted to the Planning Board. Board of Selectmen's approval of a road name shall in no way be interpreted as an acceptance of the plan. **[Amended 11-4-1998]**

B. Application Procedures.

1. Optional Pre-application Review. **[Amended 5-20-1992]**

a. Preliminary Conceptual Consultation. The Board provides for a preliminary conceptual consultation and review on applications. Such review shall not bind either the applicant or the Board. The preliminary consultation may include, but not be limited to, discussions of the proposal in general terms to include the desirability of the development and the development's relationship to the Master Plan. Preliminary consultation may occur without the necessity of giving formal public notice as required by RSA 676:4I(d) but must occur only at formal meetings of the Board. Review beyond such conceptual and general discussion may proceed only after identification of, and notice to, abutters and the general public as required by these regulations. In a preliminary conceptual consultation, the applicant may present a rough sketch or other information useful in defining the general scope and concept of the subdivision including how the land will be divided. The Board may make suggestions to assist the applicant in preparing the formal application and in resolving problems foreseen with meeting subdivision requirements or other applicable regulations of the Town.

b. Design Review Phase. The Board provides for an optional design review phase on applications. Such review is beyond a preliminary consultation and involves more specific design and engineering details. Such review shall not bind either the applicant or the Board. The design review phase may proceed only after notice to abutters and all holders of conservation, preservation, or agricultural preservation restrictions and the general public as provided for in these regulations. The applicant shall submit a completed application form, a check for the filing fee, a list of all individuals and abutters requiring notification, and a preliminary plan, by the posted submittal deadline date. If the applicant wishes to proceed beyond the design review phase, a public hearing for the final subdivision plan must be held. **[Amended 12-17-1997]**

2. Final Subdivision Plan. Application for approval of the final plan should be filed with the Board by the subdivider or his agent in writing on the application forms provided by the Town. Submitted material shall be complete and include material described in Section V. Should an application be found incomplete, the Board shall notify the applicant, requesting that the necessary documentation be submitted and informing the applicants that no further consideration of the application can be made until the application is complete.

3. Timing for Formal Consideration.

   a. The applicant shall file a complete application with the Board at least nineteen (19) days prior to the hearing date. The Board shall post a list of hearing dates and submittal deadline dates. The exact time of day of the deadline shall be posted the Board. The application shall include the names and addresses of the applicant (and owner, if different); all holders of conservation, preservation, or agricultural preservation restrictions; all abutters as indicated in Town records not more than five (5) days before the day of filing; and every engineer, architect, land surveyor or soils scientist whose professional seal appears on the plan. **[Amended 12-17-1997]**

   b. At the next regular, posted meeting or within thirty (30) days of the date of submission of the application, for which notice can be given in accordance with these regulations, the Board shall determine whether a submitted application is complete. Upon determination by the Board that a submitted application is incomplete, the Board shall notify the applicant of the determination in accordance with RSA 676:3, which shall describe the information, procedure, or other requirement necessary for the application to be complete. Upon determination by the Board that the application is complete, the Board shall vote upon the plan's acceptance (accept jurisdiction) and begin formal consideration. Within sixty-five (65) days following accepting jurisdiction, the Board shall act to approve, conditionally approve, or disapprove the application, subject to extension or waiver as provided in the following paragraph. **[Amended 5-20-1992]**

   c. The Board may apply to the Selectmen for an extension not to exceed an additional ninety (90) days before acting to approve, conditionally approve, or disapprove an application. The applicant may waive the requirement for Board action within the time periods specified above, and consent to such extension as may be mutually agreeable. If the Board does not follow these procedures, the applicant may request that the Selectmen act in accordance with RSA 676:4, I(c). **[Amended 5-20-1992]**

   d. Notice of the date and time of the public hearing at which a subdivision application will be formally presented to the Board shall be sent via certified mail return receipt to each of the following: abutters; applicant (and owner, if different); holders of conservation, preservation, or agricultural preservation restrictions; and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on the plan. Notice shall be mailed at least ten (10) days prior to the public hearing. Notice to the general public shall

also be given at the same time by posting in two (2) public places and publication in a newspaper of general circulation in the Town. The notice shall include a general description of the proposal and shall identify the landowner, the applicant (if not the landowner), and the location of the proposal, along with any request for waiver or waivers as outlined in these regulations. Additional notice shall not be required of an adjourned session of a hearing if the date, time and place of the adjourned session were made known at the prior hearing. All of the costs of the notice, whether mailed, posted or published, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the plat without a public hearing.

C. Fees.

1. A filing fee must accompany any application for subdivision, lot line adjustment, and condominium conversion, the fee being equal to the schedule outlined in Appendix B.[1] **[Amended 4-18-2001]**

2. In accordance with RSA 676:4, the Applicant shall be required to pay all reasonable costs or fees for special investigative studies, including but not limited to, traffic analysis, environmental assessments, engineering assessments, and the legal review of documents, which are particular to the application, in addition to application fees as required by the Regulations. If deemed necessary by the Planning Board, Applicants may be required to pay an inspection fee into an escrow account before receiving final acceptance.

3. If the Board requires a study as outlined above, the Applicant may be required to provide the Town with funds equal to the estimated cost of said study, assessment or legal review. These funds shall be placed in a separate interest-bearing escrow account prior to starting the study. The escrow account shall be drawn down to pay any related expenses. If the expenses exceed the amount in the escrow account, the Applicant shall be required to pay additional funds to the account. Any funds, and accrued interest, remaining in the escrow account shall be returned to the Applicant upon completion of the study. **[Amended 4-1-1998]**

D. Public Hearings.

1. At the public hearing, any applicant, abutter, holder of conservation, preservation, or agricultural preservation restriction, or any person with a direct interest in the matter may testify in person or in writing. **[Amended 12-17-1997]**

2. No application may be denied or approved without a public hearing on the application unless the following situations occur:

   a. The subdivision consists of a minor lot line adjustment or boundary agreement which does not create a buildable lot. However, notice to the abutters and holders of conservation, preservation, or agricultural preservation restrictions is required prior to approval of the application. Any abutter or

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1. Editor's Note: Appendix B is included as an attachment to this chapter.

holder of conservation, preservation, or agricultural preservation restrictions may request to be heard on the application. **[Amended 12-17-1997]**

b. The Board may disapprove the application prior to public hearing for the following reasons:

Failure of the applicant to supply information required by the Regulations, including abutters' or holders of conservation, preservation, or agricultural preservation restrictions identification; failure to meet reasonable deadlines established by the Board; OR failure to pay costs of notice or other fees required by the Board. **[Amended 12-17-1997]**

3. The Board may disapprove an application for the following reasons:

a. Failure of the applicant to supply information required by the Regulations, including proper identification of abutters' or holders of conservation, preservation, or agricultural preservation restrictions.

b. Failure to meet reasonable deadlines established by the Board.

c. Failure to pay costs of notice or other fees required by the Board.

d. Failure to conform to any applicable State or local statutes, ordinances or regulations.

e. The project is determined to be scattered or premature as outlined in Section IV of these regulations.

f. Other grounds for disapproval may also be relied upon, if the Board adequately states said grounds in its records.

4. In case of disapproval of any application submitted to the Board, the ground(s) for such disapproval shall be adequately stated upon the records of the Board.

E. Issuance of Decision. The Board shall issue a final written decision of their action to approve or disapprove the completed application. If the application is not approved, the Board shall state for the record and provide the applicant with written reasons for disapproval. The decision shall be placed on file in the Board's office and shall be made available for public inspection within one hundred forty-four (144) hours after the decision is made.

F. Conditional Approval. **[Amended 5-20-1992]**

1. The Board may grant conditional approval of an application, but the plat will not be signed or recorded until all of the precedent conditions have been met. A further public hearing is not required when such conditions:

a. are administrative in nature;

b. involve no discretionary judgment on the part of the Board; or

c. involve the applicant's possession of permits and approvals granted by other boards or agencies, such as the Department of Transportation, the Wetlands Board, or Water Supply and Pollution Control Division.

A further public hearing will be required to demonstrate compliance with the terms of all other conditions pursuant to RSA 676:4I(i).

2. The applicant shall have one year from the date conditional approval is granted by the Board to comply with the conditions of approval and to have the plan signed by the Board. During this first year, the conditionally approved plans are exempt from changes in the Zoning Ordinance or Subdivision Regulations. If the conditions are not met within one year, the conditional approval shall lapse, unless applicant requests and is granted a one-year extension by the Board prior to the expiration date. For good cause shown by the applicant, the Board may grant the extension, subject to the Planning Board finding that all three of the following conditions have been met:

a. There has been no fault of or delay by the applicant;

b. There have been no changes in relevant land use regulations; and

c. There have been no changes in conditions on or around the site.

3. Extensions may be granted for a one-year time period only. The Board shall have the option of holding a public hearing, with notice to abutters and holders of conservation, preservation, or agricultural preservation restrictions and the general public as required in these regulations, if the Board determines that conditions have changed appreciably. Conditionally approved plans that are granted extensions shall not be exempt from amendments to the Zoning Ordinance or Subdivision Regulations. The Board shall have the authority to deny a request for an extension to a conditionally approved plan if the applicant cannot comply with the conditions. **[Amended 12-17-1997]**

4. As part of the conditions for approval, the Board may require the granting of easements (i.e., stormwater, conservation land, etc.) to the Town. Acceptance of easements and land may require approval from the Board of Selectmen and/or the Conservation Commission, and shall follow the procedures outlined in RSA 41:14-a and RSA 36-A:4, as applicable.

G. Developments of Regional Impact. In accordance with RSA 36:54-58, the Board shall review all subdivisions to determine if they have regional impact and shall follow the notification procedures required in RSA 36:57. **[Amended 5-20-1992]**

H. Recording and Filing of Plats. **[Amended 5-20-1992; 3-21-2007]**

1. After an application has met all precedent conditions, the Chairman of the Board or the acting Chairman as directed under the Board's Rules of Procedure shall sign the plans and Mylar. No plat shall be filed or recorded until it has been signed by the Chairman or the acting Chairman. Every approved plat must be filed by the Board with the Rockingham County Registry of Deeds. The cost of recording, according to the fee schedule of the Register of Deeds (Register), in effect at the

time of the signing, plus an appropriate handling charge shall be paid by the landowner.

a. All plats shall be drawn with the following sizes: 8.5" x 11", 11" x 17", 17" x 22", 22" x 34", or such specifications and sizes as may be required by the register of deeds. The material composition of the plats shall be suitable for electronic scanning and archiving by the register of deeds.

b. All plats shall have a minimum of 1/2 inch margins on all sides.

c. All text and dimensions shall be legible for reproduction, and the text sizes shall be no smaller than .08 of an inch for mechanical drafting and 1/8 inch for hand drafting.

d. All certifications, seals, and approval blocks shall have original dates and signatures in a legible, permanent black ink.

i. Type of survey, such as a boundary survey, subdivision, American Land Title Association (ALTA) survey, or lot line adjustment.

ii. Owner of record.

iii. Title of plat or development.

iv. Tax map number.

v. Name of the town in which the parcel is located.

vi. Plat and revisions dates.

e. All plats shall have a scale both as a written and graphic representation.

f. All plats shall have a north arrow with reference to magnetic grid or astronomic north, as applicable. The north arrow shall be labeled with its reference direction.

g. Shading over any text shall not be permitted on any plat. Cross hatching or other hatching at a scale large enough not to interfere with text legibility, before and after reproduction, may be permitted.

h. No lines, whether hatching, boundary lines, or topographic contours shall obstruct or interfere with the legibility, either before or after reproduction, of any bearings, dimensions, or text.

i. The minimum line widths on plats shall not be smaller than .01 inches.

2. Per RSA 674:39, every subdivision plat approved by the Board and properly recorded with the Register, shall be exempt from all subsequent changes in the Site Plan and Subdivision Regulations and Zoning Ordinances for a period of four (4) years after the date of recording provided that:

a. Active and substantial development or building has begun in accordance with the approved plan within 12 months after the date of final approval

(recording of the plan) and a surety has been posted as required by these regulations;

b. Development remains in full compliance with the public health regulations;

c. At the time of approval and recording, the plat conforms to the Site Plan and Subdivision Regulations and Zoning Ordinances then in effect;

d. As part of its approval, the Board may specify the threshold level of work which shall constitute "active and substantial development or building," or may extend the 12-month period set forth in paragraph a, above.

e. If the Planning Board does not specify the threshold level of work which shall constitute "active and substantial development or building," the default definition shall be:

i. Construction of and/or installation of basic infrastructure to support the development (roadways, access ways, etc., to a minimum of gravel base; and utilities placed in underground conduit ready for connection to proposed buildings/structures) in accordance with approved plans; and

ii. Construction and completion of stormwater management systems or drainage improvements to service the development (detention/retention basins, bioretention systems, treatment swales, pipes, under drain, catch basin, etc.) in accordance with the approved plans; and

iii. All erosion control measures (as specified on the approved plans) must be in place and maintained on the site; and

iv. Items i, ii and iii shall be reviewed and approved by the Town Engineer and Department of Public Works or designated agent. **[Amended 3-21-2007]**

SECTION IV. STANDARDS FOR SUBDIVISION OF LAND.

A. Higher Standards Shall Apply. If any other provision of the Town, State or Federal law relates to any matter covered herein, the regulation providing the higher standard shall apply.

B. General Requirements. The subdivider shall observe the following general requirements and principles of land subdivision:

1. Land of such character that it cannot be safely used for building purposes because of exceptional danger to health or peril from fire, flood, impermeable soil or other menace shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate the flood or sewage hazard, until appropriate measures have been taken by the owner or his agent to eliminate such hazards.

2. Due regard shall be given to the preservation and protection of existing features, trees, scenic vistas, streams, rock out-croppings, water bodies, other natural resources and historic landmarks.

3. The Board may provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services or necessitate the excessive expenditure of public funds for the supply of such services.

4. The proposed subdivision shall conform to the Zoning Ordinance, Master Plan and any other pertinent federal, state and local laws or regulations.

5. Lot and area dimensions shall conform to the Zoning Ordinance and each lot shall be of adequate width and area, considering its location and size of adjoining lots, so as to avoid congestion of population and conditions unfavorable to health, safety and convenience.

6. Reserve strips of land which, in the opinion of the Board, show intent on the part of the subdivider to control access to land dedicated or to be dedicated to public use shall not be permitted.

C. Erection of Buildings. No building permit shall be issued by the Building Inspector for the construction of any building, subject to these Regulations, until final approval is granted by the Planning Board, and no certificate of occupancy shall be issued until the all terms and conditions of the Planning Board's approval have been fulfilled, unless otherwise stated in the Board's conditional approval.

D. Review Standards.

1. In reviewing subdivision plans, the Board shall take into consideration the public health, safety and general welfare, the comfort and convenience of the general public, and shall ensure that proposed development does not have a detrimental effect on the abutters, the neighborhood, and the environment of the Town.

2. In order to attain these goals, the Board shall determine that:

a. Appropriate buffers are maintained or installed to screen the use from neighboring properties. Landscape treatment shall consist of natural vegetation, shrubs, trees or fences, as appropriate.

b. Safe, adequate and convenient vehicular and pedestrian traffic circulation, both within and adjacent to the site, is provided.

c. Grading, paving and stormwater management systems will not result in erosion/sedimentation of streams, or damage to abutting properties and roads.

d. Light, glare, odors, noise and vibration will not be discernible off the premises except for indirect lighting. Such lighting shall not glare on abutting properties or public highways or streets.

e. Access to public streets will meet the standards of the New Hampshire Department of Transportation and/or the Town.

f. Water supply, sewage, and disposal facilities are provided that meet the needs of the proposed use and comply with applicable regulations.

3. In acting upon any subdivision plan, the Board may take into consideration the recommendations of the Building Inspector, the Public Works Director, the Fire Department, the Police Department, the Highway Safety Committee, the Conservation Commission and any other Town agencies or outside specialists which it may consult.

SECTION V. SUBMISSION REQUIREMENTS.

The following items must be submitted in order for the Board to consider it a complete application. An applicant must submit a waiver request as outlined in Section VIII for any information not provided with the application.

A. Application. A properly filled out and signed application, using the most current application form available.

B. Abutters and all parties to be notified.

1. On a separate paper, the correct names and mailing addresses of the following individuals shall be listed:

a. Abutters as defined in RSA 672:3 and these regulations;

b. The owner(s) of record (and applicant, if different);

c. All holders of conservation, preservation or agricultural preservation restrictions;

d. Every engineer, architect, land surveyor or soils scientist whose professional seal appears on the plan.

2. Mailing labels, in triplicate, shall be provided. Said labels to contain the correct names and addresses of a through d above. **[Amended 7-16-2014]**

C. Fees. A check made payable to the Town of Hampton equal to the required fees.

D. Subdivision Plan. All subdivision applications (including lot line adjustments and condominium conversions) shall submit seven (7) copies of the subdivision plan in the format outlined in this section. An original mylar in permanent ink of the subdivision plan plat will be required prior to final approval of the plat.

1. Sheet size in conformance with the requirements of the Rockingham County Register of Deeds.

2. Scale: 1" = 100', 1" = 80', 1" = 60', 1" = 50', 1" = 40', 1" = 30', 1" = 20', or 1" = 10' as appropriate.

3. Margin of at least 1/2" outside rules border lines on three sides and at least 2" along the left side for bindings.

4. Proposed subdivision layout and site improvements including (but not limited to) streets, pavement, buildings, and storm drainage facilities.

5. Proposed subdivision name, plan number, date of plan and any revision dates.

6. Current owner(s) of record (and applicant, if different), and all abutters and all holders of conservation, preservation, or agricultural preservation restrictions keyed to plan. **[Amended 12-17-1997]**

7. Name, license number, and seal of the NH registered Land Surveyor, plus name, seal, and address of engineer.

8. North arrow and location (locus) map.

9. Tax map and parcel numbers for the existing lot(s) and proposed lots, as determined by the Tax Assessor. **[Amended 9-6-1995]**

10. Zoning District(s) and lines.

11. Lot line and other setbacks as listed in current Zoning Ordinance.

12. Adequate space for the necessary endorsement by the proper authorities.

13. The property lines of the entire lot and divided lot including angles or bearings of the lines, dimensions and the lot area of the entire lot and divided lots, prepared and stamped by a registered New Hampshire Land Surveyor.

14. Metes and bounds.

15. All existing and proposed monuments required by these regulations that are adjacent to and in the subdivision.

16. Title and deed references.

17. Easements and other encumbrances.

18. All variances and special exceptions granted by the Board of Adjustment for the parcel involved and the dates granted. **[Amended 5-20-1992]**

19. Name(s) of proposed street(s) as approved by the Board of Selectmen.

E. Detailed plan. A detailed plan or set of plans shall be provided and shall include the information listed below. The detailed plan information may be combined with the subdivision plan if it does not clutter the plan or create a hard-to-read plan. Lot line adjustments, which do not create additional lots or increase the development potential of a lot, are not required to submit a detailed plan. **[Amended 3-21-2007]**

1. Existing topographic contours at two-foot intervals and proposed contours after grading. Include benchmarks and datum used.

2. Natural features such as water courses, ponds, wetlands and appropriate setbacks, rock ledges, tree lines and other essential features.

3. FEMA Flood Insurance Rate Map (FIRM) flood zone and 100-year flood elevation contour.

4. Location and width of existing and proposed streets and roads, with grades, typical cross-sections, and road profiles for proposed streets. See Appendix A - Town of Hampton Typical Cross-section.[2]

5. Utilities on and adjacent to the tract including location, size and invert elevation of sanitary and stormwater sewers; location and size of water mains; location of gas mains, fire hydrants, electric and telephone poles and street lights. If water mains and sewer are not on or adjacent to the tract, indicate the direction and distance to, and the size of the nearest one of each.

6. Where the topography or other conditions are such as to make it difficult for inclusion of any facilities mentioned above within the areas to be dedicated to the public, the preliminary layout shall show the boundaries of proposed permanent easements to be located over or under private property. Such easements shall be not less than 20 feet in width and shall have satisfactory access to existing or proposed public ways.

7. Stormwater management plan, including location of all structural best management practices including but not limited to catch basins, culverts, drainage pipe, drain manholes, outlets, and subsurface treatment; method of storage and discharge, and three (3) copies of calculations. The calculations shall be consistent with the NH Stormwater Manual requirements and include water quality, volume and flow, groundwater recharge volume, peak flow control for flood control purposes, channel protection, effective impervious cover, certification of no adverse effects on downstream drainage facilities, design storm frequency analysis for pre- and post-construction runoff and assessment of pre- and post-construction water quality treatment.

8. Location of existing and proposed fencing, fire hydrants, utility locations, and street lights. Details of the streetlights, if other than those approved by the electric company, must be shown.

9. A landscaping plan that includes the type, extent and location of proposed landscaping and open space areas. The plan should also indicate any existing "natural" landscaping areas to remain.

10. The location, size and design of any proposed signs.

11. Where the layout submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the submitted part will be considered in the light of adjustments and connections with the street system of the part not submitted.

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2. Editor's Note: Appendix A is included as an attachment to this chapter.

Approval of the submitted area does not guarantee approval of the unsubmitted area.

12. The centerline of all streets shall be shown on the plan together with the centerline stationing. The stationing shall show all points of curvature and all points of tangency so that at a later date independent engineers may accurately lay out all the highways within the subdivision and check their work without any reference other than the recorded plan.

13. If necessary, the provision for the extension of roads and utilities onto adjacent properties.

14. Soil erosion and sedimentation control plan.

F. Other Items Required as Applicable. The following items shall be submitted with the application, as applicable.

1. Location and results of test pits and location of primary and secondary leach bed sites as required by NH DES.

2. High Intensity Soil Mapping.

3. Wetland analysis/report, stamped by a licensed NH Soils or Wetland Scientist.

4. Any state or federal permits required.

5. Any written waiver request as outlined in these regulations.

SECTION VI. SPECIAL REQUIREMENTS.

The special requirements outlined in this section may be required by the Board, and will be assessed on a case by case basis.

A. Traffic Impact Analysis.

1. Purpose.

The review of any subdivision conducted by the Board under these regulations shall ascertain that adequate provisions have been made by the owner or his/her authorized agent for traffic safety. To facilitate this review, the Board may require the developer to submit a traffic impact analysis when deemed necessary due to the size, location or traffic-generating characteristics of the development.

Traffic Impact Analysis shall address each of the following:

a. Traffic circulation and access, including adequacy of adjacent streets and intersection, entrances and exists, traffic flow, sight distances, curb cuts, turning lanes, and existing or recommended traffic signalization.

b. Pedestrian safety and access.

c. Off-street parking and loading.

d. Emergency vehicle access.

2. Independent Review. The Board may retain the services of a consultant qualified in traffic planning to review the traffic impact analysis and to ensure that adequate provisions are made in the development plan to reduce or eliminate those impacts. The Board may further require, pursuant to RSA 676:4(g) that the developer reimburse the Town for reasonable costs of this review. No plan shall be approved until such fees, if applicable, are paid in full.

3. Guidelines for Content of a Traffic Impact Analysis.

a. Proposal.

i. Size and type of development defined as either gross square feet in commercial or industrial developments OR number of units in residential or other overnight accommodation developments.

ii. Location Map, with Proposed Driveways.

b. Traffic Data.

i. Manual counts per peak hour data. This data must be gathered at or near time of analysis.

ii. Twenty-four hour machine counts (an average weekday). Machine counts on record may be used if taken less than two years prior to the analysis.

c. Traffic Analysis.

i. Assumptions used (i.e., growth rates, committed improvements, and other proposed developments).

ii. Trip generation volumes determined using the Institute of Transportation Engineers (ITE) "Trip Generation Manual" as amended. Refer to ITE code numbers. Trip generation volumes not obtainable using manual must be documented.

iii. Required Level of Analysis:

- All analyses must be completed for existing conditions, existing conditions plus 10 years (no build), opening year, and opening year plus 10 years (build).
- Analysis for each proposed driveway at its intersection with an existing street must conform to "Transportation Research Circular 212" Intersection Capacity Analysis.

- Assignment of generated traffic to surrounding road network. Analysis of adjacent road network and intersection for roadway and intersection capacity. (Note: For roadway capacity analysis, techniques developed in the Highway Capacity Manual, as amended are recommended. For intersection capacity analysis techniques developed in "Transportation Research Circular 212" are recommended).

d. Conclusions. Summary of improvements by location, including but not limited to:

i. Additional pavement widths and markings for right and left turn lanes;

ii. Additional traffic lanes; and

iii. Intersection signalization.

B. Performance and Maintenance Surety.

1. The Board may accept performance surety in lieu of the subdivider's completion of street work and other required improvements prior to the final approval of the subdivision plat. The surety shall be in an amount, as estimated by the applicant's engineer and as reviewed and approved by the Department of Public Works, and in a form satisfactory to the Board to insure the construction and installation of such improvements. **[Amended 5-20-1992]**

2. The Board may accept as a surety, one of the following:

a. Certified check, bank check, or savings account passbook properly endorsed to the Town of Hampton.

b. Irrevocable Letter of Credit written so as to be self-calling.

c. Performance bond written so as to be self-calling. **[Amended 5-20-1992]**

3. A performance agreement for any improvements and for compliance with any condition shall be submitted and is subject to review and approval by Town Counsel as to proper legal form and enforceability. The cost of this review shall be borne by the subdivider.

4. As improvements are completed, the surety may be reduced based on the following schedule. Prior to release of funds, the applicant shall submit a written request to the Planning Board that includes certification by the engineer of work completed to date.

a. Fifty percent (50%) of any surety filed with the Board for the benefit of the Town for satisfactory completion of the streets, drainage, sewage and water lines, and all other facilities and improvements shown upon said subdivision plan, may be released to the subdivider when the following are completed and accepted:

i. Approval of the underground utilities, including sewer and stormwater lines;

ii. Application of binder paving.

iii. Installation of sedimentation measures and slope stabilization.

b. Subsequent reductions in the surety amount may be made once the following are completed and accepted. The amount of reduction shall be based on the original cost estimate of work, but shall not exceed 90% of original surety amount.

i. Completion of final paving and loaming and seeding the right-of-way;

ii. Submittal of "as-built" plans and profile, prepared by a surveyor and an engineer, on a reproducible wash-off-mylar, with three (3) blueline copies, scale of 1"=50' on sheets of 22" x 34", showing all property lines, edges of pavement, sewer laterals at the property line and mains (with ties from permanent features) and all utilities located by station and offset from the final base line stationing of the sanitary sewer if present, if not, then from the center line of the right-of-way;

iii. Final cleanup, including removing sediment from all catch basin sumps;

iv. Completion of any punch list items determined by the Department of Public Works;

v. Installation of monumentation and submittal of certificate of monumentation;

vi. Installation of streetlights, street name signs, stop signs, and/or other required traffic signs;

vii. Submittal of a deed from the subdivider to the Town for all rights-of-way and easements, acceptance of the deed by the Board of Selectmen and subsequent recording of said deed(s) at the Registry of Deeds.

c. Ten percent (10%) of the original surety amount shall be retained as maintenance surety for one (1) year after the date of conveyance to insure the continued proper operation and integrity of the subdivision streets, stormwater management system, sewer and water lines, and all other facilities and improvements. Should any improvement fail or need repair, the Town shall be able to draw on this surety as reimbursement of costs.

5. In situations where the developer completes the improvements prior to final approval of the subdivision plan, a 1-year maintenance bond as listed above will still be required.

6. The acceptance of a deed, as provided above, by the Board of Selectmen, and subsequent recording, shall acknowledge the formal dedication of the streets, and

maintenance thereafter shall be the responsibility of the Town. **[Amended 5-20-1992]**

SECTION VII. DESIGN AND CONSTRUCTION REQUIREMENTS.

All subdivision plans requiring the construction of a sanitary sewer, drainage system or roadway will require review by the Department of Public Works. The Board may also request review by the designated Town engineer, at the expense of the developer, in order to see that they comply with the Town's Master Plan, best engineering practices, and Federal, State and Town regulations.

A pre-construction conference will be mandatory prior to the beginning of any construction of a subdivision involving municipal improvements. It shall be called by the developer. In attendance will be representatives of the Public Works Department, Police and Fire Departments, all utility companies involved, and the developer's engineer, contractor, resident inspector, and any State and/or Federal officials, as necessary.

A. Street Design and Construction Standards. The subdivider shall observe the following general requirements and principles of street and highway design and construction:

1. The arrangement of streets in the subdivision shall provide for the continuation of the principal streets in adjoining subdivisions or for their proper projection, when adjoining property is not subdivided. Subdivision streets shall be designed so as to not create any double frontage lots. **[Amended 9-17-1997]**

2. No street or highway right-of-way shall be less than fifty (50) feet in width and may be required to be more if a greater street width is warranted in the opinion of the Board. All streets shall have a paved width of at least 28 feet as outlined in Appendix A.[3] The apportioning of the street width among roadway, sidewalks, and possible grass strips shall be subject to the approval of the Board.

3. All streets shown on the plan shall be constructed in accordance with the typical cross-section in Appendix A.

   a. Permits for residential driveways more than one hundred fifty (150) feet in length shall only be issued following recommendation by the Hampton Fire Department and approval by the Planning Board. **[Amended 12-17-1997]**

   b. Commercial driveways: The width shall be as recommended by the Town of Hampton Fire Department. **[Amended 12-17-1997]**

   c. Private roads shall be built to the same quality standards as town-accepted roads. The width of the roadway shall be as recommended by the Town of Hampton Fire Department. **[Amended 12-17-1997]**

   d. Variation from the accepted standards as shown in Appendix A may only be granted with a written waiver, as outlined in these regulations.

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3. Editor's Note: Appendix A is included as an attachment to this chapter.

4. No dead-end or cul-de-sac streets shall be extended from another dead-end or cul-de-sac street without elimination of the first circular right-of-way. **[Amended 12-17-1997]**

   a. Dead-end or cul-de-sac streets shall be subject to the approval of the Board in each case and, shall terminate with a circular right-of-way of not less than one hundred eighteen (118') feet in diameter and a paved diameter of not less than ninety-six (96') feet. **[Amended 12-17-1997]**

   b. Dead-end or cul-de-sac streets shall be a minimum length of 300 feet and a maximum length of 1200 feet, measured along the centerline stations from the right-of-way line at the existing street to the center of the cul-de-sac. **[Amended 5-20-1992]**

5. Intersecting property lines at street intersections shall be joined by such curve as prescribed by the Board in each case.

6. Grades of all streets shall conform in general to the terrain and shall, so far as practicable, not exceed 5% for major streets and 8% for minor streets. No street shall have a grade of less than 0.5%.

7. Whenever, in the construction of a new subdivision, pavement on an existing Town street is disturbed due to the inclusion of any utility, the road surface will be replaced using the following method, the excavated ditch will be replaced with clean bank-run gravel to an elevation of 9" (nine inches) below the finished grade; 6" (six inches) of gravel, New Hampshire Standard Specification 304.4; 95% (ninety-five percent compaction; a 2" (two-inch) tight binder in the trench with a 1" (one-inch) overlay wearing course to the entire width of the road.

8. A resident inspector will be required for all subdivisions requiring the construction of a road. It shall be the responsibility of the developer's engineer to provide the resident inspector, subject to the approval of the Director of Public Works. It shall be the responsibility of the resident inspector to see that the subdivision is in fact constructed in accordance with the approved plan. The developer's engineer shall certify, at the completion of the work, that the work has been completed in accordance with the approved plans and specifications. All required test results shall be submitted to the Director of Public Works. If during construction, the resident inspector discovers any errors or changes that will require a deviation from the approved plan, he will notify the engineer and the Director of Public Works of same.

9. When required, street name signs, stop signs, and/or other traffic signs shall be shown on the plan and installed by the developer.

B. Sewage and Septic System Standards.

1. When public (Town) sewer is available or within a reasonable distance to the proposed project site, the plans must show a sewerage system in all streets and connection therewith to the public sewer. The Board shall have final ruling when determining if public sewer is "within reasonable distance." New sewer lines shall

comply with all of the provisions of Chapter 2, Article 6, Sewer use and Construction Ordinance.[4] In areas not serviced by the public sewer system, the Board may allow private septage sewerage disposal systems that meet the requirements of the New Hampshire Department of Environmental Services (DES). No subdivision shall be approved by the Board for either a public or private sewerage system without approval of the New Hampshire DES, as required by State regulations.

2. Any subdivision designed using a pumping station that ultimately would be the property of the Town shall require a cost comparison analysis showing the cost effectiveness of at least the following three (3) alternates:

   a. Town owned pump station.

   b. Gravity sewer.

   c. Common force main with privately owned pumping systems.

   The cost comparison analysis shall be for a period of 20 years into the future. The analysis shall include, but not be limited to, all capital costs and operation and maintenance costs over the 20 years. The decision as to allowing or disallowing a pumping station will be made by the Board based on the most cost effective alternative.

C. Stormwater Management. A stormwater management plan will be required for all approved subdivision plans except as exempted by vote of the Planning Board. The design and maintenance of stormwater management systems shall conform to the appropriate Best Management Practices in the most recent edition of the NH Stormwater Manual. The following standards shall apply: **[Amended 3-21-2007]**

1. The USDA NRCS method TR-55 Urban Hydrology for Small Watersheds shall be used for estimating stormwater runoff. (The Rational method is not acceptable for storm water analysis except for static analysis of storm drains.)

2. Low Impact Development practices, which are designed to mimic natural hydrology by reducing impervious surfaces and stormwater runoff and increasing groundwater recharge and pollutant removal, shall be used to the extent practicable unless the applicant can document infeasibility to the satisfaction of the Planning Board.

3. Stormwater runoff analysis shall include modeling of 2-year, 10-year, 25-year, 50-year and 100-year 24-hour rainfall events. The peak rate of runoff after development shall match the existing condition runoff for these events to the extent possible. Stormwater systems shall be designed to accommodate developed conditions, including any roads and potential lot coverage of structures, driveways, etc.

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4. Editor's Note: See Ch. 406, Sewers, Art. II, Sewer Use and Construction.

4. Stormwater management systems for roadways that consist primarily of catch basins, manholes and storm drain piping shall be designed to accommodate a 25-year 24-hour storm event. Swales, ponds, bioretention and infiltration systems and other structures subject to erosion or potential flooding shall be designed to be stable during a 100-year storm event. Outlets from storm drainage systems shall be designed to be consistent with the NH Stormwater Manual and ensure discharge velocities do not cause erosion. The Planning Board may require energy analysis (hydraulic grade line analysis) of storm drain systems if deemed necessary.

5. A stormwater management plan shall be prepared for any use that will render an area impervious for more than 15% or 10,000 square feet of any lot.

6. The peak rate of runoff discharged from the site shall not exceed the existing discharge rate. Existing patterns of runoff across site boundaries shall not be changed.

7. Stormwater management for the site shall emulate the natural hydraulics and conveyance system of the site to the extent feasible. Stormwater discharge from the site should occur at the natural drainage points as determined by topography and existing drainage patterns.

8. The Stormwater Management Plan for the development or redevelopment of the site shall be designed and stamped by a New Hampshire Registered Professional Engineer and be sized to be consistent with the NH Stormwater Manual requirements addressing the following:

   a. Water Quality Volume (WQV) - The WQV is the amount of stormwater runoff produced during rain events that shall be treated through appropriate BMPs. The WQV represents the volume of runoff produced from the first one inch of rainfall falling on impervious surfaces. On average and on an annual basis, 90% of all runoff is produced by storms that produce one inch of rainfall or less.

   b. Water Quality Flow (WQF) - represents the flow rate (expressed in cubic feet per second) associated with the runoff produced from the first 1 inch of rainfall and is typically used in combination with the WQV to size of the water quality treatment practices such as rain pre-treatment devices.

   c. Groundwater Recharge Volume (GRV) - As a means of maintaining the pre-development groundwater recharge volume from the site, the design shall include infiltration practices that enable groundwater that relates to the site's hydrologic soil conditions.

   d. Peak Flow Control for Flood Control Purposes - Consistent with NH DES requirements in the NH Stormwater Manual, drainage calculations shall be conducted to show that the post-development flow rates for all flows leaving the site do not exceed the pre-development flow rates for 2-year, 10-year, 25-year, 50-year and 100-year, 24-hour design storms The applicant shall also demonstrate no adverse impact to downstream properties for proposed development within an identified 100-year floodplain.

e. Channel Protection - Post-development flow shall comply with one of the two following criteria:

i. If the runoff volume for a 2-year, 24-hour storm volume has not increased over the pre-development storm volume, then the post-development peak rate for the 2-year storm needs to be no greater than the pre-development peak flow.

ii. If the runoff volume for a 2-year, 24-hour storm will increase then the post-development peak rate of flow for the 2-year, 24-hour storm shall be controlled to less than 50 percent of the peak flow rate of the 2-year, 24 hour storm or to the 1-year, 24-hour pre-development.

f. Effective Impervious Cover (EIC) - Calculate the effective impervious cover and determine if project falls under the "1065" rule. If not, confirm whether project will be required to prepare a pollutant loading and meet water quality requirements under antidegradation requirements.

g. Certification of No Adverse Effects on Downstream Drainage Facilities - The applicant's engineer (registered professional engineer) shall determine and certify that any additional runoff produced from the proposed development will not have any adverse impact or overload any existing downstream facilities either on public or private property. The following certification statement shall be included on the site plan:

"I certify that any additional runoff related to the proposed development on this site will not have any adverse effects on any open or closed, public or private downstream drainage facilities or natural resources, under the proposed design assumptions and considerations."

h. Design Storm Frequency - The post-development peak flow rate shall not exceed the pre-development flow rate for the 2-year, 10-year, 25-year, 50-year and 100-year storm events for all flows leaving the site.

9. Catch Basins - All catch basins shall be designed with a minimum 3-foot sump. Commercial sites that have the potential for oil and gasoline spills shall have catch basins equipped with inverted hood outlets.

10. French or trench type drains shall not be allowed for the purpose of draining surface water from any street that will, or has the potential to, become the property of the Town.

11. Components of a stormwater system within a proposed Town-owned Right-of-Way (ROW) shall be reviewed and approved by the Department of Public Works (DPW) or its designee. DPW shall provide comment to the Planning Board whether components of the system within the ROW are closed or open. Detention ponds shall not be located within the ROW.

12. Any structural stormwater BMP located outside of the proposed ROW shall be contained on one lot. This lot must remain a buildable lot, and shall meet all requirements for a lot as outlined in the Town's Zoning Ordinance. If an applicant

demonstrates that locating the stormwater component or facility on one lot would not be the best solution to comply with all of the other requirements of this section, the applicant may request a waiver of this requirement.

13. The Planning Board may, at the applicant's expense, have the stormwater management plans reviewed by an independent engineer designated by the Board.

14. The Planning Board shall, at the applicant's expense, require phased inspections of the proposed stormwater management system. The frequency and extent of these inspections will be determined by and under the direction of the Director of Public Works.

15. A Stormwater Management Operation and Maintenance Plan (O&M Plan) that ensures adequate long term operation and maintenance of stormwater Best Management Practices (BMPs) shall be prepared for the stormwater management system. The plan shall establish the functional, financial and organizational mechanisms for ongoing operation and maintenance of the stormwater management system that ensures that it continues to function as designed. The plan shall address the following:

    a. All components within land deeded to the Town for ROW shall be the responsibility of the Town once accepted by the Town, to include but not limited to: pipes, ditches, catch basins, shoulders, etc.

    b. Closed pipes extending out from the Town ROW may be the responsibility of the Town once accepted by the DPW and Town and located within an easement running to the Town for that purpose. As-constructed plans must be provided to the Town before acceptance. **[Amended 3-21-2007]**

    c. Subsurface infiltration systems and open systems, to include but not limited to: swales, ditches, level spreaders, filter strips, dry ponds and wet ponds, outside of the ROW shall be the sole responsibility of and shall be maintained by the owner of the lot on which they are located. If a system extends over more than one lot, or is on a lot owned in common, then the applicant shall demonstrate which lot owner(s) or what association shall be responsible for maintenance. **[Amended 3-21-2007]**

    d. Stormwater management BMPs shall, at a minimum, follow the recommendations of the New Hampshire Stormwater Manual, as amended. The Town reserves the right to correct deficiencies in such drainage systems resulting from improper or inadequate maintenance if, in the opinion of the Town, there is a threat to the safety or property of the general public from such deficiencies.

    e. The O&M Plan shall include details of the inspection and maintenance requirements of the stormwater Best Management Practices. The plan shall identify the party(ies) responsible for implementing the O&M Plan once construction is complete.

f. Annual O&M Report and Certification - The property owner or association identified as responsible for the operation and maintenance of the stormwater management system shall provide a report on activities performed throughout the year and a certification that the system continues to function as designed. The annual report and certification shall be submitted to the Town Planner by December 31st of each year.

16. Those portions of a proposed stormwater management system not within Town ROW but proposed to be maintained by the Town shall be located within a drainage easement per Appendix C[5] and shall be subject to acceptance by the Town. Privately maintained systems that do not connect to a Town maintained system are not required to be the subject of an easement. **[Amended 3-21-2007]**

17. Easement widths and building setbacks for detention ponds shall be as follows:

    a. The easement area shall cover the entire pond and extend 5 feet from the toe of the exterior slope.

    b. The easement area shall extend 5 feet from the emergency overflow.

    c. Any pond not abutting the ROW shall provide a 15-foot wide access easement from the ROW to the pond.

    d. The pond shall be set back from proposed or existing septic systems 75 feet, unless reduced by the State of New Hampshire, Department of Environmental Services Subsurface Systems Bureau.

18. Easement widths and building setbacks (BSB) for pipes and channels shall be as follows:

For Pipes

ID (inside diameter)	Easement Width	Building Setback
ID ≤ 36"	15 feet	5 feet from easement 10 feet from pipe
36" < ID ≤ 60"	20 feet	7.5 feet from easement 10 feet from pipe
ID > 60"	ID plus 10 feet either side	10 feet from easement

For Channels and Swales

W (top width of channel)	Easement Width	Building Setback
W ≤ 10 feet	20 feet	10 feet from top of slope
10 feet < W ≤ 30 feet	W plus 10 feet each side	10 feet from easement

5. **Editor's Note: Appendix C was repealed by the Planning Board 5-7-2014.**

For Channels and Swales

W (top width of channel)	Easement Width	Building Setback
W > 30 feet	W plus 15 feet each side	To be determined by Planning Board. Minimum 10 feet from top of slope.

19. The Planning Board may waive the requirements of this section for a detailed drainage analysis for subdivisions if:

    a. no road construction is proposed;

    b. in its judgement such an analysis is otherwise not required because of the size and scope of a project; and

    c. a waiver is deemed to be in the best interest of the Town.

D. Fire Protection.

1. Hydrant locations for subdivisions, relocations or additions to existing water mains shall be spaced so that no structure is more than 600 feet along a street front from a hydrant.

2. No hydrants which have been approved for a development shall be operative until construction with combustible materials begins. The installation of concrete foundations is allowed prior to hydrants being operational. Hydrant(s) may be placed into service up to seven (7) days prior to construction with combustible materials. Combustible materials shall be as defined by the Town adopted BOCA Basic National Building Code.

3. The Chief of the Fire Department or his designee may require hydrants to be operational before construction of the subdivision begins.

4. Hydrants shall be installed so that there will be not less than 18 inches from the bottom of the steamer connection to the finish grade.

5. The Fire Department will make recommendations for hydrant locations to the Planning Board within the time specified in the written request. When final plans are approved by the Planning Board, a copy of the plan showing hydrant locations shall be forwarded to the Fire Department. The Fire Department will follow-up with a letter to the Town Manager requesting approval for the hydrant's(s') installation.

E. Erosion and Sediment Control Regulations.

1. General.

   For the purpose of controlling soil erosion and sedimentation in surface waters resulting from site construction and development, the Board may require an erosion and sediment control plan for any subdivision it deems necessary, and a

plan shall be required for any disturbance greater than or equal to one (1) acre. For the purposes of this requirement, "disturbance" is defined as follows: the clearing, grading and/or excavating of land. Exclusions from this definition include: disturbance that results from routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (such as ditch maintenance), or activities that are excluded from permitting by the Clean Water Act (e.g., agricultural and silvicultural activities).

These requirements are subject to the waiver process as outlined in these regulations. A waiver may only be granted if:

a. No new construction and/or disturbance is proposed; or

b. If the project receives a waiver from the USEPA General Permit Discharges from Large and Small Construction Activities.

2. Standards. The following standards shall be applied in planning for erosion and sediment control:

a. Whenever practical, natural vegetation shall be retained, protected or supplemented. The stripping of vegetation will be done in a manner that minimizes soil erosion.

b. The disturbed area shall be kept to a minimum and shall be protected from erosion during the winter months.

c. Measures shall be taken to control sediment and retain it within the project area. To the extent possible, sediment in runoff water shall be trapped and retained within the project area.

d. Final vegetation and permanent erosion control structures shall be installed as soon as possible following disturbances on the site.

e. Off-site surface water shall either be diverted around, or conducted safely through, the project area.

f. All sediment control plans shall conform to the Best Management Practices (BMPs) described in the in the most recent edition of the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (the Green Book) and the Best Management Practices for Urban Stormwater Runoff (the Little Green Book).

g. The plans shall include methods for controlling wastes such as discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes. These plans shall conform to the restrictions required by the EPA Storm Water Phase II Program.

3. Responsibility For Installation/Construction. The applicant shall bear final responsibility for the installation and construction of all erosion and sediment control measures required by the provisions of this Section. Where erosion and sediment control plans call for the construction of permanent erosion or sediment

control measures, the Board may require a bond or other surety sufficient to provide for the actual construction and installation of such improvements within a period specified by the Board.

F. Lot Monumentation.

1. Street construction. In situations where a public road is proposed, the subdivider shall install concrete or granite monuments at least four feet in length and four inches in diameter with suitable drill hole at the center point, at the beginning and end of each curve at each street intersection on the right-of-way. The subdivider shall further install additional concrete or granite monuments along street lines within the subdivision such that two permanent concrete or granite monuments, one rear and one fore, are visible from each other concrete or granite monument within the subdivision.

2. Lot corners. In situations where monumentation does not exist, a minimum one-inch diameter iron pipe monuments shall be set at all lot corners in the subdivision to establish the boundary lines of lots upon the ground with reasonable permanence. Each monument shall be set two to six inches above the finished grade of the surrounding property. Where appropriate, one-inch deep drill holes may be set in an existing stone wall or in ledge, in lieu of a required monument. When it is impossible or impractical to set a boundary monument on a corner, it shall be set in compliance with NH Land Surveyors Administrative Rules.

3. Wetland buffers and boundaries.

   a. Granite or concrete monuments, at least four feet in length and four inches in diameter with suitable drill hole at the center point shall be set along the defined edge of wetlands.

   b. Conservation Commission disks, approximately 4 inches in diameter, shall be placed along the edge of wetland buffers, conservation easements and conservation land. In situations where Conservation Commission disks cannot be installed, an alternate method of buffer edge demarcation may be approved by the Board.

   c. The location and placement of monumentation and markers shall be determined by the Planning Board and made a condition of approval. The developer shall bear the cost of installation of the monument and disks.

4. For situations in which installation of monuments cannot comply with paragraphs 1 & 2 of this section, a licensed land surveyor may substitute an alternate monument as long as the monument complies with the NH Code of Administrative Rules, Board of Licensure for Land Surveyors Administrative Rules, LAN 503.08, as amended (authorized by RSA 310-A:53).

5. To insure the installation of monuments required by the subdivision plan, the subdivider shall meet the following requirements:

   a. If the subdivision involves the construction of a roadway, a surety shall be collected and held until all monumentation has been installed and certified.

b. If the subdivision does not involve the construction of a roadway, all monumentation shall be in place prior to final approval of the subdivision plan.

6. Once in place, a form certifying that the monumentation has been accurately installed shall be filed with the Planning Board by the subdivider. The form shall contain the signature and seal of the licensed land surveyor that certified the placement of the monumentation. **[Amended 9-6-1989; 9-5-1990]**

SECTION VIII. SPECIAL FLOOD HAZARD AREAS.

All subdivision proposals and proposals for other developments governed by these Regulations having lands identified as Special Flood Hazard Areas in the "Flood Insurance Study for the County of Rockingham, NH" as amended together with the associated Flood Insurance Rate maps, dated May 17, 2005, as amended, shall meet the following requirements:

1. Subdivision proposals and proposals for other developments shall be located and designed to assure that all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage and adequate drainage is provided to reduce exposure to flood hazards.

2. Subdivision proposals shall include 100-year flood elevation data.

3. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the Board, in addition to the copies required by RSA 482-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Board, including notice of all scheduled hearings before the Wetlands Bureau. **[Amended 5-20-1992]**

   Within the altered or relocated portion of any watercourse, the applicant shall submit to the Board certification provided by a registered professional engineer assuring that the flood capacity of the watercourse can and will be maintained.

4. Where new replacement water and sewer system (including on-site systems) are proposed in special flood hazard areas, the applicant shall provide the Board with assurance that new and replacement sanitary sewage systems are designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems are located to avoid impairment to them or contamination from them during flooding.

5. All necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334.

SECTION IX. ADMINISTRATION AND ENFORCEMENT.

A. General. These Regulations shall be administered by the Board. The enforcement of these Regulations is vested with the Selectmen.

B. Waivers.

Following a public hearing for which proper notice has been given to the general public and abutters and all holders of conservation, preservation, or agricultural preservation restrictions, the Board may waive such requirements of the foregoing Regulations that it determines: 1) are not requisite to the interest of public health, safety, general welfare and, 2) which do not contribute to the objectives of the regulations because of special circumstances and conditions relating to a particular subdivision. When making its determination as to any waiver, the Board shall take into consideration the prospective character of the development and of abutting properties. **[Amended 12-17-1997]**

When the applicant desires the waiver of any provisions of the foregoing Regulations, he shall include a request therefor with a statement of reasons for such request, with the application for approval of the preliminary or final plan. Any such request for waivers shall be included in any notice given to the public and also in notice to abutters and all holders of conservation, preservation, or agricultural preservation restrictions. **[Amended 12-17-1997]**

Costs for any additional public hearing held for the purpose of waivers shall be assessed to the applicant.

C. Penalties and Fines. Any violation of this regulation shall be subject to a civil fine or criminal penalty as provided in RSA 676:17, as amended. The Selectmen, or the Building Inspector, are hereby designated as the proper local authorities of the Town to institute appropriate action under the provisions of RSA 676:17.

D. Other Regulations. Where these Regulations are in conflict with other local, state or federal ordinances, the more stringent shall apply.

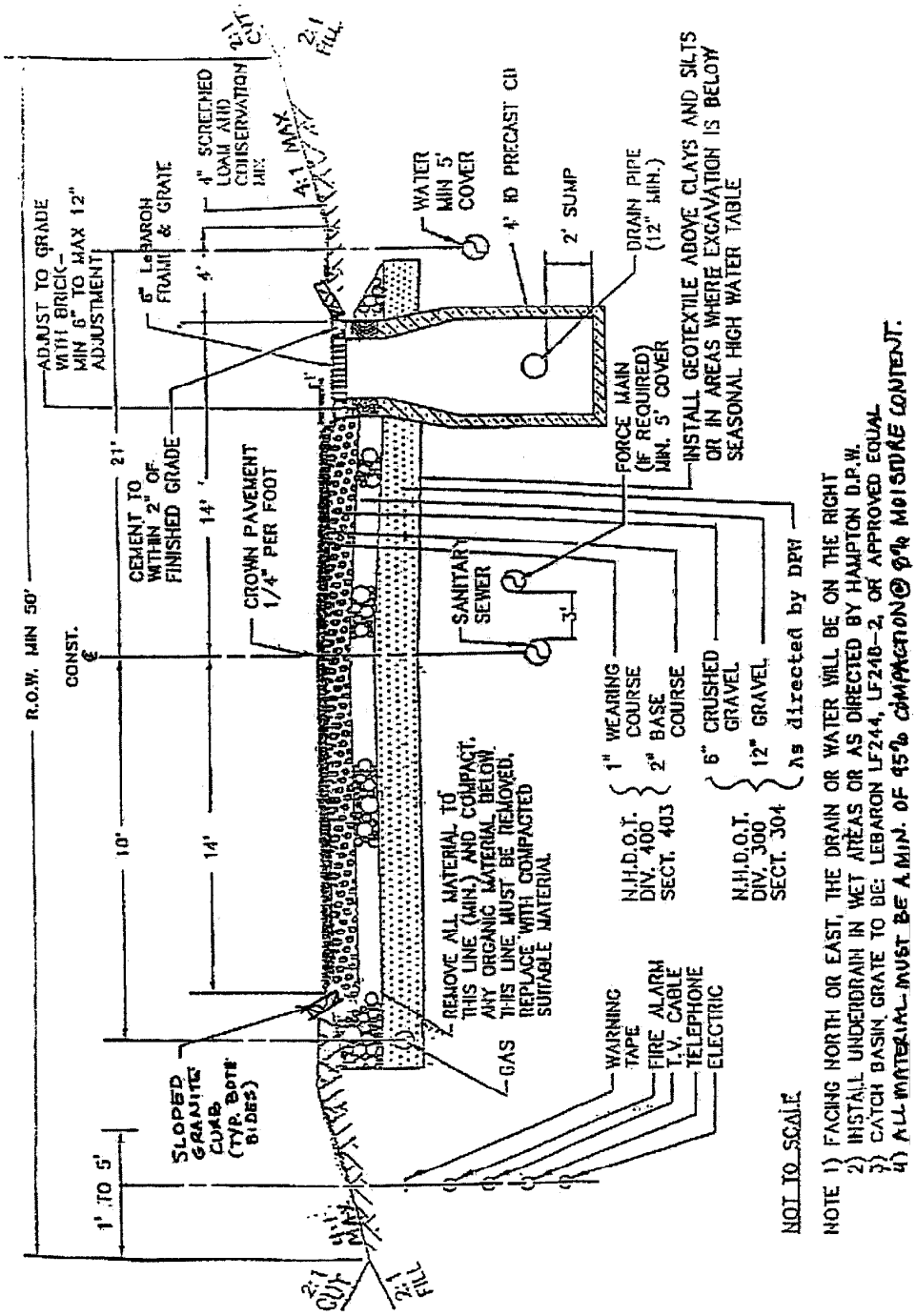
E. Validity. If any Section or part of a Section or paragraph of these Regulations shall be declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or Sections or part of a Section or paragraph of these Regulations.

F. Record of Adoption. The Subdivision Regulations of the Town of Hampton have been amended adopted by a majority vote of the Hampton Planning Board on July 15, 2009, following a duly notified public hearing held on July 15, 2009. These Subdivision Regulations replace all sections of the previous Subdivision Regulations.

SU Attachment 1

Town of Hampton

APPENDIX A
Typical Roadway Cross-Section



SU Attachment 2

Town of Hampton

APPENDIX B
Fee Schedule
[Amended 3-21-2007]

ALL APPLICATIONS REQUIRING A PUBLIC HEARING:
must be accompanied by $7.50 for each of the following [refer to RSA 676:4(d)]:

- Abutter(s) (as defined in RSA 672:3)
- Applicant(s)
- Holders of conservation, preservation, and/or agricultural preservation restrictions
- Engineer, architect, land surveyor and/or soils scientist whose professional seal appears on the plan

SUBDIVISION REVIEW	
Lot Line Adjustment	$100.00
Condominium Conversion	$100.00
Other Subdivisions	$100.00 per lot
Optional Preliminary Consultation	No charge
Optional Design Review	No charge

SITE PLAN REVIEW	
Application Fee:	$100.00
PLUS:	
Non-residential fee	$100.00 per 1,000 square feet of floor area (Minimum $100.00 Maximum $3,000.00)
Multi-family fee	$100.00 per new dwelling unit (Maximum of $3,000.00)
Amended Site Plan (No additional dwelling units or square foot floor area)	Application fee only
Optional Preliminary Consultation/Design Review	No Charge

SPECIAL PERMIT	
Application Fee	$100.00

OTHER REVIEW	
Parking Lot Review	$50.00, no public notification required*
Use Change Application	$50.00, no public notification required**
Annual Stormwater O&M Report	$100 to $500***

* Refer to Zoning Ordinance Articles 3 and 6; certain parking lots may require public notification.
** If the Use Change Application requires full Site Plan review, then public notification is required and the Site Plan fees listed above apply.
*** Depending on size and complexity of system

RECORDING FEES	Registry fee plus $35.00 (mileage and staff time)

NOTE: These fees do not include any potential independent professional reviews or inspection fees.

SU Attachment 3

Town of Hampton

APPENDIX C
Stormwater Drainage Easement
[Repealed by the Planning Board on May 7, 2014]

SU Attachment 4

Town of Hampton

APPENDIX D
Driveway Regulations
[10-1-2008; amended 6-17-2009; 9-18-2013]

PURPOSE

Purpose. The purpose of these regulations is to promote the orderly and planned growth of developed and undeveloped areas of the Town of Hampton. Driveway review will protect the interests of the general public, citizens and taxpayers of the community by establishing selected locations for driveways that will protect the safety of the traveling public, establishing grades that adequately protect and promote highway drainage, and permit a safe and controlled approach to highways in all seasons of the year.

SECTION 1. BASIS OF THESE REGULATIONS

A. Authority

The following regulations governing the construction, alteration, location and relocation of driveways, entrances, exits and approaches within the limits of the Town highways and public right-of-ways are adopted by the Planning Board in accordance with the provisions of New Hampshire Revised Statutes Annotated, Chapter 236, Sections 13 and 14.

B. Issuing Authority

It is intended that when applications for driveway permits are received hereunder that comply with all of the regulations enacted herein, that the Public Works Director as the Planning Board's designated representative, shall have full authority to issue such requested permit without further action by the Planning Board.

Applications received that do not comply with all of the requirements of these regulations may likewise be rejected by the Public Works Director, as the Planning Board's designee, without further action by the Planning Board, except as specified in these regulations for appeals and public hearings.

C. Permit Required

A permit issued under these regulations shall be required to:

1. Construct, alter, locate or relocate a driveway within the limits of the right-of-way of any public highway (town roadway) under the jurisdiction of the Town of Hampton.

2. Impact the size or grade of any driveway, entrance, exit or approach within the limits of the right-of-way of any highway under the jurisdiction of the Town of Hampton.

D. Prohibited

It shall be unlawful for any person, firm, corporation or other entity to develop, construct, alter, locate, or relocate a driveway, or impact the size or grade of any driveway, entrance, exit, or approach within the limits of the right-of-way of any highway under the jurisdiction of the Town of Hampton that does not meet or exceed the terms of a written permit issued pursuant to these regulations.

E. Pre-Existing Driveways to be Issued Driveway Permits

Any owner of property with an existing driveway on the date of enactment of these regulations shall be entitled to the issuance of a driveway permit for the existing driveway at its current location for a width not to exceed twenty-four (24) feet for a single-family or two-family residence and fifty (50) feet for a multi-family residential, commercial or industrial use whether or not it meets all of the other terms and conditions of these regulations.

F. Application Assistance

All employees and officials of the Town of Hampton are requested to assist applicants for a permit under these regulations, in the process of completing an application hereunder, and actually locating a driveway in accordance with the requirements included herein once a written permit therefor has been issued pursuant to these regulations.

G. Separability

If any section, clause, provision, portion or phrase of these regulations shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair, or invalidate any other section, clause, provision, portion or phrase of these regulations, provided that the purpose of these regulations can still be achieved in the absence of the invalid provision.

H. Definition

Highway or Public Right-of-Way shall mean a Town road, street, terrace, drive, boulevard, place or way that has been accepted as a Town highway or public right-of-way by acceptance, dedication, lay-out or by acceptance of maintenance.

I. Procedure

1. Application Form: Any person wishing to construct, alter, locate or relocate a driveway shall obtain a construction permit application from the Department of Public Works and shall file that completed application, with an accurate drawing of the proposed physical location and details of the construction, alteration, location or relocation, with the Department of Public Works, along with a $50, non-refundable application fee.

(a). The following information shall be provided on the application.

1. The name, address and telephone number(s) of the owner of the property the driveway is to serve and the owner's contractor.

2. The names and addresses of the owners of the property directly across the street from the proposed driveway, and of the abutters on either side of the lot where the driveway will be located.

3. Lengths of the street frontages of the property serviced by the proposed driveway.

4. The use to be served by the driveway.

(b). The following information shall be provided on the drawing.

1. The location and dimensions of the proposed driveway.
2. Property boundaries of the property served.
3. Distances to the nearest street intersection, if the property abuts a street intersection.
4. Location of any existing driveways serving the property.
5. Dimensions of the proposed driveway within the limits of the highway right-of-way.
6. Dimensions and specifications of the driveway's paved apron.
7. Lengths of the sight distances in both directions along the street.
8. Descriptions (including dimensions) of any culverts, swales or other drainage structures, traffic control devices, and channel islands to be constructed, also the depth of fill over any culverts.
9. Grade of the driveway.
10. Location of any visual obstructions to the required sight lines.
11. Location and pole number of the closest utility pole(s) on the property or across the street from the driveway.
12. Description of any proposed changes or proposed alteration or relocation of an existing driveway.
13. Driveway materials.

Failure of the applicant to supply the information and the drawing requested shall be sufficient grounds for denial of the application.

The Planning Board or the Public Works Director may require the preparation of plans by a licensed engineer, when deemed necessary, at the expense of the applicant(s).

2. Inspections and Approval

The Public Works Director or Planning Board designee shall review the application and site for compliance with the Standards outlined in Section J below. The Planning Board authorizes the Public Works Director or the Planning Board designee to approve the application, if the application complies with all of the Standards outlined in Section J below.

If the application is approved, a written driveway permit shall be issued to the applicant stating the terms and specifications for the construction, alteration, location or relocation of the driveway. If the application is disapproved, written notification shall be sent to the applicant stating the reason(s) for disapproval.

3. Planning Board Appeal

Driveway permit applications disapproved by the Public Works Director as the Planning Board's designee may be revised to comply with the Standards outlined in Section J below and resubmitted to the Public Works Director as the Planning Board's designee for review and approval or the applicant may appeal the decision of disapproval by the Public Works Director or the Planning Board designee to the Planning Board. The applicant shall outline in a letter to the Planning Board why the Standards cannot be met. The Planning Board shall conduct a public hearing on the appeal after giving abutters 10 days' notice and posting notice in two public places. The Planning Board shall, after considering the application, the recommendations

of the Public Works Director as the Planning Board's designee, comments from the applicant and comments from abutters or other interested parties, approve, approve with conditions or disapprove the driveway permit application. If disapproved, written notification outlining the reasons for disapproval shall be sent to the applicant.

Applications or appeals requiring a public hearing shall be filed with the Planning Board not less than fifteen (15) days before any regular meeting, if the application or appeal is to be placed upon the agenda for consideration at that meeting. The applicant shall submit a list of the names and addresses of owners of record of all abutting properties as indicated in the Town's records not more than five days before the date of filing of an application or appeal hereunder, identified by the map and lot numbers as shown on the Hampton Tax Map(s). Abutters should be verified with the Town's Assessing Office.

The applicant or appellant shall also pay to the Planning Board the sum stated in the Non Refundable Fee Schedule for the notification of abutters.

J. Standards

1. Number: No more than one driveway (curb cut) shall be constructed from any one street to any one property or residence, unless otherwise approved by the Planning Board. Where the frontage along that street exceeds 500 feet or the property is in the commercial or industrial zones up to two (2) driveways may be permitted.

2. Location: The location shall be selected to provide the most adequate degree of safety for the traveling public. The driveway shall be at least twenty-five (25) feet from the nearest street intersection and not less than two (2) feet from the nearest property line. For lots with 50 feet of frontage, the minimum setback from a street intersection shall be ten (10) feet.

3. Sight Distance: The location shall be selected to provide safe sight distances, based on the following standards: 20 mph = 115 feet; 25 mph = 155 feet; 30 mph = 200 feet; 35 mph = 250 feet.

In addition to the above standards, the standards and requirements for driveways set forth in RSA 236:13, II, III and IV shall apply where indicated in that section.

These standards shall not be applied so as to deny all access to an existing lot.

For properties where the minimum sight distances described above cannot be met, the driveway shall be placed at the safest possible location and the speed posted on the Town highway shall be reduced accordingly, by the Public Works Director, but not less than that specified in State statute. If a lesser speed is indicated, a yellow warning sign indicating the hazard to be encountered (e.g., Blind Drive) with an Advisory Speed Sign mounted directly below showing the indicated speed to the nearest 5 mph multiple may be required by the Planning Board, the Public Works Director or the Planning Board's designee. The cost of all necessary warning and advisory signs, including replacements and maintenance, shall be borne by the applicant and subsequent owners of the property and shall be a condition of the driveway permit.

Driveways located within urban areas or in areas where the property frontage is less than 150 feet shall be granted for each lot irrespective of sight distances but such driveways shall be placed at the safest possible location. No legal lot shall be denied a driveway permit.

4. Width: No driveway on any lot shall exceed twenty-four (24) feet in width for single-family or two-family residences and fifty (50) feet in width for a multi-family residential, commercial or industrial use.

5. Paved Apron: Driveways that abut paved highways shall be constructed with paved aprons that shall be as wide as the driveway and shall run from the edge of the highway pavement to the edge of the applicant's property line, and deeper if deemed necessary by the Planning Board, Public Works Director or the Planning Board's designee. The paved apron shall be constructed and maintained is such a way as to protect the edge of the highway pavement from deterioration.

6. Drainage: The driveway shall not interfere with the highway drainage. Where necessary, culverts, water bars, ditches, swales and other drainage structures shall be installed and maintained by the applicant and his successors in title to ensure adequate drainage of the street and to prevent excessive drainage from the driveway or the abutting property into the highway. Culverts shall be at least twelve (12) inches in diameter, or larger if considered necessary by the Planning Board, Public Works Director or the Planning Board's designee. A minimum of twelve (12) inches of crushed gravel shall be placed over culverts before pavement is applied. Culverts shall be approved plastic smooth bore pipe and shall have protective headwalls.

7. Sidewalks and Road Repair: When the construction of a driveway would require the disturbance of a Town highway or a sidewalk, the applicant shall obtain a street opening permit from the Public Works Director before proceeding with any work or construction. The permittee is responsible to provide, during construction, any and all required protection to pedestrians, vehicles and abutting buildings and properties, including barriers during the day and night, required traffic control, including Police Officers, at his own expense. Any highway or sidewalk disturbed during the construction of a driveway shall be restored to the satisfaction of the Public Works Director, including the complete clean-up and restoration of the public highway (right-of-way).

8. Intersection: The driveway shall be laid out so as to intersect with the highway as nearly as possible at right angles.

9. Grade: The grade of entrances and exits shall be constructed to slope down and away from the Town highway surface for a distance equivalent to the existing Town highway ditch or drainage line.

10. Performance Security: The applicant shall be required to post a performance bond in an amount of $500.00 to guarantee construction of said driveway in compliance with the terms and conditions of the permit and to cover any damages that may occur to town property as a result of construction associated with development of the parcel. Certificate of such bond shall be placed on file with the Department of Public Works (may be posted by owner or contractor) and in effect throughout completion and inspection of work.

K. Administration

1. Enforcement: Upon determination by the Planning Board that a violation of these regulations has occurred, notice shall be given to the Board of Selectmen and Town Manager recommending appropriate enforcement procedures. The Board of Selectmen is responsible with the Planning Board for the enforcement of these regulations.

2. Penalty: As provided under RSA 236:14, any person who violates any provision of RSA 236:13 or these regulations shall be guilty of a violation if a natural person or a misdemeanor if any other person and shall be liable for the cost of restoration of the Town highway and public right-of-way to the satisfaction of the Public Works Director and for the costs of enforcement including attorney fees.

3. Waiver: Where conformity to these regulations would cause undue hardship (other than financial) or injustice to the owner of the land, the Planning Board may, upon recommendation of the Public Works Director, as the Planning Board's designee, waive any of the above regulations or standards, provided that the spirit of the regulations and standards will be respected and that the public convenience and safety will not be affected.

SECTION 2. INTERPRETATION
In matters of judgment or interpretation of the above general requirements, the opinion of the Planning Board shall prevail.

SECTION 3. AMENDMENTS
These regulations may be amended by the Planning Board, but only following a public hearing.

SECTION 4. NUMBERING
After amendments are adopted, the Planning Board shall have the authority to renumber the sections of these regulations consecutively without further amendment.

SECTION 5. ADOPTION
These regulations shall become effective after a public hearing, adoption, and certification by the Planning Board, and placement on file with the Town Clerk and the Rockingham County Registry of Deeds.

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History of the Zoning Ordinance and Building Codes

[HISTORY: Adopted by the Town Meeting of the Town of Hampton 3-8-1949. Amendments noted where applicable.[1]]

Authority and Preamble

In order to preserve and improve the attractiveness of the Town of Hampton as a resort community and to continue its desirability as a place in which to live and do business; in order to safeguard the health, welfare, morals, convenience and safety of its citizens and recreational guests and to provide for an orderly growth in the future, the Town of Hampton in pursuance of authority conferred by Chapters 31 and 36 of the New Hampshire Revised Statutes Annotated, 1955, or any amendments thereto, adopts the following ordinance:

"Point of Information": The members of the Hampton Planning Board and the Board of Adjustment have taken an oath to uphold the Constitution of New Hampshire. Under Article 8

[1]Editor's Note: For additional historical information see the document "History of the Zoning Ordinance and Building Codes" at the end of the Zoning Ordinance.

it requires them to be accountable at all times to the people. If during their work a conflict arises between private goals of individuals and/or parties presenting proposals, plans or requests for variances and the Board's public responsibilities, the public goal shall take precedence, in order to promote the general welfare of the majority of the people and to protect the community's environment for present and future generations. ("Point of Information" adopted by petition 1988)

ARTICLE I
General

Section 1.1. Building permits.

Any person, before commencing work on the erection, alteration or demolition of any building or structure, or the erection of a perimeter/boundary fence, must first obtain a permit duly granted for such purpose by the Building Inspector authorized by the Board of Selectmen to issue such permits. No permits shall be issued when the alteration, construction or change in use would be in violation of any provisions of the ordinance nor before any plan is filed which conforms to the regulations of this ordinance or to any amendments thereto. (Amended 1976; March 2001)

Section 1.2. Reconstruction of nonconforming uses.

In the event of the damage or destruction by fire, storm, or act of God of any building not conforming to the regulations of this ordinance, said building may be rebuilt for its former nonconforming use provided such construction is started within a year of its damage or destruction and is completed within two years; the structure shall, however, conform to the dimensional requirements of the ordinance and to the building ordinances and regulations of the Town of Hampton as amended.

Section 1.3. Expansion, alteration, and abandonment of nonconforming uses.

The expansion of nonconforming uses and structures is prohibited, and no nonconforming use or structure may be altered for use for a purpose, or in a manner, substantially different from the use to which it was put to before alteration or be permitted to revert to its original nonconforming use or structure once changed to a conforming use or structure. A nonconforming use or structure shall not be reestablished after abandonment for more than two years, except so as to conform to the then existing provisions of the Town of Hampton Zoning Ordinance. "Abandonment" shall be construed to include the visible or otherwise apparent intention by an owner to discontinue the use of a building or premises or the substantial removal of the characteristic equipment or furnishings used in the performance of a nonconforming use. (Amended 1981)

Section 1.4. Board of Adjustment.

The Board of Adjustment shall consist of five members. The members shall be elected in the manner prescribed by RSA 669, as amended. The terms of members shall be in accordance with RSA 673:3 and RSA 673:5, as amended. Up to five alternate members may be appointed by the Board of Adjustment in accordance with RSA 673:6. In addition to the general powers granted to the Board of Adjustment by RSA 674:33, as amended, the Board may: (Amended 2002)

1.4.1 Permit variances from the specified terms of the ordinance where it can be shown that the specific terms would result in unnecessary hardship, but such variances shall be in harmony with its general purpose and intent.

1.4.2 Pass on any of the special exceptions to the terms of this Zoning Ordinance; however, no special exception will be granted unless the Board finds that the following special exception complies with the following:

a) That the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.

b) That the use will be compatible with adjoining development and the proposed character of the zone district where it is to be located.

c) That adequate landscaping and screening are provided as required herein.

d) That adequate off-street parking and loading are provided and ingress and egress are so designed as to cause minimum interference with traffic on abutting streets.

e) That the use conforms to all applicable regulations governing the district where located.

f) That if the application is for a use in the Industrial District such exception will not:

1) Affect the quality of water supplies;

2) Constitute a health hazard to the community;

3) Permit temporary structures.

g) The applicant shall demonstrate that handling, storage and containment of any chemicals or substances defined as "hazardous" will be handled in strict accordance with the regulations and recommendations of the EPA and/or any governmental body charged with enforcing compliance with any laws or statutes regarding hazardous substances. (Amended March 1994)

1.4.2.1 Grant equitable waivers of dimensional requirements when the proof or provisions of RSA 674:33-a are met upon the discovery that a lot or other division of land, or structure thereupon, is in violation of a physical layout or dimensional requirement imposed by the Zoning Ordinance. Such waivers shall not be applicable to property use violations. (Adopted April 1997)

1.4.3 Hear all building code appeals. (Amended March 1996)

1.4.4 Any property owner(s) granted a variance shall have a period of two years from the date of said grant to implement the terms of the variance, either by evidence of a use change or substantial (i.e., at least 20%) construction/alteration/renovation. Failure to do so shall result in the grant becoming null and void, unless the owner(s) applies for a

one-year extension. Such an application shall be subject to the same requirements as any other petition for a variance and shall be filed at least one month prior to the month of expiration.

Current owners of property upon which there is a variance not yet implemented shall have a period of two years from the date of passage of this provision to comply with the same terms set forth above for a new variance. Failure to do so shall result in the grant becoming null and void, unless the owner(s) applies for a one-year extension. Such application shall be subject to the same requirements as any other petition for a variance and shall be filed at least one month prior to the month of expiration.

In the case of a variance which is relied upon by the owner of property in subsequently obtaining subdivision or site plan approval, that variance shall expire on the expiration of the subdivision or site plan approval. Current owners of property upon which there is a variance not yet implemented shall have the shorter of two years or the period specified in the terms of the site plan and/or subdivision approval, unless an extension is granted by the Zoning Board of Adjustment for good cause shown. (Adopted 1996)

Section 1.5. Planning Board – Site Plan Review.

The Planning Board is empowered to review, and approve or disapprove site plans for the development of tracts for non-residential uses whether or not such development includes a subdivision or re-subdivision of the site. “Uses” shall be construed to apply to both initial construction and use changes. When uses are so subject to review and approval by the Planning board, procedures shall be in accordance with regulations and amendments governing the subdivision of land adopted by the Planning Board and approvals shall be subject to satisfactory compliance with the conditions set forth herein. All site plans approved by the Planning Board shall comply with RSA 674:39. (Amended 1986; 3-13-2012 ATM, Art. 2)

Section 1.6. Definitions.

ACCESSORY BUILDING — A nonhabitable structure used in a manner as defined under "accessory use." (Adopted 2002)

ACCESSORY USE — A use which is customary, incidental and subordinate to the permitted use of the property. An accessory use must be minor in relation to the permitted use and bear a reasonable relationship to the primary use. Examples of traditional accessory uses and structures include garages, toolsheds, recreational facilities and outdoor pools. (Amended 1987; 2003)

ALTERNATIVE TOWER STRUCTURE — Innovative siting techniques that shall mean man-made trees, clock towers, bell steeples, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. (Adopted March 1999)

AMATEUR RADIO TOWER — A structure that is not used for human occupancy, which contains no heated space, which exceeds the height of 35 feet, yet does not exceed 65 feet in height, and is utilized exclusively for amateur radio purposes. (Adopted March 1999)

AMUSEMENT DEVICE — A mechanical device which is operated by the public through the insertion of a coin, token, slug or plate, or the paying of consideration, for the general purpose of a game entertainment or amusement. Such devices may include but are not limited to pinball machines, pool tables, electronic and/or video games, gaming devices or children's rides. Such devices shall not include pay telephones, cigarette machines, or newspaper, food, beverage or product dispensing machines. (Amended 1982)

ANTENNA — Shall mean any exterior apparatus designed for telephonic, radio, television, personal communications service (PCS), pager network, or any other communications through the sending and/or receiving of electromagnetic waves of any bandwidth. (Adopted March 1999)

BED-AND-BREAKFAST — A dwelling in which compensation is paid to provide sleeping accommodations and one or more meals per day to guests. Not more than six guest rooms are allowed. (Adopted 1991)

BUILDING HEIGHT — The vertical distance from the grade plane to the highest point of the building, excluding chimneys and residential antennae. (Adopted 1986; amended 1991)

CERTIFIED BOUNDARY SURVEY — A plot plan, drawn to scale, prepared by a land surveyor registered in the State of New Hampshire, and displaying an original surveyor's stamp. (Adopted 1995)

CONGREGATE HOUSING (also called sheltered or "enriched" housing) — Multiunit structure where residents usually live in their own apartments and come to a common area for some or all of their meals. Usually there are supportive services such as housekeeping, transportation, and social or recreational activities. (Amended March 1998)

DEALER — A person who offers, on site, for sale or trade three or more new or used registered or unregistered motor vehicles, off-highway recreational vehicles (OHRVs), utility vehicles, trailers, recreational vehicle (RVs), boats, or construction equipment for wholesale or retail sales shall be considered a dealer and subject to Site Plan Review Regulations. (Adopted 1997)

DWELLING UNIT — A single unit or structure providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. (Amended 1981; 1987; 2003)

> **DWELLING UNIT, MULTIFAMILY —** Any building or group of buildings on a single lot containing three or more dwelling units.
>
> **DWELLING UNIT, TWO-FAMILY (DUPLEX) —** A building containing two individual dwelling units, attached and separated by a common party wall, on a single lot. (Adopted 1990; amended 1991; 2003)

DWELLING UNIT, SEASONAL — A dwelling unit designed for occupancy from May 15 to October 15 which is not subject to the New Hampshire Energy Code. (Adopted 2003)

DWELLING UNIT, SINGLE-FAMILY — One dwelling unit on a single lot.

EXPANDED GARAGE — A structure, attached or detached, more than one story in construction, used for the purpose of housing automobiles or yard equipment and/or the storage of household items, above which is contained habitable or potentially habitable space. (Adopted 1997)

EXPANSION OF NONCONFORMING USE — Any change of use of a nonconforming use, or any increase in size, increase in intensity of use, or increase in nonconformity of a nonconforming use, which does not in and of itself comply with the provisions of this ordinance for the district in which it is located, shall constitute an expansion of a nonconforming use. (Amended 1995)

FAA — An abbreviation shall mean the Federal Aviation Administration. (Adopted March 1999)

FCC — An abbreviation shall mean the Federal Communications Commission. (Adopted March 1999)

FENCE — An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas. (Amended March 2000)

FOOTPRINT — The area on the ground encompassed by the outermost perimeter of a structure, inclusive of the drip edge, decks, stairways, chimneys, HVAC (heating, ventilation and air-conditioning) equipment and any other appurtenance attached to the structure. See Article 4.5 and Footnote (25). (Adopted 1997)

FRONTAGE — The length of the lot bordering on and providing access to a Class V (or better) highway that has not been discontinued as an open highway and made subject to gates and bars by vote of the Town, or a street, as defined and as used in Title LXIV, Planning and Zoning, of the Revised Statutes Annotated, shown on a plat approved by the Planning Board. Footage requirements specified in Article IV, Dimensional Requirements, of this ordinance shall be contiguous. (Adopted 1985; amended 1987; 1988; 1991; 1996)

GARAGE — A structure, attached or detached, one story in construction, used solely for the purpose of housing automobiles and/or yard equipment and the storage of household items. (Adopted 1997)

GRADE PLANE — A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than six feet from the building, between the building and a point six feet from the building. (Adopted 1991)

GROUP SHARED RESIDENCE — Shared housing structure where more than three unrelated people reside with at least one kitchen. They are not the stereotypical "group home," nor are they halfway houses for deinstitutionalized persons. Each resident has his or her own bedroom and shares the rest of the living space in the house. Together, all residents make the decisions about the management of the house in most cases, and they share in the daily running of the house while pursuing their own individual lives outside the house. There are two types of shared residences: (1) the agency-sponsored group shared residence that may or may not provide a sheltered or supportive environment; and (2) the self-initiated group shared residence where individuals cooperatively purchase or rent a dwelling. (Amended March 1998)

HAZARDOUS MATERIALS — Any substance, whether in solid, liquid, gaseous or other form, that is outlined in the National Fire Codes, applicable state and federal codes, or local ordinances and requires that special precautions be taken during its manufacturing, storage, transportation or disposal. (Adopted 1985)

HEALTH/ATHLETIC CLUB — An indoor facility including uses such as game courts, exercise equipment, locker rooms, Jacuzzi, sauna and pro shop. (Adopted 1991)

HEALTH CARE FACILITIES — Any facility, not a home occupation or profession, providing health services, either for persons or animals, either on an inpatient or outpatient basis, and/or medical or surgical care of the sick or injured, including any related parts of such facility, such as laboratories and service area. (Amended 1976)

HEIGHT — When referring to a tower or other antenna support structure, means the vertical distance from grade plane to the highest point of the support structure, even if such highest point is an antenna or other appurtenance. (Adopted March 1999)

HOTEL — A facility offering transient lodging accommodations on a daily rate to the general public and which may provide additional services such as a restaurant, meeting rooms, and recreational facilities for its guests. The following standards are established for the development of hotels: (Adopted 1991)

- Use of hotel rooms as permanent residences is prohibited.

- Hotel rooms equipped with a refrigerator up to five cubic feet in size, a microwave, a coffee maker and a second sink are exempt from an impact fee assessment. All hotel rooms with a kitchen will be assessed the multifamily impact fee.

- Each hotel shall have an office for the purpose of operations, including but not limited to maintenance, unit rental and general management. This required office must be located in Hampton. Each hotel must have a twenty-four-hour emergency number.

CONDOMINIUM HOTEL — A building constructed, maintained and operated and managed as a hotel in which each room is individually owned and in which some or all of the rooms are available for rent and where the structure, common areas and facilities are owned by all the owners on a proportional, individual basis.

COOPERATIVE OWNERSHIP — A multiple-family dwelling owned and maintained by the residents. The entire structure and real property are under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.

TIME SHARE OWNERSHIP — Concept of property ownership through which a purchaser receives a) the right in perpetuity, for life or for a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, or segment of the real property, annually or on some other periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the property has been divided; or b) a property interest in which a license or contractual or membership right of occupancy is not coupled with any title in fee in the real property. (Adopted 2007)

IMPERVIOUS SURFACE — An impervious surface (otherwise referred to as “sealed surface” or “lot coverage”) is any modified surface that cannot effectively absorb or infiltrate water. Examples of impervious surfaces include, but are not limited to roofs and, unless designed to effectively absorb or infiltrate water, decks, patios, and paved, gravel, or crushed stone driveways, parking area, and walkways. (Added 3-11-2014 ATM, Art. 6)

KENNEL — Any premises, except where accessory to an agricultural use or a veterinarian hospital, where five or more dogs 10 weeks in age or older are bred, raised, trained or kept. (Amended March 1999)

LIFECARE OR CONTINUING CARE RETIREMENT COMMUNITIES — Planned communities offering a range of choices for residents under a contractual arrangement, possibly including independent living units, assisted or personal care living units, and long-term care. Residents may move from one level of accommodation to another as their needs change. Residents may be required to pay a substantial entry fee plus a monthly payment calculated to provide the wide range of services throughout the resident's life. (Amended March 1998)

LODGING HOUSE — A dwelling in which compensation is paid to provide sleeping accommodations on a temporary or permanent basis.

LOT OF RECORD — Land designated as a separate and distinct parcel in a legally recorded deed and/or plan filed in the records of Rockingham County, New Hampshire, or a site plan previously approved by the Hampton Planning Board which has not been extinguished by state statute. (Adopted 1985)

LOT WIDTH — The horizontal distance between the side lot lines, measured along a straight line parallel to the front line at the minimum front setback line. (Amended 1991; 1992; 1995)

MANUFACTURED HOME — Any structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. For floodplain management purposes the term "manufactured home" also includes park

trailers, travel trailers, and other similar vehicles placed on site for greater than 180 consecutive days. (Amended 1987; 1995)

Note: The adoption of this amendment would serve to change all references to "mobile home" within the Zoning Ordinance to "manufactured home." (Amended 1987)

MANUFACTURED HOME PARK — A tract of land which has been developed with all the necessary facilities and services in accordance with a site development plan meeting all the requirements of this ordinance and which is intended for the express purpose of providing a satisfying living environment occupancy basis.

MOTEL or TOURIST CABIN — A building or group of buildings which:

a) Contains living or sleeping accommodations used primarily for transient occupancy.

b) Has individual entrances from outside the buildings, or a common hallway, to serve each such living or sleeping unit.

MOTOR HOME — A motor home built on a truck or bus chassis and designed to serve as self-contained living quarters for recreational travel.

NIGHTCLUB — A commercial establishment serving alcohol or nonalcoholic beverages for consumption on the premises where a dance floor or entertainment is provided. A license from the State of New Hampshire is required for the sale of any alcoholic beverages. (Adopted 1991)

NONCONFORMING USE — A building, structure, or use of land, existing and lawfully occupied at the time of the enactment of this ordinance or any subsequent amendment thereto, or any building, structure, or use of land granted a variance or special exception, which does not conform to one or more provisions of the ordinance for the district in which it is located. (Adopted 1986)

PARKING AREA — Excluding personal use, any commercial (for pay) public or private area, under or outside of a building or structure, designed and used for parking motor vehicles, including parking lots, garages, private driveways and legally designated areas of public street. (Adopted 1997)

PARKING LOT — Excluding personal use, any commercial (for pay) off-street, ground-level open area used for temporary storage of motor vehicles. (Adopted 1997)

PARKING SPACE — A surfaced area, enclosed in the main building or in an accessory building, or unenclosed, having the dimensions of not less than nine feet by 18 feet, measured at right angles (rectangle), exclusive of driveways, permanently reserved for the temporary storage of one or more automobiles and connected with a street or immediately by a surfaced driveway which affords satisfactory ingress and egress. (Amended 2003)

STACKED PARKING — Means a parking situation where more than one space exists in a line of spaces and only one space in the line has unobstructed access at all times into or out of the adjacent street or right-of-way. (Adopted 2007)

PENNY ARCADE — A hall, walk, room, structure or building containing three or more amusement devices or gaming machines which are primarily for the purpose of deriving income or profit through public use. The expansion of a penny arcade is intended to include the addition of more such devices, machines or equipment within any existing penny arcade and/or the establishment of a new penny arcade, whether separate from, connected to or part of any existing penny arcade or other hall, walk, room, structure or building where any such devices, machines or equipment is located. (Amended 1982)

PERMANENT FOUNDATION — Poured concrete, concrete masonry units, or engineered pilings placed continuously or intermittently to a depth that equals or exceeds the frost line, to which a structure is attached. (Adopted March 1998)

RESTAURANT — A place where meals can be bought and eaten. (Adopted 1980)

RETAIL SALES — Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sales of such goods. (Adopted 1996)

SERVICE CLUB — Buildings or facilities owned and operated by an organization, association or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service that is customarily carried on as a business. (Adopted 1991)

SITE PLAN FOR NONRESIDENTIAL DEVELOPMENT — A scale plan drawn by a registered civil engineer or land surveyor showing, in addition to the subdivision of land as adopted by the Planning Board, all structures existing and proposed, roadways, pathways, parking areas, recreational areas, utilities, exterior lighting installations, landscaping, existing and proposed grade elevations, stormwater drainage, all existing structures and any other elements as may be deemed essential by the Planning Board.

STRUCTURE — A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of the land or water, excluding a boundary wall or fence. (Adopted 1995)

SUPPORTIVE-AGENCY-SPONSORED GROUP SHARED RESIDENCE — Housing situation in which an agency owns or rents the home and the residents pay rent to the agency. The agency offers a package of services included in the rental of space in the residence. Such services could include meal preparation, transportation, housekeeping, laundry service, shopping, and counseling. The residents may or may not have a voice in the management of the home and selection of future residents. (Amended March 1998)

TELECOMMUNICATIONS FACILITIES — Shall mean any structure, antenna, tower, or other device which provides commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), and personal communications service (PCS), and common carrier wireless exchange access services. (Adopted March 1999)

TEMPORARY ADVERTISING SIGN — Any sign which is portable or otherwise not permanently affixed to any building, structure or surface, which directs attention to a business,

profession, commodity, service, or entertainment conducted, sold or offered upon the premises where the sign is located. (Amended 1992)

TENT — A portable shelter, as of canvas, stretched over a supporting framework of poles with ropes and pegs. (Amended March 2000)

TOWER — Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. This term does not include amateur radio operator's equipment, as licensed by the FCC. (Adopted March 1999)

TRAILER — A structure standing on wheels, towed or hauled by another vehicle, and used for short-term human occupancy, carrying of materials, goods, or objects, or as a temporary office. (Amended March 2000)

USE CHANGE — Any use of a residential or nonresidential nature which is proposed to be changed to another use which is dissimilar and of a nonresidential nature. (Amended 1976)

WETLANDS — Tidal wetlands and inland wetlands are defined in Section 2.3.2 of this ordinance. (Adopted 1985)

Section 1.7. Re-numbering of Articles, Sections and Article references.

This section authorizes the re-numbering of articles, and/or sections and related article references within the Zoning Ordinance as required. (Added 3-12-2013 ATM, Art. 3, ballot vote: Yes 1993, No 224)

ARTICLE II
Districts

Section 2.1. Zoning Map.

The Town of Hampton is hereby divided into districts as shown on the Zoning Map adopted September 1, 1972, as revised and filed with the Town Clerk. The following districts and map symbols are established.

District	Map Symbol
Adult Entertainment	AE
Residence AA	RAA
Residence A	RA
Residence B	RB

District	Map Symbol
Residence C-Seasonal	RCS
Business	B
Professional Office/Residential	POR
Town Center	TC-H, TC-N and TC-S
Business-Seasonal	BS
Business-Seasonal 1	BS1
Industrial	I
General	G

NOTE: A portion of BS and RCS was redelineated to become RB District. See Appendix for description. (Amended March 1998)

NOTE: The Zoning Map was changed by amending the zoning district from RAA to Industrial for all the properties which are bounded on the west by the State of New Hampshire Route 101, Route 111 highways or interchange rights-of-way, and on the east by the State of New Hampshire Route 95 highway right-of-way and on the north by the boundary line between the Town of Hampton and North Hampton, Exeter and Stratham, and on the south by the State of New Hampshire Route 101 highway right-of-way. (Adopted March 2001)

NOTE: The Zoning Map was changed by amending the zoning district from BS to RB for all of the properties which are bounded by the following description: Beginning at the Southeasterly corner of Map 152, Lot 19 (the Seascape Inn at Plaice Cove), then North along the property lines on the westerly side of Route 1-A (Ocean Blvd.) to the Northeasterly corner of Map 134, Lot 51 (the Gables Condominiums), then Westerly along the property lines of Map 134, Lots 51, 50, 42, and Map 152, Lot 11 (the Greenlands) to the Northwesterly corner of Map 152, Lot 11 then south along the property line of Map 152, Lot 11 (the Greenlands), to the Southwesterly corner of Map 152, Lot 11, then Easterly along the property lines of Map 152, Lot 11 and 19 to the point of beginning. (Adopted March 2003)

NOTE: The Zoning Map was changed by amending the portions of the RA and RB Zoning Districts to POR for the properties which are bounded by the following description: Beginning at the edge of the RB district located at the northwesterly corner of Map 162, Lot 43 proceed south along the westerly property lines of Map 162, Lot 43, Map 177, Lots 1, 5, 11, 15, 19, 22 across Winnacunnet Road to the northeasterly corner of Map 177, Lot 41. Proceed south along the easterly property boundaries of Map 177, Lots 41, 43, 44 to the southeasterly corner of Map 177, Lot 44. Proceed west along the southerly boundary of Map 177, Lot 44 to Map 177, Lot 39 then south along the easterly boundary to the southeast corner of said lot then proceed west along the southerly boundaries of Map 177, Lot 39 and Map 176, Lots 25, 24, 23, 21, 26, 26-1, 18, and 17 to the easterly edge of the existing B district. Proceed north along the edge of the existing B district then east along the same boundary and then north again along same boundary to High Street then east along southerly side of High Street to the point of beginning. The following properties are also changed to be included in the POR district: Map 161, Lots 7, 8, 9 and 10. The following properties are not included in the POR District: Map 161, Lots 29, 30,

31, 32, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50 and 51; Map 176, Lots 1, 2 and 2A, 4, 5 and 6. (Adopted March 2007)

NOTE: The Zoning Map was changed by amending portions of the Business (B), Industrial (I), Professional Office/Residential (POR) and Residence A (RA) zoning district to Town Center zoning districts – Town Center-South, Town Center-Historic and Town Center-North. (Amended March 2014)

NOTE: The Zoning Map was changed by amending a portion of the BS zoning district to BS1. The specific boundaries of the Business-Seasonal 1 (BS1) Zoning District can be determined from the Town of Hampton Zoning Map, April 1, 2009, as amended by the mapping of the Business-Seasonal 1 Zoning District dated December 16, 2013, as prepared by the Hampton Tax Assessor's Office. (Amended 3-11-2014 ATM, Art. 3)[2]

NOTE: For 2.1.1 and 2.1.2: In the event that the boundaries of a district are not clear, these subsections shall be applied. (Amended 1991; 3-10-2015 ATM Art. 11, ballot vote: Yes 1,720, No 480)

2.1.1 All distances measured from a street, railroad right-of-way, or other such landmark shall be measured from the center line of the street, railroad right-of-way or other such landmark.

2.1.2 District boundaries shall be deemed to follow the center lines of streets, railroad right-of-way, or other such landmark and shall be deemed to follow property lines where such interpretation is possible.

2.1.3 The paper Zoning Map is intended for reference only. The source of final determination as to the official zone lines shall be the parcel data in the Town of Hampton's GIS mapping system as overlayed with the Zoning Map. (Amended 1981; 3-10-2015 ATM, Art. 11, ballot vote: Yes 1,720, No 480)

2.1.4 In the event that any lot is situated in more than one zoning district, a portion shall be permitted to be used in accordance with the use regulations and dimensional requirements for the district in which that portion is located, but multiple use of single lots is prohibited. (Amended 1983)

2.1.5 Any reference to lot and map numbers in any legal description of any zoning district shall be shown on the Town of Hampton tax maps in effect at the date of the adoption of such description or as subsequently amended on account of any deeds duly recorded prior to such adoption. In the event such legal descriptions in whole or in part are by tax map reference, such reference shall not be affected by any subsequently discovered variations in lot configurations. (Amended 1981)

[2] Editor's Note: The note regarding areas of the town not included in a district delineated by verbal descriptions, which immediately followed this note, amended 1991, was repealed 3-10-2015 ATM, Art. 11, ballot vote: Yes 1,720, No 420.

APPENDIX
(Amended March 1998)

*(See Zoning Map, filed with the Town Clerk)

Beginning at a point on the Southerly side of Island Path 167.2 feet (±) East of Brown Avenue. Then running in a Southerly direction 113 feet (±) along the Easterly side of [2]Lot Number 75, Map Number 282, 112 feet (±) along the Easterly side of Lot Number 100, across Page lane and 60 feet along the Easterly side of Lot Number 118, Map Number 282, 60 feet (±) along the Easterly side of Lot Number 132, Map Number 282, across Wall Street and 60 feet (±) along the Easterly side of Lot Number 150, Map Number 282 along the Easterly side of Lot Number 161, Map Number 282, across Bittersweet Lane and 60 feet (±) along the Easterly side of Lot Number 182, Map Number 282, 80 feet (±) along the Easterly side of Lot Number 190, Map Number 282, across Diane Lane and 80 feet (±) along the Easterly side of Lot Number 195, Map Number 282, 50 feet (±) along the Easterly side of Lot Number 199, Map Number 282, 50 feet (±) along the Easterly side of Lot Number 203, Map Number 282, 50 feet (±) along the Easterly side of Lot Number 213, Map Number 282, 50 feet (±) along the Easterly side of Lot Number 3, Map Number 287, 50 feet (±) along the Easterly side of Lot Number 16, Map Number 287, 62.4 feet (±) along the Easterly side of Lot Number 17, Map Number 287, then turning and running in a Westerly direction 63.63 feet (±) along the Southerly side of Lot Number 17, Map Number 287, and continuing in a Westerly direction to the Northwest corner boundary of Lot Number 23, Map Number 287, and Brown Avenue. Then turning and running in a Southerly direction 100 feet (±) along the Westerly side of Lot Number 23, Map Number 287, 80 feet (±) along the Westerly side of Lot Number 25, Map Number 287, 116.66 feet (±) along the Southwest side of Lot Number 28, Map Number 287. Then turning and running in a Southerly direction across Brown Avenue Extension to Lot Number 50, Map Number 287, running in a Southerly direction 475 feet (±) across Lot Numbers 34 and 50, Map Number 287 to the Southerly side of Lot Number 34, Map Number 287, 171 feet (±) across Lot Number 1, Map 290, to the Southerly side of Lot Number 1, Map Number 290, then turning and running in an Easterly direction 205 feet (±) to the Northeast corner of Lot Number 11, Map Number 290, then turning and running in a Southerly direction 58.8 feet (±) along the Easterly side of Lot Number 11, Map Number 290, across Hobson Avenue to the Northeast corner of Lot Number 36, Map Number 290, 58.8 feet (±) along the Easterly side of Lot Number 36, Map Number 290, then turning and running 94 feet (±) along the Northerly side of Lot Number 48, Map Number 290 to the Northeast corner of Lot Number 48, Map Number 290, then turning and running in a Southerly direction 69.31 feet (±) along the Easterly side of Lot Number 48, Map # 290, across Manchester Street to the Northwest corner of Lot Number 64, Map Number 290, then turning and running 50 feet (±) along the Northerly side of Lot Number 64, Map Number 290, 50 feet (±) along the Northerly side of Lot Number 65, Map Number 290, to the Northeast corner of Lot Number 65, Map Number 290, then turning and running in a Southerly direction 71.09 feet (±) along the Easterly side of Lot Number 65, Map Number 290, 54.05 feet (±) along the Easterly side of Lot Number 72, Map Number 290, then turning and running in a Westerly direction 88 feet (±) along the Southerly side of Lot Number 72, Map Number 290 to the Southwest corner of Lot Number 72, Map Number 290, then turning and running in a Southerly direction across Keefe Street to the Northeast corner of Lot Number 87, Map Number 290, then in a Southerly direction 54.5 feet (±) along the Easterly side of Lot Number 87, Map Number

[2]Note: All lot and map numbers refer to Town of Hampton tax map numbers.

290, then turning and running in a Westerly direction 29.5 feet (±) along the Southerly side of Lot Number 87, Map Number 290, 58.5 feet (±) along the Southerly side of Lot Number 86, Map Number 290, then turning and running in a Southerly direction 67.7 feet (±) along the Easterly side of Lot Number 93, Map Number 290, across Mooring Drive to the Northeast corner of Lot Number 122, Map Number 290, 68.2 feet (±) along the Easterly side of Lot Number 122, Map Number 290, then turning and running in an Easterly direction 43 feet (±) along the Northerly side of Lot Number 132, Map Number 290, 100 feet (±) along the Northerly side of Lot Numbers 133 and 134, Map Number 290, then turning and running in a Southerly direction 100 feet (±) along the Easterly side of Lot Number 134, Map Number 290, then turning and running in a Westerly direction 100 feet (±) along the Southerly side of Lot Numbers 133 and 134, then turning and running in a Southerly direction across Auburn Avenue to the Northwest corner of Lot Number 150, Map Number 290, 146.9 feet (±) along the Westerly side of Lot Number 150, Map Number 290, then turning and running in an Easterly direction 40.6 feet (±) along the Northerly side of Lot Number 5, Map Number 293, then turning and running Southerly 9.7 feet (±) along the Easterly side of Lot Number 5, Map Number 293, then turning and running Easterly 49.9 feet (±) along the Northerly side of Lot Number 12, Map Number 293, then turning and running Southerly 58.1 feet (±) along the Easterly side of Lot Number 12, Map Number 293, across Perkins Avenue to the Northeast corner of Lot Number 29, Map Number 293, 100 feet (±) along the Easterly side of Lot Number 29, Map Number 293, 80 feet (±) along the Easterly side of Lot Number 49, Map Number 293, across Johnson Avenue in a Southeasterly direction to the Northeast corner of Lot Number 65, Map Number 293, then turning and running in a Southerly direction 80 feet (±) along the Easterly side of Lot Number 65, Map Number 293, 80 feet (±) along the Easterly side of Lot Number 72, Map Number 293, across Riverview Terrace in a Southeasterly direction to the Northeast corner of Lot Number 90, Map Number 293, then turning and running in a Southerly direction 80 feet (±.) along the Easterly side of Lot Number 90, Map Number 293, 80 feet (±) along the Easterly side of Lot Number 109, Map Number 293, across Bragg Avenue to the Northeast corner of Lot Number 126, Map Number 293, 80 feet (±) along the Easterly side of Lot Number 126, Map Number 293, then turning and running in a Westerly direction 40 feet (±) along the Southerly side of Lot Number 126, Map Number 293, 40 feet (±) along the Southerly side of Lot Number 125, Map Number 293, then turning and running in a Southerly direction 80 feet (±) along the Easterly side of Lot Number 146, Map Number 293, across Tuttle Avenue in a Southeasterly direction to the Northeast corner of Lot Number 165, Map Number 293, then turning and running in a Southerly direction 80 feet (±) along the Easterly side of Lot Number 165, Map Number 293, 80 feet (±) along the Easterly side of Lot Number 2, Map Number 296, across Fellows Avenue in a Southwesterly direction to the Northeast corner of Lot Number 14, Map Number 296, then turning and running in a Southerly direction 80 feet (±) along the Easterly side of Lot Number 14, Map Number 296, 80 feet (±) along the Easterly side of Lot Number 28, Map Number 296, across Dow Avenue to Lot Number 43, Map Number 296, then turning and running in a Westerly direction 80 feet (±) along the Northerly side of Lot Number 43, Map Number 296, then turning and running in a Southeasterly direction 79 feet (±) along the Northeasterly side of Lot Number 19, Map Number 295, to the Southerly corner of Lot Number 19, Map Number 295, then turning and running in a Southerly direction 50 feet (±) along the Easterly side of Lot Number 23, Map Number 295, 50 feet (±) along the Easterly side of Lot Number 27, Map Number 295, then turning and running in a Westerly direction 100 feet (±) along the Southerly side of Lot Number 27, Map Number 295, then turning and running in a Southerly direction 166.66 feet (±) along the Westerly side of Lot Number 31, Map Number 295, 74.26 feet (±) along the Westerly side

of Lot Number 41, Map Number 295, 59.06 feet (±) along the Westerly side of Lot Number 49, Map Number 295, 99.92 feet (±) along the Westerly side of Lot Number 56, Map Number 295, then turning and running in a Westerly direction across Whitten Street, 110 feet (±) along the Southerly side of Lot Number 55, Map Number 295, 90 feet (±) along the Southerly side of Lot Number 54, Map Number 295, across Harris Avenue, 50 feet (±) along the Southerly side of Lot Number 46, Map Number 295, 50 feet (±) along the Southerly side of Lot Number 45, Map Number 295, 50 feet (±) along the Southerly side of Lot Number 44, Map Number 295, 41 feet (±) along the Southerly side of Lot Number 43, Map Number 295, 43 feet (±) along the Southerly side of Lot Number 42, Map Number 295, then turning and running in a Northerly direction 101.63 feet (±) along the Westerly side of Lot Number 42, Map Number 295, 419.88 feet (±) along the Westerly side of Lot Number 15, Map Number 295, 68.63 feet (±) along the Northwesterly side of Lot Number 15, Map Number 295, 156 feet (±) along the Northwesterly side of Lot Number 8, Map Number 295, 50 feet (±) along the Southeasterly side of Lot Number 1, Map Number 295, then turning and running in a Northwesterly direction 565 feet (±) along the Northeast side of Lot Number 1, Map Number 292, then turning and running in a Westerly direction to the Hampton and Hampton Falls town boundary line, turning and running Northerly along said Hampton and Hampton Falls town boundary line to the extension of the Hampton Precinct line, then turning and running in a Northeasterly direction along the Precinct line to the Southerly side of Island Path, then turning and running in an Easterly direction 1,200 feet (±) along Island Path to the point of beginning.

(Amended 3-11-2014 ATM, Art. 3; 3-11-2014 ATM, Art. 5)

Section 2.2. Conflicts between business/residential zones.

2.2.1 When a lot contains frontage on more than one street, any business establishment situated on such lot shall be so arranged that:

a) Its front elevation shall face whichever street frontage is zoned for commercial use; and

b) The principal access to said lot shall be provided from said street zoned for commercial use; and

c) Any parking space provided on said lot shall be furnished with an appropriate hedge or other approved landscaping device so as to screen the parking and service area from the nearest street or streets.

2.2.2 When a business zoning district boundary parallels a street and in crossing any other intersecting streets thereby includes in the business district any lots fronting on a street zoned predominantly for residential purposes, said lots, if developed for business purposes, shall be so arranged that:

a) The front elevation of the principal structure shall face the street zoned predominantly for business purposes; and

b) The principal access to said lot shall be provided from the street predominantly for business purposes; and

c) Any parking space provided on said lot shall be furnished with an appropriate hedge or other approved landscaping device so as to screen the parking and service area from the nearest street or streets.

Section 2.3. Wetlands Conservation District. (Amended 1994; March 1998; March 1999; 2001; 2002; 2003; March 2005; March 2009; March 2010; 3-13-2012 ATM, Art. 5; 3-10-2015 ATM, Art. 3, ballot vote: Yes 1,863, No 412)

2.3.1 Purposes. In the interest of protecting the public health, safety and welfare the Wetlands Conservation District has been established to protect, preserve and prevent the despoliation and unregulated alterations of 1) tidal and inland wetlands, 2) areas of very poorly drained soils and poorly drained soils and 3) their buffers. It is in the public interest to protect the valuable functions these areas provide such as habitat for fish, wildlife and flora, ground water protection, storm water and flood control, nutrient and pollutant filtering, recreation and aesthetic enjoyment.

The Wetlands Conservation District is intended to:

A. Prevent the destruction and preserve the integrity and health of wetlands and areas of very poorly drained soils and poorly drained soils and their buffers, all of which provide flood protection, connection to the ground or surface water supply, filtration of water flowing into ponds and streams, and augmentation of stream flow during dry periods;

B. Prevent the development of structures and land uses on wetlands, areas of very poorly drained soils and poorly drained soils, and their buffers, which would contribute to pollution of surface and ground water by sewage or other wastes or toxic materials;

C. Prevent unnecessary or excessive expense to the Town for provision and maintenance of essential services and utilities;

D. Deleted.

E. Protect wildlife habitat, including amphibian and invertebrate breeding habitat (i.e. vernal pools), maintain ecological balance and enhance ecological values;

F. Preserve and enhance the aesthetic values associated with wetlands and areas of very poorly drained soils and poorly drained soils and their buffers in Hampton;

G. Prevent construction or earth moving activities in wetlands and their buffers, which could impact adjacent property.

2.3.2. Definitions and delineations. Detailed descriptive materials and maps of wetlands and wetlands soils and flora in the Town of Hampton are found in the reports listed in the Appendix to this section and are incorporated herein by reference.

A. **Tidal Wetlands** are defined and delineated as:

1. Prime tidal wetlands are defined in Appendices 1 & 2, but also include the Atlantic Ocean and Hampton Harbor and their associated tidal waters. A more detailed or updated study accepted by the Hampton Planning Board upon recommendation of the Conservation Commission shall supersede Appendices 1 & 2 where it is shown to be incomplete or inaccurate.

2. Deleted.

B. **Inland Wetlands** means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

C. **Areas of very poorly drained soils and poorly drained soils.**

1. Very poorly drained soils are those soils in which water is removed from the soil so slowly that the water table remains at or on the ground surface most of the year. Very Poorly drained soils shall be classified in accordance with the most recent definitions, standards, and procedures of the Society of Soil Scientists of Northern New England.

2. Poorly drained soils are those soils in which water is removed so slowly that the soil remains wet for a large part of the year. A poorly drained soil has a water table near the ground surface that keeps the soil wet for seven to nine months of the year. Poorly drained soils shall be classified in accordance with the most recent definitions, standards, and procedures of the Society of Soil Scientists of Northern New England.

D. **"Vernal Pool"** is a confined basin depression that, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, provides essential breeding habitat for certain amphibians and invertebrates, and is free of adult fish populations. A vernal pool must support one or more primary vernal pool indicators, or 3 or more secondary vernal pool indicators as described in Identification and Documentation of Vernal Pools in New Hampshire, 2nd Ed., 2004 published by the NH Fish and Game Department.

E. **"Buffer"** is the area extending fifty feet (50 ft.) out from 1) the wetland boundary line, and/or 2) the boundary line of areas of very poorly drained soils and poorly drained soils. The buffer is intended to provide a natural vegetative zone between the upland and the wetland for water filtration, storm water retention, flood protection and wildlife.

F. **The Wetlands Conservation District** includes Tidal Wetlands, Inland Wetlands, areas of very poorly drained soils and poorly drained soils, and their buffers. In case of any question, the precise location of a wetland boundary in any particular case must be determined by on-site inspection of soil types and vegetation.

G. Any more detailed or updated study accepted by the Hampton Planning Board upon recommendation of the Conservation Commission shall supersede the Soils Conservation Service study where it is shown to be incomplete or inaccurate.

H. The Hampton Salt Marsh complex as mapped in Exhibit 27 in the February 8, 2006 "Prime Wetland Inventory Report" by Gove Environmental Services, Inc. and as later also described in said Report under Recommendations for Hampton Prime Wetlands, is hereby designated a prime wetland for purposes of RSA 482-A:15 and Department of Environmental Services regulations.

2.3.3 Permitted uses. Uses permitted in the Wetlands Conservation District are those which do not result in the erection of any structure, alter the surface configuration by a) dredging, b) adding fill, or c) increasing the amount of impervious surface. An impervious surface is any modified surface that cannot effectively absorb or infiltrate water. Examples of impervious surfaces include, but are not limited to, roofs, decks less than six (6) feet off the ground, patios, and asphalt, gravel, crushed stone or concrete driveways, parking areas, or walkways.

A. The following uses are permitted in tidal wetlands and their buffers as defined in subsection 2.3.2A:

1. Forestry and tree farming may be performed provided that best management practices, including leaving all stumps intact, are used to minimize siltation and protect wildlife habitat.

2. Cutting of live trees with a diameter of four and one-half (4-1/2) inches or less, measured four and one-half (4-1/2) feet above ground level. Removal of dead, diseased or unsafe trees is permitted. Stumps and their root systems shall be left intact in the ground.

3. Agriculture, such as harvesting marsh hay and gathering cast-up for fertilizer, provided that heavy equipment shall not be used in the wetlands.

4. Wildlife refuge, conservation areas and nature trails.

5. Education and recreational uses compatible with the purposes of the district.

6. By Wetlands Permit only, seawalls (including access structures), fences, footbridges, catwalks and wharves may be constructed on tidal wetlands and must be constructed on posts and pilings (except seawalls) such as to permit the unobstructed flow of the tide and preserve the natural vegetation and contour of the tidal wetlands.

7. By Wetlands Permit only, drainage ways as paths for normal runoff provided that they are constructed according to drainage plans, consistent with the purposes of the Wetlands Conservation District ordinance and approved by the Planning Board, in consultation with the Conservation Commission.

8. By Wetlands Permit only, roads, driveways, access ways, utilities and power lines may be constructed in the Wetlands Conservation District, provided that the following conditions exist:

    a. Proposed construction is essential to the productive use of upland outside the Wetlands Conservation District;

    b. Design and construction methods will be such as to minimize any impact upon the site, and will include restoration of the site as nearly as possible to its original grade and vegetative condition;

    c. An alternative with less impact, which does not cross a wetland or buffer, is not feasible;

    d. The crossing will be at the point of least impact to the Wetlands Conservation District;

    e. Applications for all necessary permits shall be made concurrently.

9. Landscaping: Providing that the Building Inspector determines that:

    a. The area to be landscaped has been previously disturbed or cleared or is maintained as a lawn or beach;

    b. The disturbed or cleared area is not being expanded;

    c. Deleted.

    d. The Building Inspector is satisfied that the proposed landscaping will not be contrary to the spirit or intent of the Wetlands Conservation District Ordinance. (If the Building Inspector determines that the proposal is not consistent with the purposes of the Wetlands Conservation District, the proposed activity shall only be permitted if the landowner obtains a Wetlands permit in accordance with the provisions spelled out in the Wetlands Conservation District Ordinance).

B. The following uses are permitted in inland wetlands and their buffers:

1. Forestry and tree farming may be performed provided that best management practices, including leaving all stumps intact, are used to minimize siltation and protect wildlife habitat.

2. There shall be no cutting of live trees with a diameter of four and one-half (4-1/2) inches or more, measured four and one-half (4-1/2) feet above ground level. Removal of dead, diseased or unsafe trees is permitted. Stumps and their root systems shall be left intact in the ground.

3. Agriculture, provided that best management practices are used.

4. Construction of wells for water supply and water impoundments constructed pursuant to plan approved by the Rockingham County Conservation District.

5. By Wetlands Permit only, drainage ways as paths for normal runoff provided that they are constructed according to drainage plans, consistent with the purposes of the Wetlands Conservation District ordinance and approved by the Planning Board, in consultation with the Conservation Commission.

6. Wildlife habitat management, conservation areas and nature trails.

7. Parks and passive recreation uses consistent with the purposes set forth in Section 2.3.1.

8. By Wetlands Permit only, roads, driveways, access ways, utilities and power lines may be constructed in the Wetlands Conservation District, provided that the following conditions exist:

    a. Proposed construction is essential to the productive use of upland outside the Wetlands Conservation District;

    b. Design and construction methods will be such as to minimize any impact upon the site, and will include restoration of the site as nearly as possible to its original grade and vegetative condition;

    c. An alternative with less impact, which does not cross a wetland or buffer, is not feasible;

    d. The crossing will be at the point of least impact to the Wetlands Conservation District;

    e. Applications for all necessary permits shall be made concurrently.

9. Deleted.

10. Landscaping: Providing that the Building Inspector determines that:

    a. The area to be landscaped has been previously disturbed or cleared or is maintained as a lawn or beach;

    b. The disturbed or cleared area is not being expanded;

c. Deleted.

d. The Building Inspector is satisfied that the proposed landscaping will not be contrary to the spirit or intent of the Wetlands Conservation District Ordinance. (If the Building Inspector determines that the proposal is not consistent with the purposes of the Wetlands Conservation District, the proposed activity shall only be permitted if the landowner obtains a Wetlands Permit in accordance with the provisions spelled out in the Wetlands Conservation District Ordinance).

C. The following uses are permitted in areas of poorly and very poorly drained soils and their buffers:

1. Forestry and tree farming may be performed provided that best management practices, including leaving all stumps intact, are used to minimize siltation and protect wildlife habitat.

2. There shall be no cutting of live trees with a diameter of four and one-half (4-1/2) inches or more, measured four and one-half (4-1/2) feet above ground level. Removal of dead, diseased or unsafe trees is permitted. Stumps and their root systems shall be left intact in the ground.

3. Agriculture, provided that best management practices are used.

4. Construction of wells for water supply and water impoundments constructed pursuant to plan approved by the Rockingham County Conservation District.

5. By Wetlands Permit only, drainage ways as paths for normal runoff provided that they are constructed according to drainage plans, consistent with the purposes of the Wetlands Conservation District ordinance and approved by the Planning Board, in consultation with the Conservation Commission.

6. Wildlife habitat management, conservation areas and nature trails.

7. Parks and passive recreation uses consistent with the purposes set forth in Section 2.3.1.

8. By Wetlands Permit only, roads, driveways, access ways, utilities and power lines may be constructed in the Wetlands Conservation District, provided that the following conditions exist:

a. Proposed construction is essential to the productive use of upland outside the Wetlands Conservation District;

b. Design and construction methods will be such as to minimize any impact upon the site, and will include restoration of the site as nearly as possible to its original grade and vegetative condition;

c. An alternative with less impact, which does not cross a wetland or buffer, is not feasible;

d. The crossing will be at the point of least impact to the Wetlands Conservation District;

e. Applications for all necessary permits shall be made concurrently.

9. Deleted.

10. Landscaping: Providing that the Building Inspector determines that:

a. The area to be landscaped has been previously disturbed or cleared or is maintained as a lawn or beach;

b. The disturbed or cleared area is not being expanded;

c. Deleted.

d. The Building Inspector is satisfied that the proposed landscaping will not be contrary to the spirit or intent of the Wetlands Conservation District Ordinance. (If the Building Inspector determines that the proposal is not consistent with the purposes of the Wetlands Conservation District, the proposed activity shall only be permitted if the landowner obtains a Wetlands Permit in accordance with the provisions spelled out in the Wetlands Conservation District Ordinance).

D. Other low density uses in Wetlands Conservation District as defined in this Ordinance may be undertaken only by Wetlands Permit as provided in Section 2.3.5 of this Ordinance.

2.3.4 Use restrictions and prohibited uses.

A. No septic system, leach field or other on-site waste disposal facility shall be installed within 75’ (seventy-five) feet of the edge of any wetland, or any area of very poorly drained soils and poorly drained soils. In the event of failure of an existing system, the property must be tied into the town sewer system if available. If sewer is not available, an existing system may be replaced or repaired as necessary according to a design approved by the New Hampshire Water Supply and Pollution Control Division of the Department of Environmental Services. In the event the seventy-five foot (75’) setback cannot be maintained, the replacement system shall meet the setback to the degree possible.

B. No structure, impervious surface, parking space or building activity including dredging, filling or regrading shall be permitted within fifty feet (50’) of any tidal or inland wetlands, or any area of very poorly drained soils and poorly drained soils or vernal pool, except as provided in Subsections C & D of this Section. Any construction, forestry and agriculture activities within one hundred feet (100 ft.) of

any wetland, or any area of very poorly drained soils and poorly drained soils, shall be undertaken with special care to avoid erosion and siltation into the wetlands, or any area of very poorly drained soils and poorly drained soils. The Building Department or the Planning Board, pursuant to its Site Plan Review and/or Subdivision authority, Section 1.5 of the Town of Hampton Zoning Ordinance, may require an erosion control plan using Best Management Practices (see Appendix Number 4).

C. An existing building within the buffer zone may be repaired and/or replaced provided that the new or repaired structure, including any impervious surface, shall not extend further into the buffer area than the original foundation.

D. Where a variance is granted for building on a pre-existing lot of record, the setback may be in line with the setback of existing buildings within 100' (one hundred feet) on either side. Where adjacent buildings are set back varying distances, but closer than 50' (fifty feet) from the wetland boundary, or boundary of areas of very poorly drained soils and poorly drained soils, the greater setback shall be observed.

E. Deleted.

F. No application of fertilizers, pesticides, insecticides, or herbicides shall occur in any tidal or inland wetlands, areas of poorly or very poorly drained soils, vernal pool, or their buffers.

G. No storage of yard waste, wood, or snow shall occur in any tidal or inland wetlands, areas of poorly or very poorly drained soils, vernal pools, or their buffers.

2.3.5 Wetlands permits. A use not otherwise permitted in the Wetlands Conservation District may be undertaken by Wetlands Permit by application to the Planning Board. Provided such use is in keeping with the intent and purposes set forth in this Ordinance as permitted in the underlying use district.

A. An application for Wetlands Permit for activities in the Wetlands Conservation District shall be filed with the Town Planner who shall forward one copy to the Hampton Conservation Commission for review and recommendation. The Commission may make field inspections and consult with experts and the applicant may be required to bear the cost of such consultation. The Conservation Commission shall report its recommendations to the Planning Board within 40 days of the date on which the application is mailed or otherwise conveyed to the Chairman. Said report shall be submitted in writing at a regular meeting.

B. No Wetlands Permit shall be granted unless it is found to be consistent with the purposes set forth in Section 2.3.1 and the spirit of this Ordinance. The Planning Board as part of this application shall hold a Public Hearing and notify abutters as required under RSA 676:4.

C. Any Wetlands Permit granted by the Board shall expire two years from the date of said grant. If the work approved by the issuance of a Wetlands Permit is not

initiated during that time, the Wetlands Permit becomes null and void. If the work approved is initiated but not completed during that time, the owners may apply for a two-year extension. A request for such extension must be filed at least one month prior to the Wetlands Permit's expiration date. No more than two such extensions may be granted.

2.3.6 Disputed boundaries. In any instance where there is doubt as to the location of the Wetlands Conservation District boundary the burden of proof shall be on the applicant or property owner to show the proper location of the boundary.

A. Evidence shall be obtained by onsite investigation and analysis conducted by a New Hampshire Certified Soil Scientist or other New Hampshire certified wetlands scientist.

B. The Planning Board shall be responsible for making the final determination of the proper location of the boundary line.

1. Before making such determination the Planning Board shall review the evidence presented and shall consider the recommendation of the Conservation Commission. Where either the Planning Board or the Conservation Commission deems it necessary, they may consult an appropriate expert to review the studies submitted by the applicant to ascertain the proper location of the boundary. The applicant may be required to bear the cost of such consultation. The Planning Board shall notify the applicant of any such review and its probable cost before any consultant is hired.

2. The Planning Board shall render its decision in writing and set forth the evidence on which its conclusion is based.

3. A change to the wetland delineation, as a result of an appeal, made under this ordinance shall be recorded on a mylar with the Rockingham County Registry of Deeds.

2.3.7 Special provisions.

A. Where the Wetlands Conservation District is superimposed over another zoning district, the more restrictive regulations shall apply.

B. Lands, which may have been wetlands but were legally filled prior to March 12, 1985 shall be judged according to the soils and flora existing at the site at the time application for building permit or subdivision is made.

C. Land in the Wetlands Conservation District, excluding bodies of water, may be used to satisfy minimum lot area and minimum lot area per dwelling unit, and set-back requirements for newly created lots, existing lots of record, and lots increasing the number of dwelling structures provided that the following criteria are met: (Amended 3-10-2015 ATM, Art. 4, ballot vote: Yes 1,700, No 546)

1. A minimum of 75% of the minimum lot area required in the underlying zoning district or 30,000 square feet (whichever is less) shall be contiguous and outside of the Wetlands Conservation District;

2. For lots that will contain more than one dwelling unit, a minimum of 75% of the minimum lot area per dwelling unit required in the underlying zoning district or 30,000 square feet per dwelling unit (whichever is less) shall be contiguous and outside of the Wetlands Conservation District;

3. Where on-site sewage disposal is required the 30,000 contiguous square feet minimum lot area outside of the Wetland Conservation District shall apply, provided that the septic system location and design are approved by the NH Department of Environmental Services, Water Supply and Pollution Control Division or successor State agency.

4. In zones RAA, RA, RB, RCS, G, and I, a 12 ft. setback shall separate the dwelling structure(s) including attached garages from the Wetlands Conservation District.

C-a. Deleted. (Amended 3-10-2015 ATM, Art. 4, ballot vote: Yes 1,700, No 546)

D. All land included in the Wetlands Conservation District shall be appraised for tax purposes either:

1. At its full and true value in money, based on its market value as undevelopable land required to remain in open space, or

2. At its value for current tax assessment purposes, provided that application is made for current use or discretionary easement as appropriate and the land is found eligible as provided in RSA 79-A and the regulations of the Current Use Advisory Board.

E. Enforcement of this Ordinance shall be the responsibility of the Selectmen and the Building Department, as provided in Article XXI of the Hampton Zoning Ordinance and in accordance with RSA 676:17 (Amended 1998), and additionally:

1. Where the Wetlands Conservation District is suspected to have been illegally filled, since March 12, 1985, its condition shall be confirmed by digging through the fill by hand or backhoe and the presence of poorly or very poorly drained hydric soils beneath the fill shall be considered evidence of filling. The determination of the soil conditions shall be made by a New Hampshire certified soil or wetlands scientist, and paid by the applicant.

2. Where a site’s vegetation has been cleared, the presence of hydric soils shall be evidence of a wetland.

3. Ground and aerial photography may be consulted to examine the wetlands and buffers to confirm the possibility of violation.

4. Within 60 days of written notice of a confirmed violation, the property owner shall submit a written Restoration Plan to the Conservation Commission for approval. The property owner shall be financially responsible for the restoration of the violation. If the property owner does not restore the violated site as stated under the Conservation Commission recommendation, the property shall be ineligible for a Building Permit and/or a Certificate of Occupancy as cited in RSA 676:13 I.

F. If any provision of the Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect or invalidate any other provision of this Ordinance.

APPENDIX

Detailed descriptive materials and maps of wetlands and wetland soils and flora in the Town of Hampton are found in the following reports or their more recent revisions, which are incorporated herein by reference.

1. IDENTIFICATION, DOCUMENTATION AND MAPPING OF PRIME TIDAL WETLANDS IN THE TOWN OF HAMPTON, NEW HAMPSHIRE, prepared for the Hampton Conservation Commission and the Office of State Planning by Frank D. Richardson, Department of Botany and Plant Pathology, University of New Hampshire, 30 December 1982.

2. SOIL SURVEY OF NEW HAMPSHIRE TIDAL MARSHES, by Charles H.J. Breeding and Frank D. Richardson, New Hampshire Agricultural Experiment Station, University of New Hampshire, Durham, NH in cooperation with the U.S. Department of Agriculture. Soil Conservation Service, Research Report Number 40, October, 1974.

3. SOILS INFORMATION FOR RESOURCE PLANNING, HAMPTON, NH, April 1982, U.S. Soil Conservation Service. Reference is made to the reports of Barry H. Keith submitted to the Hampton Conservation Commission in 1980 entitled THE WETLANDS OF HAMPTON, NEW HAMPSHIRE and RESULTS, HAMPTON, NH WETLANDS SURVEY.

4. STORM WATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL HANDBOOK FOR URBAN AND DEVELOPING AREAS IN NH, New Hampshire Department of Environmental Services, Rockingham County Conservation District, USDA Soil Conservation Service, August, 1992.

5. PRIME WETLAND INVENTORY REPORT TOWN-WIDE WETLANDS INVENTORY PHASE II HAMPTON AND HAMPTON FALLS, NH, Gove Environmental Services Inc. February 6, 2006.

6. IDENTIFICATION AND DOCUMENTATION OF VERNAL POOLS IN NEW HAMPSHIRE, New Hampshire Fish and Game, 2nd Ed., 2004.

Section 2.4. Special flood hazard area. (Amended March 1994; March 2001; March 2009; March 2011; 3-10-2015 ATM, Art. 2, ballot vote: Yes 1,999, No 295)

The following regulations in this ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study for the County of Rockingham, New Hampshire, dated May 17, 2005, or as amended, together with the associated Flood Insurance Rate Maps dated May 17, 2005, or as amended, which are declared to be a part of this ordinance and are hereby incorporated by reference.

2.4.1 The placement of manufactured homes is prohibited within the special flood hazard area except in existing manufactured home parks.

2.4.2 Within the special flood hazard area, any development or encroachment (including fill) which would result in any increase in flood levels during the base flood discharge is prohibited.

2.4.3 **Definitions.** (NOTE: These definitions apply only to this article and Section 11.6.)

AREA OF SHALLOW FLOODING — Means a designated AO Zone on the Flood Insurance Rate Map (FIRM). Possible characteristics are: the base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD — Means the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. The area is designated on the FIRM as Zones A, AE, AO, and VE.

BASE FLOOD — Means the flood having a one-percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION — Means the water surface elevation having a one-percent chance of being equaled or exceeded in any given year.

BASEMENT — Means any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL — Means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation.

COASTAL HIGH HAZARD AREA — Means the area subject to high-velocity waters, including but not limited to hurricane wave wash or tsunamis. The area is designated on a FIRM as Zone VE.

DEVELOPMENT — Is defined to mean any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

FEMA — Means the Federal Emergency Management Agency.

FLOOD INSURANCE STUDY — Means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination and determination of mudslide or flood-related erosion hazards.

FLOOD INSURANCE RATE MAP (FIRM) — Means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to Hampton.

FLOOD or FLOODING — Means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters; and (2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPLAIN or FLOOD-PRONE AREA — Means any land area susceptible to being inundated by water from any source (see definition of "flooding").

FLOODPROOFING — Means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

FLOODWAY — See "regulatory floodway."

FUNCTIONALLY DEPENDENT USE — Means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE — Means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE — Means any structure that is:

a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1) By an approved state program as determined by the Secretary of the Interior; or

2) Directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR — Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this ordinance.

MANUFACTURED HOME — Means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 consecutive days. This includes manufactured homes located in a manufactured home park or subdivision.

MANUFACTURED HOME PARK OR SUBDIVISION — Means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL — Means the North American Vertical Datum (NAVD) of 1988 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION — Means, for the purposes of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

RECREATIONAL VEHICLE — Means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self propelled or permanently towable by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REGULATORY FLOODWAY — Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

SPECIAL FLOOD HAZARD AREA — See "area of special flood hazard."

START OF CONSTRUCTION — Includes substantial improvement, and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start

means either the first placement of permanent construction of a structure on a site, such as the pouring of slab footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading or filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or part of the main structure.

STRUCTURE — Means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE — Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Means any combination of repairs, reconstruction, alteration or improvements to a structure in which the cumulative cost equals or exceeds 50% of the market value of the structure. The market value of the structure should equal: a) the appraised value prior to the start of the initial repair or improvement; or b) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures that have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

VIOLATION — Means the failure of a structure or other development to be fully compliant with Hampton’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required under this ordinance is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION — Means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains.

For appeals and requests for variances from this article, see Section 2.4.4.

2.4.4 Appeals and requests for variances.

2.4.4-A. The Zoning Board of Adjustment as established by the Town of Hampton shall hear and decide appeals and requests for variances from the requirements of this article.

2.4.4-B. In passing upon such application, the Zoning Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of the article and:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to Hampton;

5. Where applicable, the necessity of a waterfront location to the facility;

6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the Master Plan and floodplain management program of that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.

2.4.4-C. The Building Inspector shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

2.4.4-D. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

2.4.4-E. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:

1. The criteria of this section are met; and

2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

2.4.4-F. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

2.4.4-G. Variances shall be issued only upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

2.4.4-H. Variances shall be issued only upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expenses, create nuisances, cause fraud on or victimization of the public as identified in Section 2.4.4-B, or conflict with existing local laws or ordinances.

2.4.4-I. The Zoning Board of Adjustment shall notify the applicant in writing over the signature of the Chairman of the Zoning Board of Adjustment that:

1. The issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and

2. Such construction below the base flood level increases risks to life and property.

Section 2.5. Aquifer Protection District Ordinance. (Adopted 1989)

2.5.1 Authority and purpose.

Pursuant to RSA 674:16 to 674:21, the Town of Hampton hereby adopts an Aquifer Protection District Ordinance and accompanying regulations in order to protect, preserve and maintain existing and potential groundwater supplies and related groundwater recharge areas within known aquifers.

In the interest of the public health, safety and general welfare of the citizens, the purpose of this ordinance is to protect, preserve and maintain existing and potential groundwater supply and recharge areas within the known aquifer from adverse development, land use practices or depletions.

The future growth and development of the Town, in accordance with the Master Plan, must assure the future availability of unpolluted public and private water supplies and encourage safe uses that can be appropriately and safely located in aquifer recharge areas.

2.5.2 Definitions.

For the purpose of this ordinance, the following terms shall have the meaning given herein:

A. **ANIMAL FEEDLOT —** A commercial agricultural establishment consisting of confined feeding areas and related structures used for the raising of livestock for profit.

B. **AQUIFER —** A geologic formation, group of formations, or part of a formation that is capable of yielding quantities of groundwater usable for municipal or private water supplies.

C. **AQUIFER PROTECTION DISTRICT —** The direct recharge area of designated aquifers. The Aquifer Protection District is shown on an overlay to the Official Zoning Map of the Town.

D. **DIRECT RECHARGE AREA —** The land area immediately overlying the aquifer. The boundary of the direct recharge area is the contact between the stratified drift and adjacent till or bedrock.

E. **ENGINEER —** A person licensed by the State of New Hampshire in accordance with RSA 310-A:2 to 310-A:27, as amended.

F. **GROUNDWATER —** Water in the subsurface zone at or below the water table in which all pore spaces are filled with water.

G. **GROUNDWATER RECHARGE —** The infiltration of precipitation through surface soil materials into groundwater. Recharge may also occur from surface waters, including lakes, streams and wetlands.

H. **INDUCED INFILTRATION —** The process by which water in a stream or lake moves into an aquifer because of a hydraulic gradient from the surface water body toward a pumping well or wells.

I. **LEACHABLE WASTES —** Waste materials, including solid wastes, sludge and agricultural wastes, that are capable of releasing contaminants to the surrounding environment.

J. **MINING OF LAND —** The removal of geological materials, such as topsoil, sand and gravel, metallic ores, or bedrock to be crushed or used as building stone.

K. **SATURATED ZONE —** The zone beneath the land surface in which all open spaces are filled with solid water.

L. **SLUDGE —** Residual materials produced by the sewage treatment process.

M. **SOLID WASTE —** Any discarded or abandoned materials, including refuse, putrescible material, septage, or sludge, as defined by New Hampshire Solid Waste

Rules He-P 1901.03. "Solid waste" includes solid, liquid, semisolid or contain gaseous waste material resulting from residential, industrial, commercial, mining, and agricultural operations and from community activities.

N. **STRATIFIED DRIFT —** Unconsolidated, sorted sediment composed of layers of sand and gravel deposited by meltwater from glaciers.

O. **STRATIFIED DRIFT AQUIFERS —** Stratified drift deposits that are capable of yielding usable amounts of water.

P. **STRUCTURE —** Anything constructed or erected, except a boundary wall or fence, the use of which requires location on the ground or attachment to something on the ground. For the purpose of this ordinance, buildings are structures.

Q. **TOXIC OR HAZARDOUS MATERIAL —** Any substance or mixture of such physical, chemical, or infectious characteristics as to pose a significant, actual or potential hazard to water supplies, or other hazard to human health, if such substance or mixture were discharged to land or waters of this Town. Toxic or hazardous materials include, without limitation, volatile organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and include products such as pesticides, herbicides, solvents and thinners, and such other substances as defined in New Hampshire Department of Environmental Services Groundwater Protection Rules Part Env-Ws 410.05, in New Hampshire Solid Waste Rules Env-Wm 100 to 300 and 2100 to 3700, and in the Code of Federal Regulations, 40 CFR 261, as amended. The more restrictive shall apply.

Wastes such as, but not limited to, toxic or poisonous types, flammable, reactive solvents, oils, or corrosive oil generated by the following commercial activities are presumed to be toxic or hazardous, unless and except to the extent that anyone engaging in such an activity can demonstrate the contrary to the satisfaction of the Planning Board:

- Airplane, boat and motor vehicle service and repair;
- Chemical and bacteriological laboratory operation;
- Dry cleaning;
- Electronic circuit manufacturing;
- Metal plating, finishing and polishing;
- Motor and machinery service and assembly;
- Painting, wood preserving and furniture stripping;
- Pesticide and herbicide application;
- Photograph processing;
- Printing

R. **UNSATURATED ZONE —** The subsurface zone above the water table. In this zone, open spaces are only partially filled with water.

2.5.3 Aquifer Protection District boundaries.

A. Locations. The Aquifer Protection Districts are defined as the areas shown on the overlay map titled "Aquifer Protection District" which is hereby adopted as part of the Official Zoning Map of the Town of Hampton.

The Aquifer Protection District includes the areas delineated as direct recharge areas by Leggette, Brashears & Graham, Inc., consulting groundwater geologists for Aquarion Water Company of New Hampshire (formerly Hampton Water Works Co.) through a test well/boring program conducted during a period of 1901 to 1987. These areas have been further substantiated by the following sources: "Availability of Groundwater in the Piscataqua and other Coastal River Basins, Southeastern New Hampshire," John E. Cotton, USGS 1977; "Southeastern New Hampshire Water Resources Study – Groundwater Assessment Main Report," U.S. Army Corps of Engineers, New England Division, March 1981.

The Aquifer Protection District is a zoning overlay district which imposes additional requirements and restrictions to those of the underlying, base district zoning. In all cases the more restrictive requirements shall apply.

B. Recharge areas. The district recharge area for the identified aquifer is considered to be co-terminus with the aquifer.

C. Incorrectly designated zones. When the actual boundary of the Aquifer Protection District is in dispute by any landowner or abutter actually affected by said boundary, the Planning Board, at the landowner/abutter's expense and request, may engage a professional geologist or hydrologist to prepare a report determining the proper location and extent of the aquifer and recharge area relative to the property in question. This report shall include but not be limited to:

1. A two-foot-interval topographic layout of the lot prepared by a registered land surveyor.

2. A high-intensity soils map of the lot prepared by a soils scientist qualified in hydrologic studies, including a written report of his on-site field inspection and test boring data.

3. The aquifer boundary as shown on the Aquifer Protection District Map shall be overlaid on the plat and the newly proposed boundary location shall be indicated on the same plat by a broken line.

4. Any additional mapping, hydrogeologic reports or information which becomes available as a result of recent or on-going scientific investigation of the locations and extent of aquifers performed by the U.S. Geological Survey, New Hampshire state agencies or boards, the Town of Hampton or the Hampton Water Works Co., or the agents of any of the above.

The Planning Board may, based upon the findings of Section 2.5.3C1 to 4 above, adjust the boundary or area designation of the Aquifer Protection Districts or reduce or expand the area so designated so as to more correctly define the location and extent of the aquifer on a site-specific, case-by-case basis.

2.5.4 Use regulations.

A. Minimum lot size. The minimum lot size and area per dwelling unit within the Aquifer Protection District shall be 1/3 greater than the minimum required for the underlying district by Sections 4.1 and 4.1.1, up to a maximum of 40,000 square feet. Lots of record (see Section 1.6) as of the effective date of this article shall not be nonconforming in terms of minimum lot size. (Amended 1991)

B. Maximum lot coverage. Within the Aquifer Protection District, no more than 25% of a lot used for residential purposes or 60% of a lot used for nonresidential purposes shall be rendered impervious to groundwater infiltration.

C. Site drainage. All runoff from impervious surfaces shall be recharged on the site and diverted, to the extent possible, towards areas covered with vegetation for surface infiltration. This includes roof and foundation drains if present. French drain designs, with or without overflow to Town storm drains, must be reviewed by the Public Works Department and approved by the Planning Board.

D. Use of deicing chemicals. There shall be minimal use of deicing chemicals on all public and private roads and parking lots within this district, and those compounds used shall be free of sodium and chloride to the extent possible.

E. Prohibited uses. The following uses shall not be permitted in the Aquifer Protection District:

1. Disposal of solid waste other than brush.

2. All on-site handling, disposal, storage, processing or recycling of hazardous or toxic materials. Bulk storage of toxic materials for resale or distribution is also prohibited.

3. Disposal of liquid or leachable wastes, except from residential subsurface disposal systems, or state-approved commercial or industrial systems which discharge human wastes only.

4. Subsurface storage of petroleum and other refined petroleum products except as regulated by the New Hampshire Department of Environmental Services Underground Storage Facilities Rule (Env-Wm 1401). The placement of residential tanks underground for the storage of petroleum and other refined petroleum products shall not be allowed unless in conformance with New Hampshire state guidelines applicable to commercial uses.

5. Industrial uses which discharge contact-type process waters on site. Non-contact cooling water is permitted.

6. Outdoor unenclosed or uncovered storage of road salt and other deicing chemicals.

7. Dumping of snow containing deicing chemicals brought from outside the Aquifer Protection District.

8. Commercial animal feedlot where animals are kept.

9. Automotive service and repair shops and junk and salvage yards unless operated in accordance with New Hampshire state statutes, rules and regulations approving such use.

10. Injection wells that dispose of waste in the ground.

F. Conditional uses. The following uses, if allowed in the underlying district, are permitted only after a conditional use permit is granted by the Hampton Planning Board:

1. Industrial, manufacturing and commercial uses not otherwise prohibited in Section 2.5.4E of this article.

2. Multifamily residential development.

3. Sand and gravel excavation and other mining is not carried out within eight vertical feet of the seasonal high-water table and that all activities are conducted in compliance with RSA 155-E.

The Planning Board may grant a conditional use permit for those uses listed above only after written findings of fact are made that all of the following are true:

1. The proposed use will not detrimentally affect the quality of the groundwater contained in the aquifer by directly contributing to pollution or by increasing the long-term susceptibility of the aquifer to potential pollutants.

2. The proposed use will not cause a significant reduction in the long-term volume of water contained in the aquifer or in the storage capacity of the aquifer.

3. The proposed use will discharge no wastewater on site other than that typically discharged by domestic wastewater disposal systems and will not involve on-site storage or disposal of toxic or hazardous wastes as herein defined.

4. The proposed use complies with all other applicable sections of this article.

5. The Planning Board may attach any reasonable conditions to such permit regarding construction and operation.

6. Whenever a conditional use permit is applied for under this section, the Planning Board shall notify the Aquarion Water Company of New Hampshire, or its successor, of the public hearing in the same manner it notifies abutters.

7. The Planning Board may require that the applicant provide data or reports prepared by a professional engineer qualified to assess any potential damage to the aquifer that may result from the proposed use. The Planning Board shall engage such professional assistance as it requires to adequately evaluate such reports and to evaluate, in general, the proposed use in light of the above criteria. Costs for the above-mentioned services shall be charged to the applicant.

G. Permitted uses. The following uses are permitted, provided they are conducted in accordance with the purposes and intent of this ordinance:

1. Uses permitted in the underlying district per Article III of the Hampton Zoning Ordinance, except for uses listed as conditional uses in Section 2.5.4F and uses prohibited in Section 2.5.4E.

H. Nonconforming uses.

1. Any nonconforming use shall comply with Sections 1.2 and 1.3 of the Hampton Zoning Ordinance, except that the time period for reestablishment after abandonment shall be limited to one year.

2. Any nonconforming lot of record existing before the effective date of this article may be used in accordance with Section 2.5.4B to G of this article.

2.5.5 Design and operations guidelines.

Except for single- and two-family dwellings, the following design and operation guidelines shall be observed within the Aquifer Protection Districts:

A. Safeguards. Provisions shall be made to protect against toxic or hazardous materials discharge or loss resulting from corrosion, accidental damage, spillage, or vandalism through measures such as spill control provisions in the vicinity of chemical or fuel delivery points; secured storage areas for toxic or hazardous materials; and indoor storage provisions for corrodible or dissolvable materials. For operations which allow the evaporation of toxic or hazardous materials into the interiors of any structures, a closed vapor recovery system shall be provided for each such structure to prevent discharge of contaminated condensate into the groundwater.

B. Inspection. All conditional use permits granted under Section 2.5.4F of this article shall be subject to twice-annual inspections by the Building Inspector or other

agent designated by the Selectmen. The purpose of these inspections is to ensure continued compliance with the conditions under which approvals were granted. A fee for inspection shall be charged to the owner according to a fee schedule determined by the Selectmen.

C. Location. Where the premises is partially outside of the Aquifer Protection District Overlay Zone, potential pollution sources such as on-site waste disposal systems shall be located outside the zone to the extent feasible.

2.5.6 Administration.

A. General. The provisions of the Aquifer Protection District shall be administered by the Planning Board. All development proposals, other than single- or two-family residential construction not involving the subdivision of land, shall be subject to subdivision and/or site plan review and approval in accordance with Planning Board rules and regulations. Such review and approval shall precede the issuance of any building permit by the Town.

B. Enforcement. The Board of Selectmen shall be responsible for the enforcement of the provisions and conditions of the Aquifer Protection District.

2.5.7 Effective date.

This article shall become effective upon the date of passage.

Section 2.7. Professional Office/Residential District. (Adopted March 2007)

A. Purpose. The Professional Office/Residential District (POR) is intended to permit development and continuance of small-scale service and office uses designed to serve residential neighborhoods and/or the Town of Hampton as a whole. Combined commercial-residential (mixed-use) structures are appropriate in this district. Parking requirements in this district recognize the pedestrian and transit orientation of customer trips and the shared use of both on-street and off-street parking. The district is intended to promote the mixed growth of dwellings and employment opportunities that complement and support the high quality of life found in Hampton.

B. The district boundaries are as displayed on the Town of Hampton Zoning Map.

C. Use regulations. In the POR, no building or land shall be used, and no building shall be erected, altered or enlarged, which is arranged, intended or designed for other than one or a combination of the following uses:

(1) Principal uses. (Amended March 2010)

a. Single-family residential (as defined under Section 3.1 of this ordinance).

b. Professional uses allowed are the uses currently defined under Section 3.22 of the Zoning Ordinance only. (All uses will require a use change and/or site plan review and approval by the Hampton Planning Board.)

c. Other activities not included under Section 3.22 that are of a compatible nature with surrounding residential uses may be permitted with Planning Board review and approval.

D. Height, setback and area regulations. In the POR, the height of the buildings or structures, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows, provided that buildings erected exclusively for dwelling purposes shall comply with the front, side and rear yard requirements shall comply with Hampton zoning for single-family residences:

(1) Height. Buildings or structures shall not exceed 2 1/2 stories or 35 feet in height.

(2) Front setback.

a. Single-family residential dwelling structure shall comply with Town of Hampton zoning for single-family structures. All other residential dwelling structures shall conform to the requirements contained in Subsection H, Architectural standards.

b. Nonresidential or mixed-use structure shall maintain a twenty-foot front setback. "Mixed-use structure" shall be defined as a structure containing both residential and nonresidential uses.

(3) Side setbacks.

a. Single-family residential dwelling structure shall comply with existing zoning for such structures.

b. Nonresidential or mixed-use structure shall maintain a ten-foot side setback.

(4) Rear setbacks.

a. Residential dwelling structure.

b. Nonresidential or mixed-use structures shall maintain a ten-foot rear setback.

(5) Lot area. The minimum lot area in the district is 10,000 square feet.

E. Parking and loading regulations. Loading regulations for all uses and parking for buildings erected exclusively for dwelling purposes shall be as found in the Town of Hampton Zoning Ordinance. There are no minimum nonresidential parking

requirements in this district. An individual nonresidential use must provide parking deemed adequate during the site plan review process. Multiple tenants in a common structure or structures sharing a common wall shall be considered an individual use for purposes of this calculation. Provision for off-street parking must be made and all parking areas must be screened as described in Subsection H below.

F. Signs. Signs shall be governed by the provisions of Article V of the Town of Hampton Zoning Ordinance, except that permitted signs and size requirements shall be in accordance with Table 1 of this section. All signage locations must be approved during the individual site plan review process, if applicable. Signs must be in character with surrounding uses. Construction materials for signs shall mimic those used in the construction of the subject business. For purposes of this District, a licensed or unlicensed vehicle, boat or trailer displaying advertising copy is considered a sign and is prohibited. An operable vehicle used in the daily conduct of business is not subject to the requirements of this section. (Amended 3-10-2015 ATM, Art. 10, ballot vote: Yes 1,760, No 469)

Table 1

Sign Type	**Permit Granting Authority**	**Maximum Size (see notes)**
Banner	Approval Not Required	50 sf
Building Sign	Planning Board	50 sf
Canopy Sign	Planning Board	32 sf
Commercial Sign	Planning Board	32 sf
Directory Sign	Planning Board	32 sf
Flag	Approval Not Required	50 sf
Freestanding Sign	Planning Board	50 sf
Incidental Sign	Approval Not Required	4 sf
Marquee Sign	Planning Board	32 sf
Political Sign or Poster	Approval Not Required	25 sf
Projecting Sign	Planning Board	32 sf
Real Estate Sign	Approval Not Required	16 sf
Residential Sign	Planning Board	6 sf
Roof Sign	Planning Board	32 sf
Roof Sign, Integral	Planning Board	64 sf
Sandwich Board/Menu Sign	Planning Board	6 sf
Suspended Sign	Planning Board	32 sf
Temporary Sign	Building Department	4 sf
Wall Sign	Planning Board	50 sf
Window Sign	Building Department	50% of the window area

Notes:

1. Any sign type not specifically listed in Table 1 above is deemed to be prohibited in this District.
2. The Planning Board, by majority vote, may require sign(s) to be less than the maximum size identified in Table 1 above if it determines such a reduction would maintain or enhance the character of the subject property and/or the surrounding uses in this District.

This requirement only applies to sign types for which the Planning Board is the Permit Granting Authority.

G. Maximum building size. No building in this district shall exceed 7,000 square feet in area for any single floor. "Building" for this purpose is defined as a separate structure or a building or tenant space sharing a common wall through which no access is allowed.

H. Architectural standards.

(1) Screening. Parking for nonresidential or mixed-use structures must be screened from residential abutters by a wall, fence, landscaping or berm between 18 inches and 42 inches in height.

Roof-mounted mechanical equipment must be screened from the view of the street and adjacent property.

Dumpsters and other waste receptacles must be enclosed by a solid wall or fence at least as high as the receptacles.

(2) Lighting, floodlights, or lights which illuminate open areas in connection with any of the uses listed in this section shall be so arranged as to reflect the light away from any adjoining residential property, and the intensity shall not exceed two lux measured at any property line.

Section 2.8. Town Center District.

A. Purpose. The Purpose of this district is to encourage the development and re-development of Hampton town center in keeping with its historic development pattern, including the size and spacing of structures and open spaces. Such development shall:

- Be designed for residents'/guests' enjoyment, safety and adequate accessibility;
- Provide a mix of uses;
- Encourage amenities including options for pedestrians and bicyclists, including safe crosswalks, sidewalks, attractive alleyways and lighting, and landscaping;
- Retain existing buildings with historical features or architectural features that enhance the visual character of the community; and
- Provide a safe and aesthetic environment for vehicular travel.

The provisions that follow will be used in conjunction with other zoning regulations adopted by the Town and the site plan review and subdivision regulations adopted by the Planning Board to encourage appropriate and consistent patterns of town center development.

B. Applicability. The standards within this section are applicable within the Town Center District whose location is consistent with the Vision and Goals of the

Hampton Master Plan. This district is generally consistent with the current Business District along Lafayette Road extending generally from the NH Route 101 interchange to Ann's Lane. The specific boundary can be determined from the Town of Hampton Zoning Map, April 1, 2009, as amended by the mapping of the Town Center Zoning District dated March 11, 2014, which repeals those portions of the B, I, POR and RA zoning districts lying within the Town Center District and reassigns same to the Town Center-South District (TC-S), Town Center-Historic District (TC-H) and Town Center-North District (TC-N).

Town Center District. Within the Town Center District there are three districts:

- The Town Center-South District (TC-S), which includes the area generally along Lafayette Road from NH Route 101 to just north of the Winnacunnet Road intersection.
- The Town Center-Historic District (TC-H), which includes the area generally along Lafayette Road from just north of the Winnacunnet Road intersection to the Rice Terrace intersection.
- The Town Center-North District (TC-N), which includes the area generally along Lafayette Road from Rice Terrace to the Ann's Lane intersection.

C. Permitted Uses in Town Center-Historic District. The following uses are permitted in the Town Center-Historic District.

1. Apartments up to two units per building above non-residential use;
2. Convenience stores;
3. Pharmacies;
4. Cafes (including cyber-cafes);
5. Art galleries;
6. Grocery or neighborhood convenience stores, excluding the sale of motor vehicle fuels;
7. Business and professional offices;
8. Retail sales and services (see Note 4); (Amended 3-10-2015 ATM, Art. 7, ballot vote: Yes 1,786, No 437)
9. Banks;
10. Personal services;
11. Restaurants, except the use of drive-up windows;
12. Bed & Breakfast establishments;
13. Hotels;
14. Outdoor seating associated with restaurants or cafes subject to applicable licensing/permitting requirements;
15. Artist's residential and/or work space establishment;
16. Day care establishments for no more than three children; and
17. Conditional uses as set forth below.

Notes: (Amended 3-10-2015 ATM, Art. 7, ballot vote: Yes 1,786, No 437)

1. Any use not specifically enumerated above is deemed to be prohibited in this District.

2. Permitted uses may require Site Plan and/or Subdivision approval by the Hampton Planning Board in accordance with Section 1.5 of the Zoning Ordinance.

3. All changes of building occupancy involving any use of a non-residential nature in this District shall require Use Change approval by the Hampton Planning Board in accordance with Section 1.5 of the Zoning Ordinance

4. The following retail uses are prohibited in this District:

   a. Martial Arts Weapons, as defined in Section 3.46.

   b. Firearms and Ammunition Sales.

   c. A business selling accessories intended for tobacco use, where more than 15% of the total display, shelf, rack, table, stand, or floor area is devoted to such accessories.

D. Conditional Uses in the Town Center-Historic District. The following uses are classified as conditional uses and shall adhere to the dimensional and design standards of this Section. These uses may be permitted by the Planning Board if they comply with the Conditional Use Standards of Subsection E.

1. Multi-family dwellings above non-residential use;
2. Family day care; and
3. Group day care.

E. Conditional Use Standards. The Planning Board may issue a conditional use permit approving uses in Subsection D provided the Planning Board determines the following conditions are met.

1. The use is specifically authorized in this ordinance as a conditional use;
2. If completed as proposed by the applicant, the development in its proposed location will comply with all requirements of this Article, and with the specific conditions or standards established in this ordinance for the particular use;
3. The use will not materially endanger the public health, safety, or welfare;
4. The use will be compatible with the neighborhood and with adjoining or abutting uses in the area in which it is to be located;
5. Architecture and landscape design shall further the purposes set forth in Subsection A above and comply with the Design Standards in the Town of Hampton Subdivision and Site Plan Review Regulations;
6. The use will provide an environment to ensure both vehicular and pedestrian safety;
7. The use will be compatible with the natural, environmental, and historic resources of the town; and
8. The use will be adequately serviced by necessary public utilities and by community facilities and services of a sufficient capacity to ensure the proper

operation of the proposed use, and will not necessitate excessive public expenditures to provide facilities and services with sufficient additional capacity.

F. Permitted Uses in the Town Center-South and Town Center-North Districts. The following uses are permitted in Town Center-North and Town Center-South Districts:

1. Two-family dwellings.
2. Bed & Breakfast establishments.
3. Retail Sales.
4. Lodging houses.
5. Multi-family dwellings.
6. Private schools.
7. Outdoor recreation facilities.
8. Farm buildings.
9. Public Utility Buildings.
10. Accessory Uses.
11. Banks.
12. Professional Offices.
13. Theaters.
14. Health Clubs.
15. Personal services.
16. Restaurants.
17. Warehouses.
18. Domestic pet grooming shops.
19. Motor vehicle repair & filling stations.
20. Parking facilities.
21. Manufacturing incidental to a business.
22. Health care facilities.
23. Day care for 3 or less children.
24. Dwelling unit with business.
25. Family and Group day care.
26. Auto Dealers.

Notes: (Amended 3-10-2015 ATM, Art. 7, ballot vote: Yes 1,786, No 437)

1. Any use not specifically enumerated above is deemed to be prohibited in these Districts.
2. Permitted uses may require Site Plan and/or Subdivision approval by the Hampton Planning Board in accordance with Section 1.5 of the Zoning Ordinance.
3. All changes of building occupancy involving any use of a non-residential nature in this District shall require Use Change approval by the Hampton Planning Board in accordance with Section 1.5 of the Zoning Ordinance.

G. Dimensional Standards. (Amended 3-10-2015 ATM, Art. 5, ballot vote: Yes 1,797, No 390)

	Table 1			
	Type	**Town Center Historic[4]**	**Town Center South**	**Town Center North**
G.1.1	Minimum lot area	5,000 sf	7,500 sf	7,500 sf
G.1.2	Minimum frontage	50 ft	100 ft	100 ft
	Minimum setbacks			
G.1.3	Front	10 ft	10 ft	10 ft
G.1.4	Side[1]	5 ft	7 ft	7 ft
G.1.5	Rear[1]	5 ft	7 ft	7 ft
G.1.6	Maximum number of stories/feet[2]	3 stories - 35 ft	3 stories - 35 ft	3 stories - 35 ft
G.1.7	Maximum amount of sealed surface per lot, including but not limited to driveways, parking lots, and roofs[3]	75%	75%	75%
G.1.7a	Maximum amount of sealed surface per lot in the Aquifer Protection Zone[3]	N/A	N/A	60%
G.1.8	Minimum lot area per dwelling unit	None	5,000 sf	5,000 sf
G.1.9	Minimum square footage per dwelling unit	400 sf	400 sf	400 sf
G.1.10	Maximum number of dwelling units per structure	8	8	8

Notes:

1. When lot abuts a Residential Zone, Side and Rear Setbacks shall be 25 feet.
2. Building Height shall be measured in accordance with Article I, Section 1.6 of this Zoning Ordinance. Also see Article IV, Footnote 27.
3. Exceptions to the sealed surface percentage allowed in accordance with Article IV, Footnotes 30 and 31 of this Zoning Ordinance.
4. The Planning Board may issue a Conditional Use Permit for any applicant proposing a development or redevelopment on any lot greater than one acre in the Town Center-Historic District with multiple buildings. Such proposal must meet all of the following requirements:
   a. the building footprint of any one building does not exceed 7,500 sf;
   b. there is adequate space to meet parking and landscape requirements and all other dimensional requirements in Table 1 are satisfied;
   c. there is adequate space for a private access road; and
   d. all other applicable building design standards and site plan review standards are met.

Furthermore, any applicant proposing a development involving multiple buildings shall first present to the Planning Board a Conceptual Site Plan in sufficient detail to allow the Board to make a preliminary judgment as to the plan's compatibility with the Town's land use regulations.

H. Parking.

1. New construction resulting in additional square footage or an increase in residential units must comply with the parking standards as per in accordance with Article VI-Parking of the Hampton Zoning Ordinance. In addition, parking spaces provided on-site must be:

   a. Located to the side or rear of the subject building lot;
   b. Screened from the street and adjacent properties; and
   c. In compliance with the Landscape Standards in the Town of Hampton Site Plan Review Regulations.

2. In order to facilitate village-like uses on smaller lots in the Town Center District, exemptions from the off-street requirements may be granted through the obtaining of a conditional use permit as referenced in Subsection E above from the Planning Board provided that the owner/applicant documents that available non-public parking spaces are located off-site and secured as approved by the Planning Board. (Amended 3-10-2015 ATM, Art. 6, ballot vote: Yes 1,671, No 527)

I. Building Standards. Any development or redevelopment within the Town Center District will be consistent with the purposes set forth in Subsection A above and will be subject to the design standards in the Town of Hampton Subdivision and Site Plan Review Regulations adopted by the Planning Board.

J. Signs. Signs within the Town Center District shall be governed by the provisions of Article V of the Zoning Ordinance and adhere to the requirements for the Business (B) District in Tables 1 and II of said Article V, and comply with the design standards in the Town of Hampton Subdivision and Site Plan Review Regulations adopted by the Planning Board.

(Added 3-11-2014 ATM, Art. 5)

ARTICLE III
Use Regulation

Any use not specifically enumerated or defined in the following code is prohibited:

CODE

P = Permitted (Refer to Section 1.5. Permitted uses may require site plan, subdivision, and/or use change approval by the Hampton Planning Board.)
X = Prohibited
S = Requires special exception from Hampton Zoning Board of Adjustment and site plan review by the Hampton Planning Board (Amended 1985)
R = Permitted with site plan/subdivision review by Planning Board
B = Permitted by Building Inspector

Note: The Use Regulations set forth hereinafter for the BS Zoning District shall also apply to the BS1 Zoning District. (Amended 3-10-2015 ATM, Art. 9, ballot vote: Yes 1,824, No 390)

3.1 One single-family dwelling with private garage and one accessory building. (See Article VII.)*

RAA	RA	RB	RCS	B	BS	I	G
P	P	P	P	X	P	X	P

*(Amended 1991)

3.2 (Deleted 1991)

3.3 Two-family dwellings.

RAA	RA	RB	RCS	B	BS	*I	G
X	X	P	P	P	P	X	P

*(Amended 1991)

3.4 Bed-and-breakfasts.*

RAA	RA	RB	RCS	B	BS	I	G
S*	S*	S*	S*	P	P	X*	P

*(Amended 1991)

3.5 Retail sales (as defined in Section 1.6, Definitions).*

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	P	P	P	P

*(Amended 1996; 2007)

3.6 Lodging houses (as defined in Section 1.6, Definitions).*

RAA	RA	RB	RCS	B	BS	I	G
X	X	S*	X*	P*	P*	X	X

*(Amended 1991; 2007)

3.7 A swimming pool for the use of occupants and their guests.

RAA	RA	RB	RCS	B	BS	I	G
P	P	P	P	P	P	P	P

3.8 Multifamily dwellings. (See Article VIII.)

RAA	RA	RB	RCS	B	BS	I	G
X	X	R	X	R	R	X	R

3.9 Tourists cabins, motels, and hotels, including retail business conducted only for the convenience of the guests.*

RAA	RA	RB	RCS	B	BS	I	G
X	X	P	X	P	P	P	X*

*(Amended 1991)

3.10 Trailers, trailer camps, manufactured homes or manufactured home subdivisions. (See Article IX.)

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	X	X	X	R

3.11 Dressing room facilities for public use, provided that such facilities shall be totally enclosed within an existing residence, lodging house, hotel or motel, or apartment house, provided that such facilities shall be operated only by the owner or lessee of such residence, lodging house, apartment house or motel.

RAA	RA	RB	RCS	B	BS	I	G
X	X	P	X	P	P	P	P

3.12 Churches, public schools, libraries, municipal uses.*

RAA	RA	RB	RCS	B	BS	I	G
P	P	P	X	P	P	P	P

*(Amended 1991)

3.12.1 Private schools.*

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	P	P	P	P

*(Adopted 1991)

3.13 General outdoor recreation of a noncommercial nature. In the RAA, RA, RB, and RCS Districts, if such use is the only use of the lot, the activity shall be limited to the hours between 8:00 a.m. and 11:00 p.m.*

RAA	RA	RB	RCS	B	BS	I	G
P	P	P	P	P	P	P	P

*(Amended 1976; 1991)

3.14 Racetracks, roller-skating rinks, mechanical amusement rides or similar commercial amusements, either indoor or outdoor.*

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	X	X	X	X

*(Amended 1985; 2007)

The establishment of penny arcades or the expansion of a penny arcade.*

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	X	P	X	X

*(Amended 1993)

3.15 (Deleted 1991)

3.16 The dead storage (not to be inhabited) of travel trailers, boat trailers, and utility trailers of less than 24 feet.

RAA	RA	RB	RCS	B	BS	I	G
B	B	B	B	B	B	B	B

3.17 Farm buildings necessary to the operation of a farm, including roadside stands for the sale of farm products principally produced, grown, raised or manufactured on the premises.

RAA	RA	RB	RCS	B	BS	I	G
P	P	P	X	P	P	P	P

3.18 Bathhouse or boathouse for private use.

RAA	RA	RB	RCS	B	BS	I	G
S	S	S	X	S	S	S	S

3.19 Cemeteries.

RAA	RA	RB	RCS	B	BS	I	G
S	S	S	X	S	S	S	S

3.20 Public utility building or public utility use necessary for public welfare.

RAA	RA	RB	RCS	B	BS	I	G
S	S	S	X	S	S	S	S

3.21 Any accessory use customarily incidental to uses in Sections 3.18, 3.19 and 3.20.

RAA	RA	RB	RCS	B	BS	I	G
S	S	S	X	S	S	S	S

3.22 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.*

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	P	P	P	P

*(Amended 2007)

3.23 Theaters and halls devoted to showing motion pictures or for drama, dance, musical or other live performances.*

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	P	P*	P	P

*(Amended 2007)

3.24 Health/athletic clubs, service clubs or fraternal organizations and their premises catering to members and their guests, or to the public, for social, intellectual or recreational purposes.*

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	P	P*	P	P

*(Amended 1991; 2007)

3.25a Beauty and barber shops, nail salons, cosmetologists, spas, skin care therapies, tanning salons, massage therapists, and other like beauty/health service facilities as regulated by the State of New Hampshire (RSA 313-A).*

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	P	P	P	P

*(Amended 2003; 2007)

3.25b Restaurants. (Amended 2003)

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	P	P	P	P

3.25c Warehouses. (Amended 2003)

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	P	P	P	P

3.25d Domestic pet grooming shops. No boarding of animals is allowed. All facilities must comply with the Town of Hampton Animal Control Ordinance[3] and other applicable regulations. (Amended 2003)

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	P	P	P	P

3.26 Motor vehicle repair and service shops and filling stations. A filling station is defined as an area of land with structures thereon that is used for the sale and dispensing of gasoline, diesel oil, electricity or other alternative fuel for motor vehicles, fuel, oil, and other lubricating materials.***

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	P	P	P	X**

** (Amended 1987)
*** (Amended 1990; 3-13-2012 ATM, Art. 3)

3.26a Parking Lots and/or Parking Areas (Adopted April 1997; amended 3-13-2012 ATM, Art. 3)

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	R	R	R	R	X

3.27 Proposed conversion condominiums and the use thereof will require review by the Planning Board.*

RAA	RA	RB	RCS	B	BS	I	G
R	R	R	R	R	R	R	R

(Meaning and intending to require that any and all condominium conversions come under Planning Board jurisdiction.)*

*(Adopted 1986; amended 2003)

3.28 Storage and/or sales yards for coal, cordwood, building materials and landscape materials.*

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	P	P	P	P

*(Amended 2007)

[3]Editor's Note: See Ch. 18, Animals, of the Town Code.

3.29 Manufacturing clearly incidental to the business lawfully conducted on the premises.

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	P	P	P	P

3.30 Light manufacturing; machine shops.

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	X	X	P	P

3.31 Heavy manufacturing provided the Board of Adjustment shall rule that such is not obnoxious or injurious by reason of the production or emission of odor, dust, smoke, refuse, matter, fumes, noise, vibrations or similar conditions and is not dangerous to the comfort, peace, enjoyment, health or safety of the community or lending to its disturbance or annoyance.

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	X	X	P	X

3.32 A quarry, gravel pit, sand pit or any similar use, or for the removal of loam; permit to be issued for an initial period of not more than two years and to be subject to renewal upon application to and at the option of the Board for successive periods of not more than one year each, and said permit or any renewal thereof may specify the depth to which the gravel or other material may be removed.

RAA	RA	RB	RCS	B	BS	I	G
S	S	S	S	S	S	S	S

3.33 Junkyards, dumps, storage of waste material or the outdoor storage of inoperative, unregistered motor vehicles or the parts of said vehicles.

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	X	X	X	X

* Licensed automotive dealers, excavation contractors, service stations, or repair shops and working farms are allowed to store those vehicles which are being used in connection with their business. (Amended 1985)

3.34 Health care facilities.

RAA	RA	RB	RCS	B	BS	I	G
X	X	P	X	P	P	P	P

3.35 The conducting of garage, barn or lawn sales:

3.35.1 Conducted on two or fewer occasions within a calendar year, provided that such occasions are at least 60 days apart and of not more than two days' duration.*

RAA	RA	RB	RCS	B	BS	I	G
B	B	B	B	P	P	P	P

*(Amended 1992)

3.35.2 Conducted on more than two occasions within a calendar year, or on such occasions less than 60 days apart, or on occasions of more than two days' duration.

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	P	P	P	P

3.36 Taking care of three or fewer children during times when the parents of such children are otherwise occupied.

RAA	RA	RB	RCS	B	BS	I	G
P	P	P	P	P	P	P	P

3.37 Dwelling units used as a principal place of residence of the owner or proprietor and from which a business not otherwise prohibited is conducted by the owner or proprietor.*

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	P	P	X**	P

* (Amended 1981)
** (Amended 1996)

3.37.1 In the B District, only one single-family residence/business arrangement as described in Section 3.37 shall be permitted per lot of record.

3.38 The manufacturing, storage, processing of, sale of and use of materials classified or deemed hazardous.*

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	S	X	S	X**

* (Adopted 1985)
** (Amended 1987)

3.39 Amateur radio tower.*

RAA	RA	RB	RCS	B	BS	I	G
P	P	P	P	P	P	P	P

*(Amended 1999)

3.40 Family day care, meaning taking care of up to six preschool children on a full-time basis and three school age children on a part-time basis as an accessory use to the principal use of the property. A license from the Bureau of Child Care Standards and Licensing, Division of Public Health Services, of the New Hampshire Department of Health and Welfare is required. Conditions for a special exception include: minimal impact on the neighborhood, no adverse traffic impact, safe off-street dropoff and pickup area, and a safe outdoor play area. No Planning Board approval is required.*

RAA	RA	RB	RCS	B	BS	I	G
S	S	S	S	P	P	P	S

*(Adopted 1990)

3.41 Group day care, meaning a child care facility taking care of more than six children on a full-time basis by at least two caregivers that is licensed by the Bureau of Child Care Standards and Licensing, Division of Public Health Services, of the New Hampshire Department of Health and Welfare.*

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	R	R	R	R

*(Adopted 1990)

3.42 Nightclubs.*

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	P	P	X	X

*(Amended 1991)

3.43 Dealer (as defined in Section 1.6, Definitions).*

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	R	X	X	X

*(Amended 1997; 2007)

3.44 Within the BS Zoning District along Ocean Boulevard only from the northerly portion of Ocean Boulevard where it intersects with Ashworth Avenue south to the northerly side of N Street, the first 25 feet of depth measured from the front of the structure of the ground floor of any building, excluding driveways and parking areas, shall consist entirely of the following uses:

a. Nonresidential principal uses permitted in the BS District. Entries, lobbies, stairs, and elevators providing pedestrian access to permitted upper-floor residential uses, not exceeding 20% of the ground floor area, shall also be permitted. (Amended March 2010)

3.44.1 Within the BS1 District, the first twenty-five (25) feet of depth measured from the front of the structure of the ground floor of any building, excluding driveways and parking areas, shall consist entirely of the following uses: (Added 3-11-2014 ATM, Art. 3)

a. Professional — Commercial - Retail.

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.

3.45 Establishments for games of chance as defined under RSA 287-D:1, II, as worded as of January 5, 2011, by or in behalf of charitable organizations as regulated under RSA 287-D. (Amended March 2011)

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	X	S	X	X

3.46 Martial Arts Weapons. The sale of martial arts weapons, including but not limited to throwing stars, throwing darts, numchaku, blow guns, or other objects designed for use in martial arts that are capable of being used as lethal or dangerous weapons, is subject to the zone restrictions as listed below, and in addition the selling of these weapons is prohibited within 2,000 feet of public, private, or parochial schools, public or private parks, recreation areas, sports facilities, and beaches. The sale of these weapons shall also be restricted to an area at the back of the store, enclosed by a wall creating a separation from the rest of the store, and all weapons shall be kept in locked cases not accessible to the general public. (Amended March 2011; 3-11-2014 ATM, Art. 2)

RAA	RA	RB	RCS	B	BS	I	G
X	X	X	X	P	P	X	X

3.47 Firearms and Ammunition Sales. The sale of firearms (including but not limited to pistols, revolvers, rifles, and shotguns), firearms components, firearms supplies, ammunition, or other objects designed for use in sport shooting activities or firearms self-defense that are capable of being used as lethal or dangerous weapons are subject

to the zone restrictions as listed below. There shall be no window display of any objects regulated in this section. Further, firearms and ammunition shall be locked in separate sales displays and/or other separate locked cases. Firearms may be removed from locked displays or cases for supervised customer viewing prior to purchase provided that the corresponding ammunition remains locked. (Amended 3-10-2015 ATM, Art. 8, ballot vote: Yes 1,370, No 893)

RAA	**RA**	**RB**	**RCS**	**B**	**BS**	**I**	**G**
X	X	X	X	P	X	P	P

3.47.1 In the Business (B), General (G), Town Center-North (TC-N) and Town Center-South (TC-S) Districts, the use described in 3.47 is only permitted on lots with frontage along Lafayette Road (Route 1). (Amended 3-10-2015 ATM, Art. 8, ballot vote: Yes 1,370, No 893)

ARTICLE IV
Dimensional Requirements

Table II[1, 2, 9]

The dimensional requirements listed govern the size and placement of buildings and other structures as indicated (– indicates no present requirement).

		RAA[3]	RA	RB	RCS	B	BS	BS 1[q]	G	I	MHP[4] Permit	MHP[5] Overnight
4.1	Minimum lot area (square feet)[20]	43,560	15,000[6]	10,000[7], [k]	6,000[8]	10,000[i]	5,000[23], [f]	5,000[23]	15,000[g]	22,000[h]	400,000	120,000
4.1.1	Minimum lot area per dwelling unit (square feet)[p]	43,560	15,000[6]	5,000[7], [n]	3,000[8], [j]	10,000	2,500[23], [k]	2,500[23]	15,000[g]	—[c]	20,000	1,000
4.1.2	(Deleted 1990)											
4.2	Minimum frontage (feet)[22], [e]	200	125[6]	75[7], [i]	60[8]	100[i]	20	20	125	100[h]	50[d], [21]	25[d], [21]
4.3	Minimum lot width (feet)	200	125[6]	75[7]	60[8]	100[i]	—	—	125[g]	100[h]	50	25
4.4	Maximum number of stories/feet[27]	3/35[f]	3/35[f]	3/35[f]	3/35[f]	—/50[f]	—/50[f]	70[27A],[32]	3/35[f], [g]	—/50[h]	—	—
4.5	Minimum setbacks[12, 13, 25, o]											
4.5.1	Front (feet)	20[15]	20[k]	20[k]	10	10[i]	4[b][17]	4[17]	10[g]	30	20[19]	20
4.5.2	Side (feet)[28]	20[15]	15[26], [m]	10[26], [m]	7/12[16], [m]	7[i]	4	4	7[m]	10/15[h], [24]	10[18]	10
4.5.3	Rear (feet)[28]	20[15]	10[k]	10[k]	7	7[i]	4	4	7[g]	15[h], [17]	10[18]	10
4.6	Minimum square footage[a] per dwelling unit	900	900	500	500	400	330[e]	330	500[g]	—	—	—
4.7	Maximum number of dwelling units per structure	1	1	8[a]	2	8[a]	—	—	8[a]	0	1	1

		RAA[3]	RA	RB	RCS	B	BS	BS 1[q]	G	I	MHP[4] Permit	MHP[5] Overnight
4.8[30], [31]	Maximum amount of sealed surface per lot, including but not limited to driveways, parking lots and roofs[r]	60%	60%	60%	60%	75%	75%	75%	60%	60%	—	—
4.8a[l]	Maximum amount of sealed surface allowed per residential lot in the Aquifer Protection Zone	25%	25%	25%	25%	25%	25%	—	25%	25%	—	—
4.8b[l]	Maximum amount of sealed surface allowed per nonresidential lot in the Aquifer Protection Zone	60%	60%	60%	60%	60%	60%	—	60%	60%	—	—

(See "Footnotes")
[a] Amended 1976
[b] Amended 1981
[c] Amended 1982
[d] Amended 1983
[e] Amended 1985
[f] Amended 1986
[g] Amended 1987
[h] Amended 1989
[i] Amended 1990
[j] Amended 1992
[k] Amended 1994
[l] Amended 1997
[m] Amended 1998
[n] Amended 2007
[o] Amended 2011
[p] Amended 3-13-2012 ATM, Art. 4
[q] Amended 3-11-2014 ATM, Art. 3
[r] Amended 3-11-2014 ATM, Art. 7

SPECIAL NOTE: For footnotes where an effective date pertaining to a minimum dimensional requirement is listed (e.g., Footnotes 3, 6, 7, 8 and 23), a lot on record or approved prior to that date must conform to the particular footnoted requirement in force on the date of record or approval in order to be a buildable lot. (Amended 1991)

FOOTNOTES:

(1) For the purpose of this section, all steps, porches, decks, piazzas and other similar elements shall be considered a part of the structure. (Amended 1985)

(2) Vegetation on corners - within the area formed by the lines of intersecting streets and a line joining points on such lines 15 feet distant from the point of intersection of their tangents, no structure other than a building and no foliage may be maintained between a height 3 1/2 feet and a height 8 feet above the plane through their curb grades.

(3) Except if on record or having Planning Board approval prior to March 10, 1959.

(4) See Article IX, Manufactured Home Parks, and applicable state laws and regulations.

(5) Ten percent of total spaces may be utilized for transient facilities. Overnight transient facilities shall be restricted to a maximum stay of 15 days, lot area not less than 1,000 square feet with a width not less than 25 feet.

(6) Except if on record or having tentative Planning Board approval prior to March 10, 1970.

(7) Unless lot recorded prior to March 13, 1962.

(8) Unless on record prior to March 11, 1958.

(9) In cases where properties are nonconforming by reason of any or all of the provisions of this article, an addition or expansion which otherwise meets the provisions of Sections 4.4 through 4.8, inclusive, shall be permitted without variance. This provision shall not apply to properties deemed to be nonconforming, in whole or in part, by reason of Article III, Use Regulations. (Amended 1996)

(10) (Deleted 1990)

(11) (Deleted March 2001)

(12) Seven feet to any other building on the lot in RA and RB Districts. (Amended 2002)

(13) For multifamily dwellings refer to Article VIII, Section 8.2.3.

(14) (Deleted 2002)

(15) Fifteen feet to any other building on the same lot in the RAA District.

(16) Seven feet from one side lot line and 12 feet from the opposite side lot line (the purpose of this is to provide for an adequate driveway on one side or the other of the lot).

(17) Where setback requirements are four feet, any part of a structure substantially on the setback line shall be of cement block construction, except that if of wood frame construction the structure shall have an approved sprinkler system. One- and two-family dwellings are exempted from this requirement. (Amended 1991)

(18) Twenty feet between manufactured homes, not including patios, unincluded porches, overnight transient facilities.

(19) From public street.

(20) If public sewer is not available, the minimum lot size shall be 40,000 square feet.

(21) Refers to the frontage of the spaces within the parks. (Amended 1983)

(22) A lot must be able to contain within the property lines and touching the front lot line a square whose sides are equal in length to 75% of the frontage requirement of the district in which the lot is located. (Amended 1995)

(23) Unless lot recorded prior to March 11, 1986. (Amended 1986)

(24) Ten feet from one side lot line and 15 feet from the opposite side lot line. (Amended 1989)

(25) In order to correctly determine structure placement for setback requirements. (Amended 1997).

(26) The side setback shall be 10 feet for any existing lot of record having less than the required frontage as listed in Section 4.2 in the RA Zone. The side setback shall be seven feet for any existing lot of record having less than the required frontage as listed in Section 4.2 in the RB Zone. (Amended 2002)

(27) Building height shall be measured in accordance with Article I, Section 1.6. (Amended March 2001)

A. With the exception that unoccupied architectural appurtenances to which there is no public access and comprising not more than 25% of the structure's footprint in plan view shall be excluded. In no instance shall any appurtenance extend to a point greater than 80 feet in height measured vertically from the established average grade plane. (Amended 3-11-2014 ATM, Art. 3)

(28) Any accessory building being 100 square feet or less in size and not greater than 12 feet in height shall meet a minimum setback of four feet on both sides and rear of the property line in all zones but must maintain the minimum required front property line setback in the zone said accessory building is being located. (Amended March 2001; 2002)

(29) Deleted. (Amended March 2011; deleted 3-11-2014 ATM, Art. 2)

(30) These standards shall apply to new development. (Amended 3-11-2014 ATM, Art. 7)

(31) These standards apply to redevelopment of any property, with the following exceptions: (Amended 3-11-2014 ATM, Art. 7)

That a lot lawfully existing prior to the adoption of this ordinance update, even with greater than 60% / 75% of impervious coverage, will be considered to be conforming with regard to impervious surface coverage (Article IV 4.8) provided that there is no increase in the impervious surface coverage from the redevelopment and either:

a. the proposed project will not constitute a “substantial improvement” (defined as a project/development costing greater than 50% of the assessed value of the property, exclusive of the land value), or
b. the proposed project will constitute a “substantial improvement” and it can be demonstrated that stormwater management controls will be used onsite to capture, store, treat, and/or infiltrate all stormwater runoff generated by the site.

(32) Structures are prohibited from casting shadows on the sand on the easterly side of Ocean Boulevard prior to 6:00 pm from May 15th through September 1st. The shadow effects of unoccupied architectural appurtenances and structural screening shall be included in the determination of the shadow effects of the structure. (Amended 3-11-2014 ATM, Art. 3)

ARTICLE V
Signs

Section 5.1. Purpose.

The purpose of this article is to encourage the effective use of signs as a means of communication in the Town while maintaining and enhancing the aesthetic environment and the Town's ability to attract sources of economic development and growth, to improve pedestrian and traffic safety and to enable the fair and consistent enforcement of these sign ordinances.

Section 5.2. Definitions.

These definitions apply only to this article:

ANIMATED SIGN — Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

BANNER — Any sign of lightweight fabric or similar material that is mounted to a pole or a building at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

BEACON — Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

BUILDING SIGN — Any sign attached to any part of a building, as contrasted to a freestanding sign.

CANOPY SIGN — Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

CHANGEABLE COPY AND ELECTRONIC SIGNAGE — A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged manually or electronically without altering the face or surface of the sign. (Amended 3-12-2013 ATM, Art. 2, ballot vote: Yes 1963, No 281)

COMMERCIAL MESSAGE — Any sign, wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

DIRECTORY SIGN — Any sign containing the name of a commercial building, commercial complex or industrial development that contains the names of the businesses located in those buildings, complexes, or developments. Advertisements for lease, rent or purchase shall not be allowed on directory signs.

FLAG — Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision or other entity.

FREESTANDING SIGN — Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

INCIDENTAL SIGN — A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "towing zone," "loading zone," and other similar directives.

MARQUEE — Any permanent roof-like structure projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

MARQUEE SIGN — Any sign attached to, in any manner, or made a part of a marquee.

NONCONFORMING SIGN — Any sign that does not conform to the requirements of this ordinance.

PENNANT — Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

POLITICAL SIGN — Any sign or poster advertising a person's or political party's intent to run for any free election.

PORTABLE SIGN — Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported by means of wheels; balloons used as signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business. (Amended 3-13-2012 ATM, Art. 7)

PROJECTING SIGN — Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

REAL ESTATE SIGN — Any sign advertising the sale, lease or rental of any property, having the name, address and telephone number of any legal real estate office.

RESIDENTIAL SIGN — Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if the offering of such goods and services conforms to all requirements of the Zoning Ordinance.

ROOF SIGN — Any sign erected and constructed wholly on or over the roof of a building, supported by the roof structure, and extending vertically.

ROOF SIGN, INTEGRAL — Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends

vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

SANDWICH BOARD/MENU SIGN — A removable "A" or "T" frame sign used for on premises advertising. (Amended 3-13-2012 ATM, Art. 7)

SIGN — Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity or to communicate information of any kind to the public.

SUSPENDED SIGN — A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

TEMPORARY SIGN — Any sign that is used only temporarily and is not permanently mounted.

WALL SIGN — Any sign attached parallel to, but within six inches of, a wall, painted on a wall surface of, or erected and confined within the limits of an outside wall of a structure, which is supported by such wall, and which displays only one sign surface.

WINDOW SIGN — Any sign, pictures, symbol, or combination thereof designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Section 5.3. Size, design, construction and maintenance.

5.3.1 The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself (see Table II).[4]

5.3.2 The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point.

5.3.3 All signs shall be designed, constructed, and maintained in accordance with the following standards:

a) All signs shall comply with the latest approved version of the State Building Code and the National Electric Code and shall be maintained in good structural

[4]Editor's Note: See Table II, Size Chart, at the end of this article.

condition, in compliance with all building and electrical codes, and in conformance with this ordinance at all times.

b) Except for flags, temporary signs, and window signs conforming in all respects to the requirements of this ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame or structure.

Section 5.4. Prohibited, permitted and nonconforming signs.

5.4.1 The following signs are expressly prohibited in all zones.

a) Animated signs.

b) Beacons.

c) Portable signs.

d) Signs which imitate, and may be confused with, an official traffic control sign or signal or an emergency or road equipment vehicle.

e) Signs which bear or contain statements, words or pictures of obscene, pornographic or immoral character or which contain advertising matter which is untruthful, or as otherwise prohibited by state law.

f) Off-premises signs except for directory or political signs.

g) No advertisement shall be affixed, attached, or displayed upon any object of nature, utility pole, telephone booth, or highway sign per RSA 236:75.

5.4.2 Permitted signs for all zones are indicated in Table I[5] with the following restrictions:

a) Freestanding signs. (Amended 3-18-2013 ATM, Art. 2, ballot vote: Yes 1963, No 281)

1) Where a lot or building fronts on more than one public street, the provisions of this ordinance shall apply to each frontage.

2) Where more than one freestanding sign is permitted the minimum distance between the signs shall be 300 feet, per frontage.

b) Roof signs.

1) All roof signs must be set back a distance of at least four feet from all the outside walls of the building on or over which they are located.

[5]Editor's Note: See Table I, Permitted Signs Per Zone, at the end of this article.

c) Projecting signs. (Amended 3-12-2013 ATM, Art. 2, ballot vote: Yes 1963, No 281)

1) Where a lot or building fronts on more than one public street, the provisions of this ordinance shall apply to each frontage.

i) Changeable Copy and Electronic Signage.

1) A changeable copy or electronic sign is prohibited from having a strobe that pulses.

2) A changeable copy or electronic sign on which the message changes more than once a minute shall be considered an animated sign and is prohibited.

d) Directory signs.

1) The development identification shall be at the top and shall have a maximum display area of eight square feet.

2) The sign shall be freestanding and shall not exceed 12 feet in overall height.

e) Banners.

1) Banners in the residential zones are limited to 30 days.

f) Flags.

1) Flags shall not exceed three per lot and 50 square feet per flag.

g) Window signs.

1) Window signs shall not exceed 50% of the total window area of the business which they advertise.

h) Sandwich board/menu signs. (Added 3-13-2012 ATM, Art. 7)

1) No more than 6 square feet per face; no more than one such sign per each establishment on any property; shall be located on premises only and shall not be located on public roads, public walkways, public rights-of-way, or other public property.

5.4.3 Nonconforming signs are signs that were legally in place and not in violation of any previous sign ordinance prior to the enactment of this ordinance and shall immediately lose their legal nonconforming status when:

a) The sign is altered in any way such that its effect is more intensive and/or obtrusive.

b) The sign is relocated.

c) The sign has not been repaired or properly maintained within 30 days after written notice to that effect has been given by a building official.

Section 5.5. Sign permits and fees.

5.5.1 **Applications.** All applications for sign permits of any kind shall be submitted to the Building Inspector on an application form.

5.5.2 **Drawings.** All applications for new signs or modified signs shall be accompanied by a detailed drawing to show the dimensions, design, structure, color, and location of each particular sign. One application and permit may include multiple signs on the same lot.

5.5.3 **Fees.** Each application for a sign permit shall be accompanied by the applicable fees per Table III.[6]

5.5.4 **Action.** Upon receipt of a complete application, the Building Department shall, within seven working days, either:

a) Issue the sign permit; or

b) Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform to the requirements of this ordinance. In case of a rejection, the Building Inspector shall specify in the rejection the section or sections of the ordinance with which the sign(s) is inconsistent.

c) Any rejected permit can be resubmitted after being made to comply with the appropriate section(s) or the applicant can seek relief with the Zoning Board of Adjustment.

5.5.5 **Inspection.** The Building Inspector shall schedule an inspection of the lot for which each permit for a new sign or for modification of an existing sign at such time as the owner has installed or modified the sign. If the construction is complete and in full compliance with this ordinance and the building and electrical codes, the Building Inspector shall approve the sign. If the sign is found to be not in compliance with this ordinance or the building or electrical codes, the Building Inspector shall give the owner or applicant notice of the deficiencies and shall allow an additional 10 days for the deficiencies to be corrected. If the deficiencies are not corrected within the ten-day period, the sign permit shall become void.

5.5.6 **Temporary sign permits.** Temporary signs shall be allowed only upon the issuance of a temporary sign permit, subject to the following:

[6]Editor's Note: See Table III, Sign Fees, at the end of this article.

a) A temporary sign permit shall allow the use of a temporary sign for a specified thirty-day period.

b) Only two temporary sign permits shall be issued to any one lot in any calendar year.

c) A temporary sign shall be allowed only in accordance with Table I of this ordinance.

5.5.7 Political signs. Political signs are allowed in all zones subject to the following: (Amended 2002)

For state primaries and elections:

a) Placement and removal shall conform to RSA 664:17.

b) The earliest date on which political advertising may be posted or displayed shall be the last Friday in July prior to a state primary.

c) All political advertising shall be removed by the candidate no later than the second Friday following the election unless the election is a primary and the advertising concerns a candidate who is a winner in the primary.

For all other elections:

d) Political signs shall not be erected sooner than 15 days prior to the election to which they pertain.

e) All signs shall be removed within 24 hours following the election.

Table I – Permitted Signs Per Zone
(Amended 3-13-2012 ATM, Art. 7; 3-12-2013 ATM, Art. 2, ballot vote: Yes 1963, No 281; 3-10-2015 ATM, Art. 9, ballot vote: Yes 1,824, No 390)

KEY:
B = Permitted by the Building Department
P = Permitted
PB = Permitted with Planning Board approval
X = Not permitted
ZBA = Permitted with special exception from the Zoning Board of Adjustment

Note: The Sign Regulations below that are applicable to the BS Zoning District shall also apply to the BS1 Zoning District.

	RAA	**RA**	**RB**	**RCS**	**B**	**BS**	**I**	**G**
Animated Sign	X	X	X	X	X	X	X	X
Banner	P	P	P	P	P	P	P	P

	RAA	RA	RB	RCS	B	BS	I	G
Beacon	X	X	X	X	X	X	X	X
Building Sign	X	X	X	X	P	P	P	P
Canopy Sign	X	X	X	X	P	P	P	P
Changeable Copy and Electronic Signage	X	X	X	X	P	P	P	P
Commercial Sign	X	X	X	X	P	P	P	P
Directory Sign	ZBA	ZBA	ZBA	ZBA	P	P	P	P
Flag	P	P	P	P	P	P	P	P
Freestanding Sign	X	X	X	X	P	P	P	P
Incidental Sign	P	P	P	P	P	P	P	P
Marquee Sign	X	X	X	X	P	P	P	P
Pennant	X	X	X	X	P	P	P	P
Political Sign	P	P	P	P	P	P	P	P
Portable Sign	X	X	X	X	X	X	X	X
Projecting Sign	X	X	X	X	P	P	P	P
Real Estate Sign	P	P	P	P	P	P	P	P
Residential Sign	ZBA	ZBA	ZBA	ZBA	X	X	X	X
Roof Sign	X	X	X	X	PB	PB	PB	PB
Roof Sign, Integral	X	X	X	X	PB	PB	PB	PB
Sandwich Board/Menu Sign	X	X	X	X	P	P	P	P
Suspended Sign	X	X	X	X	P	P	P	P
Temporary Sign	B	B	B	B	P	P	P	P
Wall Sign	X	X	X	X	P	P	P	P
Window Sign	B	B	B	B	B	B	B	B

Table II – Size Chart
(in square feet)
(Amended 3-13-2012 ATM, Art. 7; 3-12-2013 ATM, Art. 2, ballot vote: Yes 1963, No 281; 3-10-2015 ATM, Art. 9, ballot vote: Yes 1,824, No 390)

Note: The size requirements below that are applicable to the BS Zoning District shall also apply to the BS1 Zoning District.

KEY:
% = 50% of the window area

	RAA	RA	RB	RCS	B	BS	I	G
Animated Sign	—	—	—	—	—	—	—	—
Banner	50	50	50	50	50	50	50	50
Beacon	—	—	—	—	—	—	—	—
Building Sign	—	—	—	—	50	50	50	50
Canopy Sign	—	—	—	—	32	32	32	32
Changeable Copy and	—	—	—	—	32	32	32	32

	RAA	RA	RB	RCS	B	BS	I	G
Electronic Signage								
Commercial Sign	—	—	—	—	32	32	32	32
Directory Sign	32	32	32	32	32	32	32	32
Flag	50	50	50	50	50	50	50	50
Freestanding Sign	—	—	—	—	50	50	50	50
Incidental Sign	4	4	4	4	4	4	4	4
Marquee Sign	—	—	—	—	32	32	32	32
Pennant	—	—	—	—	4	4	4	4
Political Sign or Poster	6	6	6	6	50	50	50	50
Portable Sign	—	—	—	—	—	—	—	—
Projecting Sign	—	—	—	—	32	32	32	32
Real Estate Sign	6	6	6	6	32	32	32	32
Residential Sign	6	6	6	6	—	—	—	—
Roof Sign	—	—	—	—	32	32	32	32
Roof Sign, Integral	—	—	—	—	64	64	64	64
Sandwich Board/Menu Sign	—	—	—	—	6	6	6	6
Suspended Sign	—	—	—	—	32	32	32	32
Temporary Sign	4	4	4	4	4	4	4	4
Wall Sign	—	—	—	—	50	50	50	50
Window Sign	%	%	%	%	%	%	%	%

Table III – Sign Fees

All incidental signs, pennants, political signs, real estate signs and window signs: no fee

All other signs, initial application and inspection: $25.

ARTICLE VI
Parking
(Amended 1982; 1998; 2006)

Section 6.1.

No building shall be erected or altered, or use change allowed, unless off-street parking facilities are provided in accordance with the minimum requirements set forth. No building permit will be issued until an off-street parking plan is approved by the appropriate authority. Certificates of occupancy are prohibited until required parking facilities are completed. No off-street parking lots shall be allowed without Planning Board approval. Approval shall be recorded with the Rockingham County Registry of Deeds. The applicant shall submit a written application and fees as determined by the Planning Board. (Amended March 1998)

6.1.1 No off-street parking shall be required for any commercial building in the Business-Seasonal District south of 1st Street not providing sleeping quarters. For the Business-

Seasonal District north of 19th Street, off-street parking shall be required for all buildings. (Amended 1991)

Section 6.2.

Any construction, alteration or change of use which results in additional dwelling or rental units or intensification of use of a piece of property must provide off-street parking for all units and uses, including both existing and additional ones. In the case of mixed uses, the parking requirements shall be the sum of the individual uses, so that the parking for one use shall not be considered as providing the parking for any other use.

Section 6.3. Parking requirements.

6.3.1 Dwelling units (single, double, multifamily): two spaces per dwelling unit plus one guest space per eight units.*

* Dwelling units with an area of 330 square feet to 400 square feet will require 1 1/2 spaces per unit, plus one guest space per eight units. (Amended 1985)

6.3.2 Hotels/motels shall provide one parking space for the first 330 square feet of sleeping room space. One additional space shall be provided for hotel sleeping rooms greater than 330 square feet. One additional parking space must be provided by hotels/motels for each 16 units as guest parking. Sleeping rooms in rooming houses: one space per sleeping room plus one guest space per 16 units. (Amended 2007)

6.3.3 Professional, general office or service use: at least one space per 200 square feet. At site plan review or use change request, Planning Board may require more spaces, up to one per 50 square feet. (Amended 1987)

6.3.4 Retail business: one space per 300 square feet.

6.3.5 Clubs, restaurants, churches, or places of assembly: one space per three-person capacity. For take-out restaurants with no seating for customers: three spaces plus one space per 200 square feet of building area. (Amended 1983; 1989)

6.3.6 Industrial uses: one space per third employee per shift.

6.3.7 (Deleted 1983)

6.3.8 Where a use is not specifically included in the above schedule, it is intended that the regulation for the most nearly comparable specified use shall apply, to the end that adequate space shall be provided to accommodate the vehicles of all persons likely to be gathered at the premises at any one time.

6.3.9 All parking must be on site, except as provided in Section 2.8H.2 for the Town Center District. (Amended 1983; 2007; 3-10-2015 ATM, Art. 6, ballot vote: Yes 1,671, No 527)

6.3.10 Condominium conversions of preexisting nonconforming uses: at least one assigned parking space, nine feet by 18 feet, per unit must be provided on site. Stacked parking shall constitute one parking space regardless of the number of parking spaces in the stack. (Adopted 2006; amended 2007)

Section 6.4. Parking lots and/or parking areas. (Adopted 1997)

6.4.1 Parking lots and/or parking areas shall conform to all zoning regulations.

6.4.2 Parking lots and/or parking areas shall have a minimum space of nine feet by 18 feet for each vehicle permitted plus approved ingress and egress.

6.4.3 If applicable each parking lot and/or parking area shall comply with the Americans with Disabilities Act (ADA).

6.4.4 At the entrance, each parking lot and/or parking area shall post a laminated copy of approval, arrangement and capacity for public inspection.

6.4.5 Any parking lot and/or parking area plan with a capacity of 25 or more parking spaces shall be presented to the Planning Board with a certified plan.

6.4.6 Any existing parking lot and/or parking area shall not be required to come into the Planning Board for use approval, but within 120 days of the ballot vote all existing parking lots and/or parking areas shall be required to petition the Planning Board for approval of arrangement and capacity limitations.

6.4.7 **Penalty.** Any parking lot and/or parking area in violation of the number of approved vehicles or the arrangement is subject to a penalty.

6.4.7.a Any parking lot and/or parking area in violation of Sections 6.4.2, 6.4.4 and 6.4.6 shall be penalized $25 per day per violation.

6.4.7.b Any parking lot and/or parking area having more than two violations in any six-month period (of Sections 6.4.2, 6.4.4 and 6.4.6) shall be issued a cease and desist order.

ARTICLE VII
Exterior Design

Regulations for exterior design appearance of single, double, or multifamily dwelling erected in any housing development.

Section 7.1.

The Town of Hampton hereby finds that uniformity in the exterior design appearance of dwellings erected in the same residential neighborhood tends to adversely affect the desirability of the immediate and neighboring areas for residential purposes and impairs existing residential property in such areas; tends to impair the value of both improved and unimproved real property in such areas with attendant deterioration of conditions affecting the health, safety and morals of the inhabitants thereof and the community at large; and tends to deprive the municipality of tax revenue and destroys a proper balance between taxable value of real property in such areas and the cost of municipal services provided therefor.

It is the purpose of this section to prevent these and other harmful effects in the design and appearance of dwellings, either single, double or multifamily, erected in any housing development in the same residential neighborhood and thus promote and protect the health, safety, morals and general welfare of the community.

Section 7.2.

Except as provided in this section, not more than one building permit shall hereafter be issued for any dwelling to be erected in a housing development consisting of two or more houses if it is substantially alike in exterior design and appearance with any neighboring dwelling situated on the same or opposite sides of the street within 200 feet of a dwelling then in existence or for which a building permit has been issued or impending. The distance herein specified shall be construed to mean the distance between the street property lines of the respective properties. Provided, however, that the uniformity in exterior design requirements of this article shall not apply to buildings containing more than five dwelling or rental units. (Amended 1976)

Section 7.3.

Houses within such specified distance from each other shall be considered uniform in exterior design and appearance if they have any of the following characteristics:

7.3.1 The same basic dimensions and floor plans are used without substantial differentiation of one or more exterior elevations; or

7.3.2 The same basic dimensions and floor plans are used without substantial change in orientation of the houses on the lots; or

7.3.3 The height and design of the roofs are without substantial change in design and appearance; or

7.3.4 The size, type and location of windows and doors in the front elevation are without substantial differentiation.

Section 7.4.

In addition to the requirements specified above, there shall be not fewer than three separate basic house designs in every housing development consisting of eight or more houses and not fewer than five basic house designs where there are 15 or more houses.

Section 7.5.

To ensure conformity with the provisions of the section, no building permit shall hereafter be issued for more than one dwelling in any housing development, except as provided in Section 7.6, until an engineer's survey or architect's drawing of the entire tract, or part to be developed,

has been submitted to the Building Inspector showing thereon, or on a schedule attached thereto, the model number, type and design of each house, with the proper street and lot numbers for each house. The survey or drawing shall show the dimensions of each house and its exact location on the lot, with setbacks and width or depth of all yard spaces. In the event of subsequent desired changes in basic design, size or location of a house in such a tract, a revised plan and application therefor shall be filed and approved before such work is started.

Section 7.6.

To ensure further conformity with the provisions of this section, in respect to new subdivisions, for the purpose of a housing development, the Planning Board of the Town of Hampton may, at its discretion, require a performance bond, and an affidavit or a performance guarantee, that the subdivision will be developed as a whole so that the intent and purpose of this section will be satisfied.

Section 7.7.

All site plans for commercial, multifamily and industrial buildings shall be accompanied by an architect's rendering or facsimile. The Planning Board may reject the proposed site plan if, in the opinion of the Planning Board, the exterior design is not in keeping with the character of the neighborhood or the Town or if, in the Board's opinion, the proposed design will be injurious to the neighborhood or Town.

ARTICLE VIII
Multifamily Dwellings

Section 8.1.

Multifamily dwellings are subject to the approval of a site plan by the Planning Board and must be in conformity with the following standards in all zones:

8.1.1 Deleted (March 2001)

8.1.2 Multifamily dwellings are subject to being serviced by public water and sewer.

8.1.3 Basement apartments, including any apartments with any portion of the living space below grade level, are prohibited.

Section 8.2.

Multi-family dwellings must be in conformity with the following standards in all zones, except that these standards, with the exception of 8.2.5, shall not apply to development within either the Business-Seasonal Zoning District or the Business-Seasonal 1 Zoning District (BS1).

8.2.1 Multi-family dwellings shall provide a minimum of 400 square feet of recreation area per dwelling unit. (Amended 2007; 2014)

8.2.2 A minimum of 100 feet frontage shall be required on any multi-family use.

8.2.3 No multi-family dwelling shall be closer than forty (40) feet to any part of any other building or to any lot line.

8.2.4 Driveways and parking lots shall be located at least twenty-five (25) feet from the front of any building and at least ten (10) feet away from the side or rear of any building. Distance requirements shall not apply to those driveways providing access to structures with enclosed garages or carports.

8.2.5 All driveways and parking areas shall conform to construction specifications for new town subdivision streets. Night lighting shall be designed so as not to cast a glare on neighborhood property.

8.2.6 An open space buffer of at least twenty (20) feet shall be preserved along all boundaries of the site. Retained natural woodland shall be the preferred landscaping where approved by the Planning Board. Grass and mounds shall be approved buffer material provided suitable indigenous shrubs and other plant material are used for screening. All buildings shall be located at least twenty (20) feet from the interior edge of the buffer zone. Buffers adjacent to roads may be reduced when the surrounding area has been previously developed provided the existing character of the neighborhood is maintained. This may be permitted only upon written recommendation of the Planning Board.

(Amended 1985; 2007; 3-11-2014 ATM, Art. 4)

Section 8.3. (Deleted 1986)

ARTICLE IX
Manufactured Home Parks

Section 9.1.

The owners or agents of any tract of land proposed for manufactured home park development shall submit to the Planning Board a site plan for the use and development of all or part of the tract as a manufactured home park. The Planning Board shall review the plan in accordance with procedures prescribed and thereafter shall prepare a report stating reasons for approval or disapproval. If approved, specific evidence and facts shall be shown that the plan of use and development of all, or part, of the tract as a manufactured home park meets the conditions set forth below:

9.1.1 That the manufactured home park and the buildings and appurtenant facilities shall be in a single ownership, or under management or supervision of a responsible lessee, or

subject to such other supervisory lease or ownership control as may be necessary to carry out the provisions of the ordinance relating to manufactured home parks.

9.1.2 That the plan clearly defines the manufactured home spaces and the traffic pattern for vehicular parking and circulation.

9.1.3 That all manufactured home spaces abut upon a driveway of not less than 30 feet in width which has unobstructed access to a public street.

9.1.4 That driveways and walkways within the manufactured home park shall have a permanent dust-free surface.

9.1.5 That service buildings to house toilet, bathing, and other sanitation facilities and utilities be provided as required by the State Board of Health.

9.1.6 That the manufactured home park shall have not fewer than 20 manufactured home spaces available for occupancy before any certificate of occupancy is issued.

9.1.7 That the plan is consistent with the intent and purposes of this ordinance to promote public health, safety and general welfare.

9.1.8 An open space buffer of at least 20 feet shall be preserved along all boundaries of the site. Retained natural woodland shall be the preferred landscaping where approved by the Planning Board. Grass and mounds shall be approved buffer material, provided suitable indigenous shrubs and other plant material are used for screening. All structures shall be located at least 20 feet from the interior edge of the buffer zone. Buffers adjacent to roads may be reduced when the surrounding area has been previously developed, provided the existing character of the neighborhood is maintained. This may be permitted only upon written recommendation of the Planning Board.

Section 9.2.

Before approving such plan under this section, the Planning Board shall determine that the proposed use will not adversely affect the present or future character of the surrounding property and prescribe such additional conditions as may be necessary to secure the objectives of this ordinance.

ARTICLE X
Building Permits and Inspection

Section 10.1.

No person shall undertake any excavation, construction or alteration in connection with any of the provisions of this ordinance until a written permit for such construction or alteration has been secured from the Building Inspector. A permit shall not be required in the case of repairs

unless such repairs include alteration or new construction in excess of $500. (Amended March 1996)

10.1.1 A detailed plan of the proposed work shall be submitted with the application. Plans shall include architectural elevations of proposed work, floor plans and a plot plan. (Amended March 1996)

10.1.1.1 Before a building permit is issued for a new dwelling unit the Town's street number shall be clearly displayed. (2) An approved commercial chemical toilet shall be in place. Where there are several building lots in close proximity, an approved commercial chemical toilet may be shared jointly. (3) Front corner boundaries markers must be in and clearly identified. (Adopted April 1997)

10.1.2 An accurate plot plan, showing to scale the size, location, and setbacks of all proposed structures, all existing structures, including all structures to be demolished, if any, and parking spaces, shall be drawn in accordance with a certified boundary survey. This will not normally be required in the case of an addition which is less than 10% of the existing building area. (Amended 1995)

10.1.3 Where plot plans, elevation plans or special details are called for by the general plans and specifications, and whenever necessary for a complete delineation of the work to be performed, they may be required in duplicate by the Building Inspector. No changes in the approved plans, or other changes, shall be made without the approval of the Building Inspector. The Building Inspector may withhold approval of changes until plans indicating the proposed changes are submitted for approval.

10.1.4 The Building Inspector, at the time of the issuing of a permit, shall collect from the applicant a fee based on the following schedule:

Building Department Fee Schedule

Type of Permit or Inspection	Processing Fee	Additional Fee
New homes, condominiums, townhouses, multifamily, commercial (requiring collection of multiple items, data, plan review and research)	$50	$5 for every $1,000 of value of construction or portion thereof
All other building permits (decks, sheds, fences, siding, roofing, etc.)	$35	$5 for every $1,000 of value of work over $3,000 or portion thereof
Electrical, plumbing and mechanical	$25	$5 for every $1,000 of value of construction or portion thereof
Demolition permit	$25	

Type of Permit or Inspection	Processing Fee	Additional Fee
Rental – certificate of occupancy	$35	
Renewal of expired permits or certificate of rental occupancy	$25	
Reinspection fee after second failed inspection	$25	
Septic system Bed bottom inspection (includes signoff from Health Officer/Building Inspector)	$25	
Private well drilling Well water test results meeting minimum EPA standards for potable water to be provided prior to issuance of certificate of occupancy	$35	
Health inspection Day care, assisted living, youth homes, foster care, beauty/barber shops, nail salons, etc., as required by the state	$25	

In any case where, in the opinion of the Building Inspector, the total cost of the alteration or new construction shall amount to less than $500, the Building Inspector shall waive the inspection and fee. The Building Inspector shall collect and deposit to the Town each month the total sum collected. The Selectmen may waive the building permit fees for nonprofit organizations at the recommendation of the Building Inspector. (Amended 1986; 1994; 1996; 2003)

10.1.4.a (Relocated to Section 11.5.a March 2003)

10.1.4.1 Pursuant to RSA 674:51, III(d), the Board of Selectmen shall have the authority to establish new fees or amend any existing fee schedule for building permits, inspections, or certificates of occupancy. (Adopted 2003)

Section 10.2.

The Building Inspector shall inspect all buildings during construction or alteration to see that the provisions of this ordinance are complied with, and he shall be responsible for enforcement of the construction provisions of this ordinance, and whenever, in his opinion, the provisions of this ordinance are not complied with, he shall order work in violation to be stopped until the violation has been remedied and shall forthwith report such violation to the Selectmen for appropriate action.

Section 10.3.

A statement of all permits issued hereunder shall be filed within five days of the date of issuance with the Town Clerk, and said permits shall be available for public inspection at the Town office.

Section 10.4.

Any person who commences work on the erection or alteration of any building or structure without first obtaining a building permit in accordance with the preceding section shall be subject to the penalties as provided in this ordinance; however, the Building Inspector may, in his discretion, allow the late filing of a building permit application in accordance with the preceding section, and a double permit fee shall be paid upon approval of said building permit application.

Section 10.5.

A Building Inspector shall be hired with the status of a department head and under the direct supervision of the Town Manager, and in the event of the disability, absence, or disqualification of the Building Inspector, the Town Manager shall appoint an inspector to act in his stead. (Amended March 2000)

Section 10.6. Growth Management Ordinance. (Adopted March 1996; amended April 1997; 1998; repealed March 12, 2002)

ARTICLE XI
Construction Provisions
(Amended 1986; 1993)

Section 11.1. Construction.

No building shall be erected or altered for any purpose which does not conform to the safe standards as herein defined.

Section 11.2.

(Section 11.2 was replaced by Section 11.2-b in its entirety on September 14, 2003.)

Section 11.2-b. (Adopted 2003)

In compliance with RSA 155-A:2, commencing on or after September 14, 2003, the construction, design, structure, maintenance, and use of all buildings or structures to be erected

and the alteration, renovation, rehabilitation, repair, maintenance, removal, or demolition of all buildings and structures previously erected shall comply with the provisions of Section 11.2-b, as follows:

11.2-b.1 The New Hampshire State Building Code and State Fire Code as the same may be amended.

11.2-b.2 Standards, including definitions, established by the most recent edition of the Life Safety Code, NFPA Doc. No. 101, shall take precedence over all standards in the State Building Code relative to means of egress.

11.2-b.3 For all new buildings, the requirements of the State Fire Code adopted pursuant to RSA 153:5, and to the extent that there is any conflict between the State Building Code and the State Fire Code, the State Fire Code shall take precedence unless otherwise determined by the State Building Code Review Board under RSA 155-A:2, III, and RSA 155-A:10.

11.2-b.4. (Deleted 2009)

11.2-b.5. (Deleted 2009)

11.2-b.6. The enforcement mechanism for the State Building Code shall be that which is already in place for enforcement of the Town Building Code, with the Building Inspector administrating and enforcing the same, and the Zoning Board of Adjustment shall act as the Building Code Board of Appeals.

(Amended March 2009)

Section 11.3. Sewerage.

All dwellings and commercial, public, or industrial buildings shall be connected to the public sewers, where available. Where a public sewer is not available, a private system is required. The type, size, and construction of all septic tanks and drainage field shall be approved by the New Hampshire Water Supply and Pollution Control Commission. In all districts where public sewers are not available, the minimum area requirement per lot shall be at least 40,000 square feet, notwithstanding other provisions of the Zoning Ordinance.

Section 11.4. Sprinkler systems. (Amended 1988)

a) No building used or designed for permanent or temporary human residence, other than single-family dwellings, shall be permitted to be constructed after the date of enactment of this section of three or more stories or six or more attached wood frame living units being two stories in height, unless furnished with a sprinkler system installed in accordance with standards set forth in the State Building Code/National Fire Prevention Code, most recent edition, and NFPA Standard 13, 13D or here applicable, 13R residential sprinkler systems. (Amended 2007)

b) Sprinkler systems installed meeting NFPA Standard 13 shall be connected to the UL listed central station monitoring company. Installation shall conform to the minimum requirements of the Hampton Fire Department. (Amended 2007)

c) For the purpose of this section, "construction" shall refer to either the erection of new buildings or the re-erection of existing buildings that have been destroyed or damaged to such an extent as to be unsuitable or unsafe for human residence, or elevating, relocation or remodeling of existing buildings.

d) "Living unit" shall mean the accommodations designed for use by a single family.

Section 11.5.

All establishments which dispense food and drink will be on a permanent foundations, contain kitchen and sanitary facilities, and meet all applicable codes.

11.5.a All businesses shall be located in a building with a permanent foundation, four walls and a permanent roof. (Amended March 1998)

Section 11.6. Floodplain development regulations. (Amended 1990; 1994; 1996; March 2009; 3-10-2015 ATM, Art. 2, ballot vote: Yes 1,999, No 295)

The following regulations in this ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study for the County of Rockingham, New Hampshire, dated May 17, 2005, or as amended, together with the associated Flood Insurance Rate Maps dated May 17, 2005, or as amended, which are declared to be a part of this ordinance and are hereby incorporated by reference.

11.6.1 All proposed development in any special flood hazard area shall require a permit. See definitions in Section 2.4.3.

11.6.2 The Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in a special flood hazard area, all new construction or substantial improvements shall:

a) Be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

b) Include use of flood-resistant materials and utility equipment.

c) Utilize construction methods which minimize flood damage.

d) Use electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

11.6.3 Where new and replacement water and sewer systems (including on-site systems) are proposed in special flood hazard areas, the applicant shall provide the Building Inspector with assurance that new and replacement sanitary sewage systems will be designed to minimize or eliminate infiltration of floodwaters and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during flooding.

11.6.4 The Building Inspector shall maintain for public inspection and furnish upon request any certification of floodproofing and information on the as-built elevation in relation to mean sea level of the lowest floor (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been floodproofed, the as-built elevation (in relation to mean sea level) to which the structure was floodproofed. This information must be furnished by the applicant.

11.6.5 The Building Inspector shall review proposed developments to assure that all necessary permits have been applied for and/or received from those governmental agencies from which approval is required by federal and state law, including Section 404 of the Federal Water Pollution Control Act, amendments of 1972, 33 U.S.C. § 1334. It shall be the responsibility of the applicant to certify these assurances to the Building Inspector.

11.6.6 In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Bureau of New Hampshire Department of Environmental Services and submit copies of such notification to the Building Inspector, in addition to the copies required by the RSA 482-A:3. Further, the applicant shall be required to submit copies of the said notification to those adjacent communities as determined by the Building Inspector, including notice of all scheduled hearings before the Wetlands Bureau. Within the altered or relocated portion of any watercourse, the applicant shall submit to the Building Inspector certification provided by a registered professional engineer assuring that the floodcarrying capacity of the watercourse can and will be maintained.

11.6.6a Along watercourses that have not had a regulatory floodway designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zone AE on the FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within Hampton.

The following requirements shall apply in specific zones designated on the Flood Insurance Rate Map:

11.6.7 In Zone A, as defined on the Flood Insurance Rate Map, the Building Inspector shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, including data submitted for development proposals submitted to Hampton (i.e. subdivisions, site plan approvals). In Zone A where the base flood elevation is not available, the base flood elevation shall be at least two feet above the highest adjacent grade. The Building Inspector's base flood elevation determination will be used as criteria for requiring that:

a) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation.

b) All new construction and substantial improvements of nonresidential structures have the lowest floor (including basement) elevated to or above the base flood elevation or, together with attendant utility and sanitary facilities, shall be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

c) Encroachments, including fill, new construction or substantial improvements, and any other development shall be prohibited in any floodway unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels within Hampton during the occurrence of the base flood discharge.

d) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements: the enclosed area is unfinished or flood-resistant, usable solely for the parking of vehicles, building access or storage, the area is not a basement and shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit automatic entry and exit of floodwater.

11.6.8 In the AO Zone, as defined on the Flood Insurance Rate Map, the Building Inspector shall determine the base flood elevation by adding the elevation of the highest adjacent grade to the depth number specified on the Flood Insurance Rate Map (or at least two feet if no depth number is specified) and shall require:

a) All new construction and substantial improvements of residential structures to have the lowest floor (including basement) elevated to or above the base flood elevation;

b) All new construction and substantial improvements of nonresidential structures:

(i) To have the lowest floor (including basement) elevated to or above the base flood elevation; or

(ii) Together with attendant utility and sanitary facilities, to be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water, and to have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy;

c) That proposed structures be located on slopes that shall include adequate drainage paths to guide floodwaters around and away from the proposed structures.

d) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements: the enclosed area is unfinished or flood-resistant, usable solely for the parking of vehicles, building access or storage, the area is not a basement and shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit automatic entry and exit of floodwater.

11.6.9 In Zone AE, as defined on the Flood Insurance Rate Map, the Building Inspector shall refer to the base flood elevation provided in Hampton's Flood Insurance Study and accompanying Flood Insurance Rate Map and shall require that:

a) All new construction and substantial improvements to residential structures have the lowest floor (including basement) elevated to or above the base flood elevation.

b) All new construction and substantial improvements to nonresidential structures have the lowest floor (including basement) elevated to or above the base flood elevation or, together with the attendant utility and sanitary facilities, be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

c) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be permitted, provided they meet the following requirements: the enclosed area is unfinished or flood-resistant, usable solely for the parking of vehicles, building access or storage, the area is not a basement and shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

11.6.10 In Zones A, AE and AO, where floodproofing is used in lieu of elevation, a registered professional engineer or architect shall certify to the Building Inspector that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.

11.6.11 In Zones A and AE, for new or substantially improved manufactured homes within existing manufactured home parks, the Building Inspector shall require that:

a) Stands or lots are elevated on permanent foundations or on pilings so that the lowest floor of the home will be at or above the one-hundred-year flood level;

b) Adequate surface drainage and access for a hauler are provided; and

c) In the instance of elevation on pilings:

1) Lots are large enough to permit steps;

2) Piling foundations are placed in stable soil and are no more than 10 feet apart; and

3) Reinforcement is provided for pilings that extend more than six feet above the ground level.

11.6.12 All manufactured homes to be placed or substantially improved in existing manufactured home parks within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

11.6.13 Recreational vehicles placed on sites within Zones A, and AE shall either (i) be on the site for fewer than 180 consecutive days; (ii) be fully licensed and ready for highway use; or (iii) meet all standards of Section 11.6.1 of this ordinance and the elevation and anchoring requirements for manufactured homes in Sections 11.6.11 and 11.6.12 of this ordinance.

11.6.14 All new construction or substantial improvements including all manufactured homes to be placed or substantially improved in existing manufactured home parks, that are located in coastal high-hazard areas (designated as Zone VE on the Flood Insurance Rate Map for Hampton), shall meet the following standards:

1. All new construction or substantial improvements shall be located to the landward of the reach of mean high tide.

2. All new construction and substantial improvements shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that:

   (i) The lowest portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above base flood level. A registered professional engineer or architect shall certify that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash; and

   (ii) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one-percent chance of being equaled or exceed in any given year (one-hundred-year mean recurrence interval). A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with acceptable standards of practice for meeting the provisions of this paragraph.

3. Within Zone VE on Hampton's FIRM a registered professional engineer shall provide the Building Inspector with the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, whether or not such structures contain a basement.

4. Provide that all new construction and substantial improvements within Zone VE on Hampton's FIRM have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood latticework, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot (either by design or when so required by local or state codes) and may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

   (i) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

   (ii) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building

components (structural and nonstructural). Maximum wind and water loading shall each have a one-percent chance of being equaled or exceeded in any given year (one-hundred-year mean recurrence interval). Such enclosed space shall be usable solely for parking of vehicles, building access or storage.

5. The use of fill for the structural support of buildings is prohibited.

6. The placement of manufactured homes is prohibited.

7. Man-made alterations of sand dunes, which would increase potential flood damage, are prohibited.

8. Recreational vehicles placed on sites within Zone VE shall either (i) be on the site for fewer than 180 consecutive days; (ii) be fully licensed and ready for highway use; or (iii) meet all standards of Section 11.6.1 of this ordinance and all of the above requirements in Section 11.6.14.

ARTICLE XII
Certificates of Occupancy
(Amended March 1998)

New construction

All residential and commercial units will require a certificate of occupancy to be issued by the Building Department prior to any person occupying a new structure.

Section 12.1. Existing units.

No home, apartment, tenement, dwelling unit, hotel/motel unit, or other residential premises shall be let, rented, leased or otherwise occupied for residential purposes unless a certificate of rental occupancy per Section 12.1.1 has been issued by the Hampton Building Department to the owner of record of that property. All residential units without a year-round certificate of rental occupancy may be used on a year-round basis only by the owner of record, meaning to be that person or entity who is the title holder as recorded by the Rockingham County Registry of Deeds.

12.1.1 Certificate of rental occupancy, year-round or seasonal. The certificate of rental occupancy will be designated "year-round" or "seasonal". All residential units leased between the dates of October 15 and May 15 will be designated "year-round" and subject to all requirements of the State of New Hampshire Energy Code. All structures leased only between the dates of May 15 to October 15 will be designated "seasonal" and not subject to the New Hampshire Energy Code.

Section 12.2. Criteria.

In considering and approving applications for certificates of rental occupancy by the Building Department and the Fire Department, the primary concern of the Town of Hampton is to preserve the public health, safety and welfare of the owner and occupants. To this end, the approval of any application shall include appropriate conditions and safeguards with regard to the following:

12.2.1 Adequate construction to provide a safe structure and protection from the elements.

12.2.2 Adequate habitable living area to meet minimum housing standards.

12.2.3 Safe and adequate ingress and egress.

12.2.4 Proper installation and operation of the heating, plumbing, mechanical and electrical systems in accordance with the New Hampshire Energy Code and in accordance with the Town of Hampton's Building and Life Safety Codes.

Section 12.3. Application.

The owner of record of a property may request a certificate of rental occupancy by filing application on a joint form provided by the Building Department.

After an on-site inspection by the Building Department and the Fire Department to ensure that the premises conforms to the required standards, the certificate will be issued. This certificate will have a life of 10 years. To continue the certificate of rental occupancy for a subsequent ten-year term, a new inspection must be performed and new certificate issued. Certificates in force on the date of enactment of this ordinance will expire 10 years from the date the certificate was issued. In order to continue the certificate of rental occupancy, an inspection must be performed and a new certificate issued by the Building Department.

Section 12.4. Revocation.

The Building Department may revoke any certificate of rental occupancy should the premises no longer conform to the requirements of the ordinance or to any state or Town health regulations. The notice of revocation must be mailed to the owner of record of the property by certified mail and posted at the front entrance of the premises. When the violation is abated the applicable certificate will be reissued, to expire on its original expiration date.

Section 12.5. Fees.

No fees will be levied to obtain the aforementioned certificates unless more than three visits are necessitated. If a fourth or further visit is necessary, then a fifty-dollar fee per visit will be charged.

ARTICLE XIII
Motor Vehicle Sales Zoning Requirements
(Adopted April 1997)

1. State of New Hampshire dealer's license requirements may be imposed on the dealer.

2. All dealerships shall conform to the following requirements:

3. Each lot shall be approved for only one dealer.

4. Each dealer shall have a minimum 1/2 acre (21,780 square feet) lot.

5. Each dealer shall have one structure that shall have a minimum of 1,200 square feet and must conform to all current zoning regulations.

6. Each dealer shall conform to a minimum side lot and back lot landscaped buffer strip.

7. No dealer shall be permitted from the south side of Rice Terrace south to the north side of Park Avenue on either side of Route 1 (Lafayette Road).

ARTICLE XIV
Regulation of Adult Entertainment
(Adopted April 1997)

Purpose

It is the purpose and intent of this ordinance to protect the public health, safety, welfare and morals of the community, to promote the stability of property values, and impose restrictions upon those activities which pander to gross sexuality in a manner that would detract from the neighborhood, reputation of Hampton, increase crime and violence, and be contrary to the morals of the community. It is the intent of this ordinance that the regulations be utilized to prevent problems of blight and deterioration which accompany and are brought about by the concentration of sexually oriented businesses, and the provisions of this ordinance have neither the purpose nor the effect of imposing limitation or restriction on the content of any communicative materials, including sexually oriented materials, and it is not the intent nor effect of this article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market, and neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

Section 14.1. Definitions of sexually oriented businesses.

A sexually oriented business is any place of business at which any of the following activities are conducted:

A. **ADULT BOOKSTORE or ADULT VIDEO STORE —** A business that devotes more than 15% of the total display, shelf, rack, table, stand, or floor area, utilized for the display and sale of the following:

   1. Books, magazines, periodicals, or other printed material or photographs, films, motion pictures, videocassettes, slides, tapes, records, CD-ROMs, or other forms of visual or audio representations which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1; or

   2. Instruments, devices, or paraphernalia which are designed for use in connection with "sexual conduct" as defined in RSA 571-B:1, other than birth control devices.

B. **ADULT MOTION-PICTURE THEATER —** An establishment with a capacity of five or more persons where, for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are shown and in which a substantial portion of the total presentation time is devoted to the showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1, for observation by patrons.

C. **ADULT MOTION-PICTURE ARCADE —** Any place to which the public is permitted or invited wherein coin- or slug-operated or electronically, electrically or mechanically controlled still- or motion-picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, in which a portion of the total presentation time of the images so displayed is devoted to the showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1.

D. **ADULT DRIVE-IN THEATER —** An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions, and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats, in which a substantial portion of the total presentation time being presented for observation by patrons is devoted to the showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1.

E. **ADULT CABARET —** A nightclub, bar, restaurant, or similar establishment which, during a portion of the total presentation time, features live performances which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1 and/or feature films, motion pictures, videocassettes, slides, or other photographic reproductions, a portion of the presentation time of which is devoted to showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1.

F. **ADULT MOTEL —** A motel or similar establishment offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions, a substantial portion of the total presentation time of which is distinguished or characterized by an emphasis upon the depiction or description of materials which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1.

G. **ADULT THEATER —** A theater, concert hall, auditorium, or similar establishment, either indoor or outdoor in nature, which for any form of consideration regularly features live performances, a substantial portion of the total presentation time of which is distinguished or characterized by an emphasis on activities which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1.

H. **NUDE MODEL STUDIO —** A place where a person appears in a state of nudity or displays male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals and is observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration or such display is characterized by an emphasis on activities which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1.

I. **SEXUAL ENCOUNTER CENTER —** A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration (A) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or (B) activities between male and female persons and/or persons of the same sex when one or more persons is in the state of nudity; or where the activities in (A) or (B) are characterized by an emphasis on activities which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1.

Section 14.2. Allowed location and location restrictions of sexually oriented businesses.

Sexually oriented businesses, as defined above, shall be permitted only in the Industrial Zone (I) by special permit and site plan review and provided that all other regulations, requirements, and restrictions for the zone in which the sexually oriented business is to be located are met, and no sexually oriented business shall be permitted within 1,000 feet of another existing sexually oriented business or one for which a building permit has been applied for, and no sexually oriented business shall be permitted within 750 feet of any other zoning district; and

No sexually oriented business shall be permitted within 1,000 feet of any church; place of worship; parish house; convent; public, parochial, or private school; kindergarten; state-approved day-care center; elderly housing; or public sports/recreation parks, and no sexually oriented business shall be established within 750 feet of the Town boundaries, and no sexually oriented business shall be permitted within a building, premises, structure or other facility that contains a sexually oriented business as defined in Section 14.1A through I above; and

No sexually oriented business shall be permitted within 750 feet of Exeter Road, Rte. 101, Rte. 1 and Rte. 1A, which are considered to be the gateway roads into the Town of Hampton.

Section 14.3. Measure of distance.

The distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall or temporary or permanent physical divider of each business.

Section 14.4. Additional regulations.

The Planning Board is empowered hereunder to review and approve permit applications for sexually oriented businesses and impose reasonable restrictions for buffering, outdoor lighting, parking, adequate ingress and egress from the site off of and onto public roads, and pedestrian movement and to provide for appropriate landscaping and building aesthetics in the site plan review.

ARTICLE XV
Elderly Housing Standards
(Adopted March 1998)

15. Elderly housing. Elderly housing is subject to the approval of site plan review by the Planning Board and must conform but not be limited to the following standards in permitted districts:

RAA	RA	RB	RCS	B	BS	I	G
X	X	R	R	R	R	X	R

1. No elderly housing shall exceed the height requirement for the district in which it is proposed.

2. The required land area per dwelling unit shall equal that of the underlying district.

3. Any multistoried building shall be subject to elevators. Elevator shafts shall be exempt from height requirements of the underlying zone.

4. Basement apartments, including any apartments with any portion of living space below grade level, are prohibited.

5. Elderly housing shall comply with all Town and state codes. In addition, State Building Code and NFPA (National Fire Protection Association) Life Safety Codes shall be followed as determined by the Town of Hampton Building Department and Fire Prevention Bureau.

6. Elderly housing shall provide a minimum indoor gathering area of 20 square feet per dwelling unit, not to be less than 400 square feet per building. This area shall not include dining facilities.

7. Driveways and parking areas shall be located at least 25 feet from the front of any building and at least 10 feet from the side or rear of any building.

8. All driveways, lighting and landscaping associated with such areas shall conform to construction specifications for new subdivision streets.

9. Parking configuration shall be as determined by the Planning Board. This determination shall take into consideration the type of elderly housing being presented.

10. A minimum open buffer zone of at least 25 feet shall be preserved along all boundaries of the site. Natural woodlands shall be the preferred landscaping. In locations of no natural woodlands, the Planning Board shall approve the landscaping.

11. All building shall be located 20 feet from the interior edge of the buffer zone.

12. Types of elderly housing permitted are: group shared residence, supportive-agency-sponsored group shared residence, congregate housing and lifecare or continuing care retirement communities or other elderly housing proposals that the Planning Board considers appropriate, after public hearing.

ARTICLE XVI
Telecommunications Facility Ordinance
(Adopted March 1999)

Section 16.1. Purpose and goal.

The general purpose of this ordinance is to preserve the authority of the Town of Hampton to regulate and provide for reasonable opportunity for the siting of telecommunication facilities. Any such facilities shall not exceed 100 feet in height.

Section 16.2.

Any telecommunication facilities shall be located within the Telecommunications District. The district shall consist of an extension in an easterly and westerly direction of 350 feet from the center line of Route 95. The Zoning Board of Adjustment may grant a special exception for towers on property owned, leased or controlled by the Town or for retrofitting on an existing structure greater than 80 feet.

Section 16.3.

The Planning Board shall adopt site plan regulations, which shall include but not be limited to aesthetics and lighting; construction, building and safety standards; security and space requirements; landscaping; and financial security for maintenance and/or removal of any facilities.

Section 16.4.

Additional requirements for telecommunications facilities:

a) To the extent possible, collocation must be provided by applicants to competitors at a reasonable cost, and all new support structures must be capable of handling multiple facilities.

b) Setbacks and separation.

   (i) Towers must be set back a distance equal to 125% of the height of the tower from any lot line.

(ii) Tower, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.

(iii) Towers over 90 feet in height shall not be located within 1/4 mile of any existing tower that is over 90 feet in height.

ARTICLE XVII
Small Wind Energy Systems Ordinance
(Adopted March 2009)

Section 17.1. Purpose.

This Small Wind Energy Systems Ordinance is enacted in accordance with RSA 674:62 to 674:66 and its definitions and the purposes outlined in RSA 672:1, III-a. The purpose of this ordinance is to allow the Building Inspector to grant building permits for small wind energy systems and their associated towers in appropriate locations, while protecting the public's health, safety and welfare.

Section 17.2. Standards.

The Building Inspector shall evaluate the building permit application for compliance with the following standards:

1. Only one small wind energy system or tower shall be allowed per lot.

2. Generating capacity. The system shall not produce in excess of 100 kilowatts of electricity.

3. Height. System height (ground to blade tip) shall be limited to a maximum of 125 feet but no more than 35 feet taller than the surrounding tree canopy, whichever is less. Turbine blades must have a clearance of at least 20 feet from the blade tip to the ground or nearest structure.

4. Setbacks. The minimum required setback distance, measured from the closest point of the tower base to property line, shall be system height plus 15 feet.

5. Noise limit. The sound from the system shall not exceed 50 decibels using the A scale (dBA) measured at the nearest property line.

6. Sign. At least one sign shall be posted at five feet warning of electrical shock or high voltage and harm therefrom.

7. Other requirements. Towers shall be constructed as a tilt-down or provide one of the following means of access control or other appropriate method of access:

   a. Tower-climbing apparatus located no closer than 12 feet to the ground.

b. A locked anti-climb device installed on the tower.

c. A locked, protective fence at least six feet in height that encloses the base.

ARTICLE XVIII
Solar Panels Ordinance
(Adopted March 2009)

1. Solar panels exceeding two square feet in area are not permitted in any front yard, on any face of a building or structure facing a street unless integrated with the ordinary construction of said building or structure, or in view of any adjacent street, except roof-mounted solar panels as set forth below.

2. Ground-mounted solar panels shall:

   a. Be located in a side or rear yard only.

   b. Not exceed eight feet in height above the ground.

   c. Be fully screened from adjacent properties by fencing or a combination of evergreen and deciduous plantings.

3. Roof-mounted solar panels. (Amended March 2010)

   a. Permitted roof-mounted solar panels shall include integrated solar panels as the surface layer of the roof structure with no additional apparent change in relief or projection (the preferred installation) or separate flush-mounted solar panels attached to the roof surface.

   b. Separate flush-mounted solar panels installed on a building or structure with a sloped roof surface shall not project vertically above the peak of the roof to which they are attached or project vertically more than five feet above a flat roof installation.

ARTICLE XIX
Transportation Corridor Overlay District
(Added 3-13-2012 ATM, Art. 6)

Section 19.1. Purposes.

This overlay district is created for the purposes of a) providing opportunities for future transportation uses and facilities and utility line uses and facilities; b) allowing for recreational trail use; and c) restricting land uses from being established in the transportation corridor that conflict with these uses.

Section 19.2. Boundary.

The District shall consist of the B&M Hampton Branch rail line property, regardless of ownership, running from the North Hampton town line to the Hampton Falls town line as shown on Tax Maps 43, 56, 71, 90, 108, 125, 143, 160, 175, 189, 203, 215, 227, 237, 247, 258 and 257.

Section 19.3. Permitted uses and facilities.

1. Railroad uses and facilities.

2. Public highways.

3. Utility lines, including but not limited to water, sewer, drainage, natural gas, electric and fiber optic.

4. Recreational trails.

ARTICLE XX
Amendments

This ordinance and the boundaries of districts shown on the Zoning Map may be amended at any annual or special Town meeting in accordance with the provisions of the State Zoning Enabling Act, Chapter 31 of the Revised Laws, 1955, or any amendments thereto.

ARTICLE XXI
Violations

Any person violating any of the provisions of this ordinance shall be subject to a fine as provided in RSA 676:17, as amended. The Board of Selectmen, or the Building Inspector, is hereby designated as the proper local authority of the Town to institute appropriate action under the provisions of RSA 676:17. (Amended 1986)

ARTICLE XXII
Validity

If any section or part of section or paragraph of this ordinance is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

IMPACT FEES

(Adopted 3-12-2002; amended 3-11-2003 ATM, Art. 16)

Section 1. Purpose.

1.1 This ordinance is enacted pursuant to RSA 674:16 and 674:21, and in order to:

Promote public health, safety, convenience, welfare, and prosperity;

Ensure that adequate and appropriate facilities are available to individuals who may come to be located in the Town of Hampton;

Prevent scattered or premature development of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services;

Provide for the harmonious development of the municipality and its environs;

Ensure the proper arrangement and coordination of streets; and,

Ensure streets of sufficient width to accommodate existing and prospective traffic.

Section 2. Authority.

2.1 Impact fees may be assessed in any manner consistent with the terms of this ordinance and, in addition, the Planning Board may, as a condition of approval of any subdivision or site plan, and when consistent with applicable Board regulations, require an applicant to pay an impact fee for the applicant's fair share of off-site improvements to public facilities affected by the development.

2.2 Nothing in this section shall be construed to limit the existing authority of the Planning Board to disapprove proposed development which is scattered or premature or which would otherwise violate applicable ordinances and regulations. The adoption of this ordinance shall expressly authorize the Planning Board to require off-site work to be performed by the applicant in lieu of or in addition to paying an impact fee and nothing in this section shall limit the Board's authority to impose other types of conditions of approval. Nothing in this section shall be construed to affect types of fees governed by other statutes, town ordinances or regulations.

Section 3. Findings.

In review of the impact of growth relative to the existing and planned capital facility capacity available to the Town of Hampton for its municipal and school needs, the Town of Hampton hereby finds that:

3.1 Recent and anticipated growth rates in public enrollment with associated improvements and costs, and recent increases in the demand and costs for public services has required an excessive expenditure of public funds in order to maintain adequate municipal and school facility standards and to promote and protect the public health, safety and welfare.

3.2 The imposition of impact fees is one of the methods available to ensure that new development will bear a proportionate share of the capital costs necessary to accommodate such development.

3.3 The impact fee methodology shall be a reasonable, rational and proportional method for the assessment of growth-related facility costs to new development.

3.4 An impact fee ordinance for public capital facilities is consistent with the goals and objectives of the Master Plan and Capital Improvements Program for the Town of Hampton.

Section 4. Assessment Methodology and Collection.

4.1 The amount of the impact fee shall be a proportional share of municipal capital improvement costs which is reasonably related to the capital needs created by the development, and to the benefits accruing to the development from the capital improvements financed by the fee.

4.2 Upgrading of existing facilities and infrastructures, the need for which is not created by new development, shall not be paid for by impact fees.

4.3 An impact fee assessment schedule may be calculated and adopted by the Planning Board after a public hearing. The Impact Fee Assessment Schedule shall be reviewed periodically by the Planning Board. Such review may result in recommended adjustments in one or more of the fees based on the most recent data as may be available including, but not limited to, current construction cost information or capital improvement plans or programs, property assessment data, demographic data, U.S. Census information, and other sources. Based on its review, the Board may consider the adoption of an updated or amended impact fee methodology, or may modify the schedule to correct errors or inconsistencies identified in the review process. No change in the methodology or in the impact fee schedules shall become effective until it shall have been the subject of a public hearing before the Planning Board, noticed in accordance with RSA 675:7.

4.4 Impact fees may be assessed to new development to compensate the Town of Hampton for the proportional share of capital facilities generated by new development in the Town of Hampton, including capital facilities to be constructed, or which were constructed in anticipation of new development by the Town of Hampton, the Hampton School District, or the Winnacunnet Cooperative School District.

4.5 All impact fees imposed pursuant to this section shall be assessed at the time of Planning Board approval of a subdivision plat or site plan. When no Planning Board approval is required, or has been made prior to the adoption or amendment of this Ordinance, impact fees shall be assessed prior to, or as a condition for, the issuance of a building permit or other appropriate permission to proceed with development.

Section 5. Administration.

5.1 **Accounting:** In accord with RSA 673:16, II and RSA 674:21, V(c), impact fees shall be accounted for separately, shall be segregated from the Town's general fund, may be spent upon order of the Board of Selectmen, and shall be used solely for the capital improvements for which it was collected, or to recoup the cost of capital improvements made in anticipation of the needs which the fee was collected to meet.

5.2 **Assessment:** All impact fees imposed pursuant to this section shall be assessed at the time of Planning Board approval of a subdivision plat or site plan. When no Planning Board approval is required, or has been made prior to the adoption or amendment of this Ordinance, impact fees shall be assessed prior to, or as a condition for, the issuance of a building permit or other appropriate permission to proceed with development. (Amended 3-8-2005 ATM, Art. 6)

5.3 **Security:** In the interim between assessment and collection, the Planning Board may require developers to post bonds, issue letters of credit, accept liens, or otherwise provide suitable measures of security so as to guarantee future payment of assessed impact fees.

5.4 **Collection:** Impact fees shall be collected at the time a certificate of occupancy is issued. If no certificate of occupancy is required, impact fees shall be collected when the development is ready for its intended use. Nothing in this subparagraph shall prevent the municipality and the assessed party from establishing an alternate, mutually acceptable schedule of payment of impact fees. (Amended 3-8-2005 ATM, Art. 6)

5.5 **Waivers:** The Planning Board may grant full or partial waivers of impact fees where the Board finds that one or more of the following criteria are met with respect to the particular capital facilities for which impact fees are normally assessed.

a. A person may request a full or partial waiver of school facility impact fees for those residential units that are lawfully restricted to occupancy by senior citizens age 62 or over or to households with at least one person age 55 and over as applicable, in a development that is maintained in compliance with the provisions of RSA 354-A:15, Housing For Older Persons. The Planning Board may waive school impact fee assessments on age-restricted units where it finds that the property will be bound by lawful deeded restrictions on occupancy for a period of at least 20 years.

b. The Planning Board may agree to waive all or part of an impact fee assessment and accept in lieu of a cash payment, a proposed contribution of real property or facility improvements of equivalent value and utility to the public. Prior to acting on a

request for a waiver of impact fees under this provision that would involve a contribution of real property or the construction of capital facilities, the Planning Board shall submit a copy of the waiver request to the Board of Selectmen for its review and consent prior to its acceptance of the proposed contribution. The value of contributions or improvements shall be credited only toward facilities of like kind, and may not be credited to other categories of impact fee assessment. Full or partial waivers may not be based on the value of exactions for on-site or off-site improvements required by the Planning Board as a result of subdivision or site plan review, and which would be required of the developer regardless of the impact fee assessments authorized by this Section.

c. The Planning Board may waive an impact fee assessment for a particular capital facility where it finds that the subject property has previously been assessed for its proportionate share of public capital facility impacts, or has contributed or constructed capital facility capacity improvements equivalent in value to the dollar amount of the fee(s) waived.

d. The Planning Board may waive an impact fee assessment where it finds that, due to conditions specific to a development agreement, or other written conditions or lawful restrictions applicable to the subject property, the development will not increase the demand on the capacity of the capital facility or system for which the impact fee is being assessed.

e. A person may request a full or partial waiver of the amount of the impact fee for a particular development based on the results of an independent study of the demand on capital facility capacity and related costs attributable to that development. In support of such request, the feepayer shall prepare and submit to the Planning Board an independent fee calculation or other relevant study and supporting documentation of the capital facility impact of the proposed development. The independent calculation or study shall set forth the specific reasons for departing from the methodologies and schedules adopted by the Town. The Planning Board shall review such study and render its decision. All costs incurred by the Town for the review of such study, including consultant and counsel fees, shall be paid by the feepayer.

f. A person may request a full or partial waiver of impact fees for construction within a plat or site plan approved by the Planning Board prior to the effective date of this Section, and the Planning Board shall grant such waiver to the extent that the development (or a phase of it) is entitled to statutory or common law vesting protection. This waiver may not be applicable to phases of a phased development project where active and substantial development, building and construction has not yet occurred in the phase in which construction is proposed.

5.6 **Refund:** Any portion of an impact fee which has not become encumbered or otherwise legally bound to be spent for the purpose for which it was collected, shall be refunded, with any accrued interest, to the property owner of record at the time the refund is made. Note, however, this does not preclude assessed parties from entering into any

agreement with successors in interest concerning the disbursement of any refunds of impact fees. An impact fee shall be refunded:

a. When the subdivision or site plan approval expires under the respective rules of the Planning Board, or under the terms of the decision, without having become vested under RSA 674:39, and without any extension being granted by the Planning Board; OR

b. When such approval is revoked under RSA 676:4-a; OR

c. Six years after its collection, or, if any extension of approval is granted by the Planning Board, six years after such extension is granted; OR

d. Six years after its collection, whenever the calculation of an impact fee has been predicated upon some portion of capital improvement costs being borne by the Town, the Hampton School District, or the Winnacunnet Cooperative School District, and the Legislative Body of the Town and/or the responsible School Board has failed to appropriate their share of the capital improvement costs.

Section 6. Appeals.

In accord with RSA 676:5, III, appeals of the decision of the Planning Board in administering this ordinance may be made to Superior Court, as provided in RSA 677:15.

Section 7. Definitions.

IMPACT FEE — A fee or assessment imposed upon development, including subdivision, building construction or other land use change, in order to help meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the municipality, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; public road systems and rights-of-way; municipal office facilities; public school facilities; the municipality's proportional share of capital facilities of a cooperative or regional school district of which the municipality is a member; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public library facilities; and public recreational facilities not including public open space.

NEW DEVELOPMENT — An activity which results in:

a. The subdivision of land that creates additional building lots; or

b. The creation of a new dwelling unit or units; or

c. The conversion of a lawfully existing use which would result in a net increase in the number of dwelling units; or

d. The creation of or an increase in the number of bedrooms within an existing dwelling unit; or

e. A non-residential development or conversion of property that results in a net increase in the gross floor area of a non-residential use.

Section 8. Effective Date.

This ordinance was adopted by the Legislative Body of the Town of Hampton, acting at its duly warned annual meeting on March 12, 2002, and amended March 11, 2003.

ZO Attachment 1

Town of Hampton

History of the Zoning Ordinance and Building Codes
Adopted: March 8, 1949 (by Town Meeting)

Amended: March 14, 1950
Amended: March 11, 1952
Amended: September 29, 1952
Amended: March 8, 1953
Amended: January 11, 1956
Amended: March 13, 1956
Amended: March 12, 1957
Amended: March 11, 1958
Amended: March 10, 1959
Amended: March 14, 1961
Amended: March 13, 1962
Amended: March 12, 1963
Amended: March 10, 1964
Amended: March 9, 1965
Amended: March 8, 1966
Amended: March 14, 1967
Amended: March 12, 1968
Amended: March 11, 1969
Amended: March 10, 1970
Amended: March 9, 1971
Amended: March 7, 1972
Amended: March 6, 1973
Amended: December 4, 1973
Amended: March 5, 1974
Amended: March 4, 1975
Amended: March 2, 1976
Amended: March 13, 1979
Amended: March 11, 1980
Amended: March 9, 1982
Amended: March 8, 1983
Amended: March 13, 1984
Amended: March 12, 1985
Amended: March 11, 1986
Amended: March 10, 1987
Amended: March 8, 1988
Amended: March 14, 1989
Amended: March 13, 1990
Amended: March 12, 1991
Amended: March 10, 1992
Amended: March 9, 1993
Amended: March 8, 1994
Amended: March 14, 1995
Amended: March 12, 1996
Amended: April 8, 1997
Amended: March 10, 1998
Amended: March 9, 1999
Amended: March 14, 2000
Amended: March 13, 2001
Amended: March 12, 2002
Amended: March 11, 2003
Amended: March 8, 2005
Amended: March 14, 2006
Amended: March 13, 2007
Amended: March 10, 2009
Amended: March 9, 2010
Amended: March 8, 2011
Amended: March 13, 2012
Amended: March 12, 2013
Amended: March 11, 2014
Amended: March 10, 2015

Updates/Revisions of National Building Codes (by Board of Selectmen)

October 10, 1990
October 18, 1993
November 22, 1999
March 11, 2003 — by Town Meeting vote

PART VI

RULES OF PROCEDURE

Chapter 835

CEMETERY REGULATIONS

High Street Cemetery Lot Pricing

[HISTORY: Adopted by the Hampton Cemetery Trustees as last revised 7-23-2009. Subsequent amendments noted where applicable.]

GENERAL REFERENCES:

Cemetery — See Ch. 80.

These Regulations are established by the Cemetery Trustees in accordance with **RSA 289:2,** as amended, and may from time to time be amended for the operation and maintenance of all cemeteries and burial sites owned and/or maintained by the Town of Hampton, and shall also apply to all sites declared abandoned by the Board of Selectmen under RSA 289:19-21.

RSA 289:7, l(a). The operation and maintenance of all cemeteries owned and maintained by the municipality shall be in the Charge of the cemetery trustees.

The following regulations are hereby established for the mutual protection of Lot owners and the cemetery as a whole. Lot owners and persons visiting and contracted to work within the cemeteries will be expected to abide by such regulations as herein enacted and as hereafter amended, which are intended to assist in maintaining these cemeteries as a peaceful, dignified, safe and beautiful area as well as a reverent symbol of respect for the dead and a valuable link to the heritage of the community.

The Superintendent of Cemeteries shall have complete oversight of all cemeteries in Hampton and no work shall be performed in said cemeteries without his approval or the approval of the Hampton Cemetery Trustees.

The Cemetery Supervisor/Trustees reserve the right to refuse interment in any plot and to refuse to open any burial space for any purpose if there is a question of assignment and/or right for said interment.

Cemeteries shall normally be open to the public seven days a week from 7:30 a.m. to dusk. No person or persons, not an employee or trustee of these cemeteries shall enter these cemeteries after sundown for any purpose.

Any resident of the town of Hampton, N.H. may purchase up to four graves at any time. The purchase of additional graves must be approved by the Hampton Cemetery Trustees.

Graves shall be used for no other purpose than a place of burial. The owner of any lot shall have the right to use the same for the burial of the dead and the placing of suitable memorials, subject to cemetery regulations.

No fence, hedge, railing or enclosure of any kind may be placed upon the boundaries of any lot.

All persons are prohibited from gathering flowers, either wild or cultivated, breaking or cutting trees, shrubbery or plants, defacing or otherwise damaging monuments or structures, or disturbing the birds or animal life.

All non-cremain interments shall be enclosed in a sealed cemetery cement vault.

The use of glass containers on any lot will not be permitted. No more than one planter, vase, basket or any other surface placed containers will be permitted on any lot and must be kept next to the monument. No container shall weigh more than 35 pounds.

Owners of lots shall remove floral arrangements when they become withered and dried up, including their containers. If the owners fail to do so the Superintendent may remove them at his discretion.

All trees are the property of the Cemetery and may be removed by the Cemetery.

Only one central or family memorial shall be allowed on a lot.

Only one monument of upright stone shall be erected on a four grave lot. On lots of less than four graves only a flat grave marker will be allowed, provided that the lot and/or individual graves are paid in full.

The base of all monuments will not exceed more than one foot beyond the monument and no monument shall be higher than four feet (4') above ground level including the base.

No monument or other structure shall be erected until a suitable foundation is laid. All foundations for monuments and markers shall be no less than three (3) feet in depth. Deeper foundations will be used when deemed advisable by the Superintendent. All foundations are to be inspected and approved by the Superintendent before concrete is poured.

Designs of monuments, markers and corner posts must be submitted to the Superintendent for approval before installation.

Failure to comply with the two above mentioned regulations will result in removal of foundations and/or memorials at the expense of the monument dealer.

All improvements or alterations of individual lots in the Cemetery shall be under the direction and subject to the consent, satisfaction and approval of the Superintendent and should they be made without his consent, he shall have the right to remove, alter or change such improvements or alterations at any time when in his judgment they become unsightly to the eye.

In section "F" at the High Street Cemetery only one monument will be permitted on any four or eight grave lot.

In memorial section "E" at the High Street Cemetery only flat grave markers and corner posts that do not extend above grade level are permitted. Only plantings in surface placed containers that do not exceed 35 pounds will be permitted.

Flat grave markers and corner posts shall not exceed grade level. These markers shall not exceed 16" x 30", except where a single marker is used to mark two contiguous graves in which case the marker shall not exceed 16" x 36.

No dogs or other domestic animals are to run at large within any cemetery.

No signs or notices of any kind, including advertisements, shall be allowed in the cemeteries unless placed by the Cemetery Trustees.

The Hampton Cemetery Trustees reserve the right to make additional regulations, amendments to regulations and make special exceptions to the above regulations if necessary, in keeping with the best interest of the Cemetery and the Town of Hampton.

835 Attachment 1

Town of Hampton

Hampton Cemetery Trustees
Lot Pricing
High Street Cemetery

1.	Flat stone graves	$351
2.	Upright stone (single lot)	$651
3.	Upright stone (4 grave lot)	$1,504

Chapter 840

CONSERVATION COMMISSION

§ 840-1. Purpose and authority.

§ 840-2. Membership.

§ 840-3. Officers.

§ 840-4. Code of conduct.

§ 840-5. Duties of Commission.

§ 840-6. Subcommittees.

§ 840-7. Meetings.

§ 840-8. Public hearings.

§ 840-9. Nonpublic session.

§ 840-10. Joint meetings and hearings.

§ 840-11. Procedure for Town special permit applications.

§ 840-12. Procedure for standard dredge and fill and Comprehensive Shoreland Protection Act applications.

§ 840-13. Procedure for minimum impact expedited permit applications.

§ 840-14. Records.

§ 840-15. Amendments.

[HISTORY: Adopted by the Conservation Commission of the Town of Hampton 3-22-2011. Amendments noted where applicable.]

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§ 840-1. Purpose and authority.

A. The purpose of the Hampton Conservation Commission is to protect watershed resources and promote the proper utilization and protection of natural resources within the Town of Hampton.

B. These rules of procedure are adopted under the authority of RSA 36-A, Conservation Commissions.

§ 840-2. Membership.

A. The Hampton Conservation Commission shall consist of no fewer than four and no more than seven members appointed by the Board of Selectmen.

B. Alternate members, appointed by the Board of Selectmen, may serve on the Conservation Commission as authorized by RSA 36-A:3.

C. Except for the Planning Board's representative, all members shall be appointed for three-year terms. Terms of office will be staggered so that the terms of approximately 1/3 of the members will expire each year.

D. A vacancy occurring by other than term expiration shall be filled for the unexpired term in the same manner as an original appointment.

E. The Secretary (or designated Town employee) shall forward to the Municipal Clerk, for recording, each Commission member's term appointment and expiration dates.

F. If a Commission member or alternate is unavailable to fulfill his/her duties for three consecutive absences without timely notification, the Commission may vote to send a letter to the member or alternate inquiring as to his or her level of commitment. If appropriate, the Commission may vote to send a letter to the Board of Selectmen asking to appoint a new member in his or her place.

§ 840-3. Officers.

A. Commission officers shall be elected at the March meeting by a majority vote of the Commission. This meeting shall occur after the existing members' terms are renewed and new members are appointed.

B. The Commission officers and their duties shall be:

(1) Chairperson. The Chairperson shall preside over all public meetings and hearings; shall be the official spokesperson for the Commission; and shall, with the assistance of the Secretary and Town staff, post meeting notices, prepare an annual report, and perform other duties customary to the office. The Chairperson shall vote in all cases where s/he does not have a conflict of interest.

(2) Vice Chairperson. The Vice Chairperson shall preside in the Chairperson's absence and shall have the full powers of the Chairperson on matters that come before the Commission during the Chairperson's absence.

(3) Secretary. The Secretary (or designated Town employee) shall be responsible for the maintenance of Commission minutes and records. The Commission may retain a Recording Secretary whose records shall be reviewed by the Commission for accuracy.

(4) Conservation Coordinator. The Conservation Coordinator shall be hired jointly by the Planning Board and the Conservation Commission and will serve on the staff of the Planning Board. The Coordinator shall serve as the interface between the Conservation Commission and the Planning Board and between the Conservation Commission and those seeking advice and/or Department of Environmental Services (DES) wetlands or Hampton special permits.

§ 840-4. Code of conduct.

A. A Conservation Commission member will attend meetings regularly and punctually. S/he shall notify the Chairperson, Coordinator or other member in advance of a planned absence.

B. A member shall not act as an individual in settling complaints registered with the member but shall refer these complaints to the entire Commission.

C. A member shall support the Commission and its decisions.

D. A member shall not accept any favors or special privileges for himself/herself or his/her family.

E. Members shall excuse themselves from voting on any issue in which a conflict of interest, either personal or professional, may exist. A member shall not be a presenter of a dredge and fill application before the Commission unless he or she steps down for an alternate.

§ 840-5. Duties of Commission.

A. Conduct research into local land and water areas. (RSA 36-A:2)

B. Keep an index of all open space and natural aesthetic or ecological areas in Hampton, including marshlands, swamps, and other wetlands. (RSA 36-A:2)

C. Advise the Planning Board and other local bodies on conservation matters. (RSA 36-A:2)

D. Seek to coordinate the activities of unofficial groups involved with the protection of natural or watershed resources. (RSA 36-A:2)

E. Keep accurate records of Conservation Commission meetings and actions and file an annual report. (RSA 36-A)

F. Manage, protect, and properly utilize conservation land. (RSA 36-A:4)

G. Intervene, investigate, and make recommendations on dredge and fill permits filed with the New Hampshire Department of Environmental Services (DES). (RSA 482-A)

H. Review and make recommendations to the Planning Board on Town special permit applications.

I. Prepare reports and maps for local designation of prime wetlands. (RSA 482-A:15)

J. Receive, manage and control gifts of money and property for conservation purposes, subject to approval of the local governing body and in the name of Hampton. (RSA 36-A:4)

K. Acquire, manage and control property or property rights for conservation purposes, subject to approval of the local governing body and in the name of the Town of Hampton. (RSA 36-A:4)

L. Review and make recommendations to the Planning Board on sand and gravel excavation permits. (RSA 155-E:3)

M. Manage Town-owned conservation land and easements, including maintaining an accurate inventory and periodic visits to those properties with easements.

§ 840-6. Subcommittees.

The Chairperson may from time to time appoint subcommittees for any purpose deemed necessary. Each subcommittee shall report to the Commission at each meeting or at such other times as may be requested.

§ 840-7. Meetings.

A. Regular meetings shall be held monthly at the Municipal Office Building at 7:00 p.m., normally on the fourth Tuesday of each month. Additional meetings or changes to the regular schedule shall be allowed by vote of the Commission, provided that proper notice is given in accordance with RSA 91-A:2.

B. Nonpublic meetings shall be held only in accordance with RSA 91-A:3.

C. A quorum shall be constituted if a least four members or alternates are in attendance.

D. A motion, duly seconded, shall be carried by an affirmative hand vote of a majority of the members present.

E. If any regular member is absent from a meeting or disqualifies him/herself from sitting upon a particular application, the Chairperson may designate one of the alternate members to sit in his/her place. Any sitting alternate shall have all of the powers and duties of a regular member. An alternate member sitting for a regular member may be asked to sit for that matter until it is completed, so that the most knowledgeable member and/or alternate is sitting in review, if possible. Only members and alternates sitting during a motion may vote on a matter. If any member finds it necessary to be disqualified from sitting upon a particular case, the member shall notify the Chairperson as soon as possible so that the Chairperson may request for an alternate to fill the place. Either the Chairperson or the member shall announce the disqualification before the discussion or the public hearing on the application begins. The disqualified member shall leave the table until discussion or action on the case is completed.

F. If uncertainty arises as to whether a member should disqualify him/herself, on the request of the member or the request of another member of the Commission, the Commission shall vote on the question. Such request and vote shall be made prior to or at the commencement of any required public hearing. If the Commission votes to disqualify a member, the Chairperson shall select an alternate to take his/her place.

G. Order of business shall be (as applicable):

(1) Call to order by Chairperson.

(2) Public hearing.

(3) Appointments.

(4) Old business.

(5) New business.

(6) Other Commission business.

(7) Unscheduled Commission matters.

(8) Nonpublic session.

(9) Adjournment.

§ 840-8. Public hearings.

The conduct of public hearings shall be governed by the following rules:

A. The Chairperson shall call the hearing in session.

B. The applicant or agent shall present the application to the Commission.

C. Members of the Commission may ask questions at any point during the presentation.

D. After all questions from the Commission have been answered, the Chairperson shall open the public hearing. The Chairperson shall first acknowledge for the record any correspondence received regarding the proposal, then ask for questions or comments regarding the proposal from the members of the public present at the meeting. Each person shall state his or her name and address for record. All questions shall be directed through the Chairperson. By majority vote of the Commission, the Commission may limit each member of the public to a specific time allotment. The vote shall be taken prior to the opening of the public hearing and shall be binding for all persons from the public wishing to speak.

E. Other parties, such as representatives of Town departments and other Town boards and commissions, shall be allowed to present their comments in person or writing.

F. Once all questions and comments have been heard, the Chairperson shall either close the public hearing to allow the Commission to take some action or continue the public hearing to a specific date and time.

G. Once the public hearing is closed the Commission shall vote to recommend, conditionally recommend, or not recommend within the time frames established by state law.

H. A majority vote may reopen the hearing.

§ 840-9. Nonpublic session.

A. Nonpublic sessions are only allowed for specific exemptions detailed in RSA 91-A. The exemption for land acquisition is RSA 91-A:3, II(d).

B. The Conservation Commission may exclude the public only after passing a motion stating the exemption relied upon for the nonpublic session. The motion, duly seconded, must be carried by an affirmative, recorded, roll-call vote of a majority of the members present.

C. All discussion and decisions made during nonpublic session shall be confined to the matters set out in the motion.

D. Minutes of proceedings in nonpublic session shall be kept, and the record of all actions shall be made available for public inspection as outlined in RSA 91-A:3, III. If it is determined by a recorded vote of 2/3 of the members present that divulgence of the information would have an adverse affect (see RSA 91-A:3, III), information may be withheld by sealing the minutes until (in the opinion of a majority of members) the

applicable circumstances no longer apply. In that case, immediately after the nonpublic session, the Commission will take a roll-call vote in public session to seal the minutes.

§ 840-10. Joint meetings and hearings.

A. The Commission may hold joint meetings and hearings with other land use boards, including the Planning Board. Each board shall have discretion whether or not to hold such joint meeting or hearing. (RSA 676:2)

B. Joint business meetings with another local land use board may be held at any time when called jointly by the Chairperson of the two boards.

C. The rules of procedure for joint meetings and hearings, the subject matter of which involves the Commission, shall be the same as these rules of procedure, except that the order of business shall be as follows:

(1) Call to order by Chairperson.

(2) Introduction of members of both boards by Chairperson.

(3) Explanation of reason for joint meeting/hearing by Chairperson.

(4) In the case of a public hearing relative to a requested permit or an application for a plan of approval, or both, the applicant shall be called to present his proposal.

(5) Adjournment.

D. Each board involved in a joint public hearing shall make its own decision, based on its criteria for the particular matter.

§ 840-11. Procedure for Town special permit applications.

A. Town special permit applications must be filed at the Town Planning Office at least seven calendar days in advance of the Conservation Commission meeting at which the application is to be reviewed by the Commission.

B. A site walk shall normally be scheduled for the Saturday before the regular meeting. If inclement weather or unusual field conditions (such as deep snow cover) prevent an adequate impact assessment, the Commission may request an applicant to postpone action until an adequate assessment can be made.

C. The review of the application will follow the procedure outlined for public hearings in § 840-8.

D. The Commission shall provide a written recommendation to the Planning Board no more than four business days following a meeting. A copy of the recommendation letter shall be sent to the applicant or agent and be available for public inspection in the Conservation Commission office.

§ 840-12. Procedure for standard dredge and fill and Comprehensive Shoreland Protection Act applications.

A. Standard dredge and fill and Comprehensive Shoreland Protection Act[1] applications to the New Hampshire Department of Environmental Services (NHDES) must be filed at the Town Clerk's office at least seven calendar days in advance of the Conservation Commission meeting at which the application is to be reviewed by the Commission.

B. Within 14 calendar days of an application to the NHDES being filed with the Town Clerk, the Chairperson (or designated Town employee) shall notify the New Hampshire Wetlands Board in writing of the Commission's intent to intervene, in accordance with RSA 482-A. This only applies to standard dredge and fill applications.

C. The application shall be scheduled for a public hearing at the next regular Commission meeting. A site walk shall normally be scheduled for the Saturday before the regular meeting. If inclement weather or unusual field conditions (such as deep snow cover) prevent an adequate impact assessment, the Commission may request an applicant to postpone action until an adequate assessment can be made.

D. A written report stating the Commission's action on the application shall be sent to the NHDES within 40 days of the original filing date with the Town Clerk.

§ 840-13. Procedure for minimum impact expedited permit applications.

A. An application for a minimum impact expedited permit will be treated like a standard dredge and fill application with the exception that staff will not send a notice of intervention to the New Hampshire Department of Environmental Services.

B. The application shall be scheduled for a public hearing at the next regular Commission meeting. A site walk shall normally be scheduled for the Saturday before the regular meeting.

C. The Conservation Commission shall vote as to whether or not the Chairperson shall sign the application and whether to send a letter of recommendation.

§ 840-14. Records.

A. Commission records shall be kept by the Secretary (or designated Town employee) and shall be made available for public inspection at the Commission's office as required by RSA 676:3, II.

B. Minutes of meetings, including Commission members' names, persons appearing before the Commission, and a brief description of the subject matter, shall be open to public inspection as required in RSA 91-A:2, II.

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1. **Editor's Note: See RSA 483-B.**

§ 840-15. Amendments.

These rules of procedure may be amended by a majority vote of Commission members, provided that such amendment is read at the meeting immediately preceding the meeting at which the vote is to be taken. The amended bylaws and rules of procedure shall be filed with the Municipal Clerk.

Chapter 850

PLANNING BOARD

§ 850-1. Authority.

§ 850-2. Members.

§ 850-3. Officers.

§ 850-4. Meetings.

§ 850-5. Application procedures and notices.

§ 850-6. Public hearing procedures.

§ 850-7. Decisions.

§ 850-8. Records.

§ 850-9. Joint meetings within the municipality.

§ 850-10. Joint meetings with adjoining municipalities.

§ 850-11. Amendment.

[HISTORY: Adopted by the Planning Board of the Town of Hampton 4-3-2002; amended 4-28-2004. Subsequent amendments noted where applicable.]

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§ 850-1. Authority.

A. These rules of procedure are adopted under the authority of RSA 676:1.

B. These rules of procedure shall be placed on file with the Town Clerk for public inspection.

§ 850-2. Members.

A. The Hampton Planning Board shall consist of seven members, six elected under authority of RSA 673:2 and one ex officio member or administrative official, with the power to vote, appointed by the Board of Selectmen.

B. Planning Board terms, removal of members, and filling of vacancies shall conform to RSA 673. The term for the ex officio member, if filled by an administrative official, shall begin at the first regularly scheduled meeting of the Board following Town election and shall be for one year.

C. The Planning Board may appoint up to five alternate members to serve staggered three-year terms. The Board of Selectmen may appoint an alternate to the ex officio member for a term the same as that of the respective member. Vacancies in alternate positions shall be filled for the remainder of the term.

D. Each newly elected, reelected, or appointed member shall be sworn in and take an oath of office as required by RSA 42:1 prior to sitting on the Board.

E. The election/appointment and expiration dates of the term of each member of the Board shall be forwarded to the Town Clerk.

F. If an alternate is unavailable to fulfill his/her duties for an extended period of time or on a consistent basis when requested, the Board may vote to forward a letter of warning to

the alternate. If appropriate, the Board may vote to recall an alternate who is continually delinquent in his/her duties.

§ 850-3. Officers.

A. The officers of the Board shall be elected annually at the first meeting following Town election by a majority vote of the Board.

B. The officers of the Board shall be as follows:

(1) Chairperson. The Chairperson shall preside over all meetings and hearings, shall be the official spokesperson for the Board, shall prepare an annual report, and shall perform other duties customary to the office. The Chairperson shall vote in all cases where s/he does not have a conflict of interest.

(2) Vice Chairperson. The Vice Chairperson shall preside in the absence of the Chairperson and shall have the full powers of the Chairperson on matters that come before the Board in the absence of the Chairperson.

(3) Clerk. The Clerk shall take the minutes of each meeting if no recording secretary is present and shall fulfill such duties as the Chairperson may specify. If necessary, the Clerk may act as Chairperson in the absence of the Chairperson and Vice Chairperson.

§ 850-4. Meetings.

A. Regular meetings shall be held at least monthly in the Selectmen's meeting room of the Hampton Town offices at 7:00 p.m. on the first Wednesday of each month. A work session meeting shall be held on the third Wednesday of each month if the Board deems it necessary. The Board may also continue public hearings or hear new public hearings at the meeting held on the third Wednesday, provided that proper notice is given in accordance with RSA 91-A:2 and 676:4. Additional meetings or changes to the regular schedule shall be allowed by a vote of the Board, provided that proper notice is given in accordance with RSA 91-A:2.

B. Executive and nonpublic sessions shall be held only in accordance with RSA 91-A:3.

C. A quorum shall be constituted if at least four members or alternates are in attendance.

D. If any regular Board member is absent from a meeting or disqualifies him/herself from sitting upon a particular application, the Chairperson may designate one of the alternate members to sit in his/her place. Only an alternate chosen by the Board of Selectmen shall sit in place of the ex officio member. Any sitting alternate shall have all the powers and duties of a regular member. An alternate member sitting for a regular member may be asked to sit for that matter until it is completed, so that the most knowledgeable member and/or alternate is sitting in review, if possible. Only members and alternates sitting during a motion may vote on the matter.

E. If any member finds it necessary to be disqualified from sitting upon a particular case, as provided in RSA 673:14, the member shall notify the Chairperson as soon as possible so that the Chairperson may request for an alternate to fill the place. Either the Chairperson or the member shall announce the disqualification before the discussion or the public hearing on the application begins. The member disqualified shall leave the Board table until discussion or action on the case is completed. If uncertainty arises as to whether a Board member should disqualify him/herself, on the request of that member or the request of another member of the Board, the Board shall vote on the question. Such request and vote shall be made prior to or at the commencement of any required public hearing. If the Board votes to disqualify a member, the Chairperson shall select an alternate to take his/her place.

F. The order of business shall be as follows:

(1) Call to order by the Chairperson.

(2) Introduction of the members by the Chairperson.

(3) Continued public hearings.

(4) New public hearings.

(5) Old business.

(6) Appointments in attendance to be heard.

(7) Consideration of minutes of previous meeting(s).

(8) Reading of correspondence.

(9) Other business.

(10) Adjournment and announcement of next scheduled meeting.

G. The Board may alter the order of business for a particular meeting by a majority vote, if it deems necessary.

H. Any item that has not been called into the record by the Board prior to 10:00 p.m. shall be continued to the next regularly scheduled meeting. By majority vote, the Board may hold an additional meeting in order to accommodate its schedule, if it deems necessary. By majority vote, the Board may waive the 10:00 p.m. restriction. If the Board determines that its agenda is overly extensive, it may vote at the beginning of the meeting to reschedule certain items to another date and time. All changes to the agenda shall include proper notice in accordance with RSA 91-A:2 and 676:4.

§ 850-5. Application procedures and notices.

All applications for hearings shall be noticed and held in accordance with the Town of Hampton Subdivision and Site Plan Review Regulations, as well as applicable state regulations.

§ 850-6. Public hearing procedures.

The conduct of public hearings shall be governed by the following rules:

A. The Chairperson shall call the hearing to order and instruct the Clerk to read the agenda Item.

B. The applicant or agent shall be called to present the proposal.

C. Members of the Board may ask questions at any point during the presentation.

D. After all questions from the Board have been answered, the Chairperson shall open the public hearing. The Chairperson shall first acknowledge for the record any correspondence received regarding the proposal, then ask for questions or comments regarding the proposal from members of the public present at the meeting. Each person shall state his or her name and address for the record. All questions shall be directed through the Chairperson. By majority vote of the Board, the Board may limit each member of the public to a specific time allotment. The vote shall be taken prior to the opening of the public hearing and shall be binding for all persons from the public wishing to speak.

E. Other parties such as representatives of Town departments and other Town boards and commissions shall be allowed to present their comments in person or writing.

F. Once all questions and comments have been heard, the Chairperson shall either close the public hearing to allow the Board to take some action or continue the public hearing to a specific date and time.

G. Once a public hearing is closed, a majority vote of the Board may reopen the hearing.

§ 850-7. Decisions.

A. The Board shall render a decision to approve, conditionally approve or disapprove within 65 days of the date of acceptance of jurisdiction, subject to extension or waiver as provided in RSA 676:4.

B. The Board shall provide written notice of the decision within 144 hours after the decision is made, as required by RSA 676:3. The decision shall be sent to the applicant or agent and be available for public inspection in the Planning Office.

§ 850-8. Records.

A. The records of the Board, including minutes, plans, and correspondence, shall be available for public inspection at the Planning Office as required by RSA 676:3, II.

B. Minutes of the meetings shall be open to public inspection within 144 hours of the public meetings as required by RSA 91-A:2, II.

§ 850-9. Joint meetings within the municipality.

A. The Planning Board may hold joint meetings within its municipality and hearings with other land use boards, including the Zoning Board of Adjustment and Conservation and Heritage Commissions, when called jointly by the Chairperson of the two boards. An applicant seeking a local permit may petition the joint meeting, or each board shall have the authority on its own initiative to request a joint meeting. Each board shall have discretion whether or not to hold such joint meeting or hearing.

B. Joint meetings shall only be held in compliance with RSA 676:2.

C. A joint public hearing must be a formal public hearing when the subject matter of the hearing is within the responsibility of the boards convened.

D. The Planning Board Chairperson shall chair all joint meetings and public hearings when the subject matter involves the Planning Board.

E. The rules of procedure for joint meetings and hearings shall be the same as required in § 850-6 of these procedures.

F. Each board involved in a joint public hearing shall make its own decision based on its criteria for the particular matter.

§ 850-10. Joint meetings with adjoining municipalities.

Matters involving adjoining municipalities shall be held in compliance with RSA 674:53.

§ 850-11. Amendment.

These rules of procedure may be amended by a majority vote of the full Board, provided that such vote is taken at a regularly scheduled meeting in compliance with RSA 676:1.

Chapter 852

PLAN REVIEW COMMITTEE

[HISTORY: Adopted by the Planning Board of the Town of Hampton 12-21-2011. Amendments noted where applicable.]

ADMINISTRATIVE PROCEDURE

The Plan Review Committee (PRC) is hereby established to assist the Planning Board in reviewing Site Plan/Subdivision applications and plans. The PRC reviews proposals for compliance with Town regulations and advises the applicant of any potential issues that may arise as the project moves forward. The PRC provides the applicant with an overview of the entire approval process, so that the applicant is aware of the steps in the process from the submittal of the application to the final release of escrow. PRC review also ensures that the various Town departments are aware of the new projects and potential impacts they may have on their departments.

The PRC shall be composed of the Town Planner (who shall act as Chairman), the Director of Public Works or representative of the Department of Public Works as designated by the Director, the Fire Chief or a representative of the Fire Department as designated by the Fire Chief, the Police Chief or a representative of the Police Department as designated by the Police Chief, the Building Inspector, the Conservation Coordinator or other representative as designated by the Conservation Commission and the Planning Board's engineer.

All site plan and/or subdivision applications, except minor subdivisions (2 lots or less), lot line adjustments, condominium conversions and special permits must first go through the technical review process. An applicant will not be scheduled for a public hearing before the Planning Board until the plan review process has been completed.

The Chairman of the PRC is authorized to determine the scope of the review and whether a formal meeting of the PRC is necessary.

When deemed necessary by the Chairman of the PRC, additional meetings of the PRC may be scheduled to ensure all aspects of a proposed project are properly analyzed prior to submittal of recommendations to the Board.

Chapter 860

ZONING BOARD OF ADJUSTMENT

§ 860-1. Authority.
§ 860-2. Officers.
§ 860-3. Alternates.
§ 860-4. Meetings.
§ 860-5. Petitions.
§ 860-6. Time limit.
§ 860-7. Forms.
§ 860-8. Public and personal notice.
§ 860-9. Joint meetings and hearings.
§ 860-10. Fees.
§ 860-11. Waiver.
§ 860-12. Amendment and readoption.

[HISTORY: Adopted by the Zoning Board of Adjustment of the Town of Hampton 7-15-2010. Amendments noted where applicable.]

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§ 860-1. Authority.

These rules of procedure are adopted by the Hampton Zoning Board of Adjustment under the authority of RSA 676:1 and the Zoning Ordinance of the Town of Hampton.

§ 860-2. Officers.

A. A Chairperson shall be elected annually in the month of March by a majority vote of the regular Board members. Said Chairperson shall serve for one year and shall be eligible for reelection. The Chairperson shall preside over meetings and hearings, appoint such committees as directed by the Board, and shall affix his/her signature in the name of the Board.

B. A Vice Chairperson shall be elected annually in the month of March by a majority vote of the regular Board members. Said Vice Chairperson shall serve for one year and shall be eligible for reelection. The Vice Chairperson shall preside in the absence of the Chairperson and shall have the full powers of the Chairperson on matters that come before the Board during the absence of the Chairperson.

C. A Clerk shall be elected annually in the month of March by a majority vote of the regular Board members. Said Clerk shall serve for one year and shall be eligible for reelection. The Clerk shall ensure that a record of all meetings, transactions, and findings of the Board is maintained by the Building Department, which acts as the Board's agent, and perform such other duties as the Board may direct by resolution.

§ 860-3. Alternates.

By a majority vote of the regular Board members, alternate members of the Board shall be appointed for terms of one, two, or three years. The Clerk shall ensure that a roster is maintained that identifies all alternates and specifies a primary alternate for each monthly meeting. Alternate Board members shall have all the powers and duties of a regular member

in regard to petitions for relief or appeals under consideration on which a regular member is unable to act.

§ 860-4. Meetings.

A. Regular meetings shall be held at Hampton Town offices at 7:00 p.m. on the third Thursday of each month. The Chairperson may cancel a regular meeting if there is no business to come before the Board. A large number of petitions may require some petitions to be heard on the fourth Thursday of the month. In extraordinary circumstances an applicant may request a specially scheduled hearing, and such hearing may be granted at the discretion and convenience of a majority of the Board members. Other meetings may be held at the call of the Chairperson, provided that notice is given to each member at least 48 hours prior to the time of such meeting.

B. A quorum for regular business and for hearing and deciding a petition shall consist of three regular members. If a regular member is absent or cannot act in a particular case, the Chairperson shall designate the primary monthly alternate as a voting member. If more than one alternate member is needed, the Chairperson shall then select another individual from the alternates list. In the situation where a regular member cannot act in a particular case, the specified alternate shall continue as the voting member for that same petition if the case is continued to a subsequent date.

C. Disqualification of a member shall be governed by the provisions of RSA 673:14. Requests for disqualification of Board members may be made via a motion to the Board made by the petitioner, the Selectmen, the Building Inspector, or an opponent of a petition, provided that any such request shall be made prior to or at the commencement of any required public hearing.

D. The Chairperson shall preside over all meetings. In the absence of the Chairperson, the Vice Chairperson shall preside.

E. The order of activities for regular meetings shall be as follows:

(1) Conduct of public hearing.

(2) Conduct of business session.

F. The conduct of the public hearing shall be governed by the following rules:

(1) The Chairperson shall call the meeting to order and introduce the regular and alternate (if any) members in attendance.

(2) The Chairperson shall succinctly explain the hearing process to the public [Subsection F(3) through (12)] and subsequently ask the Clerk to call the first case.

(3) The Clerk shall call the petition and read the petition as publicly posted in the Town Hall and published in the newspaper.

(4) The petitioner shall state his/her name and address and indicate whether he/she is a party to the case or an agent or counsel of a party to the case and then present the petition, to include an overview of the proposal, discussion of the articles of relief

being sought, and presentation of criteria facts that support each requested variance.

(5) After the Board has been afforded the opportunity to question the petitioner, the Chairperson shall close the petitioner presentation portion of the hearing.

(6) The Chairperson shall then open the hearing to public comments.

(7) Each person who appears during the public session (whether in support of or in objection to the petition) shall state his/her name and address and confine his/her comments to the articles of relief being sought, and if he/she desires to ask a question of the petitioner must do so through the Chairperson.

(8) Subsequent to the closing of the public session, the public shall not be allowed to speak without the Board's permission and then only to clarify or ask for an interpretation of a statement made by the petitioner.

(9) Once the Chairperson closes the public comments session, the petitioner shall be allowed to speak in reaction to the public inputs.

(10) After the petitioners comments, the Chairperson shall then convene the Board discussion which is conducted without petitioner or public input, unless requested by the Board.

(11) Upon completion of the Board discussion, the Chairperson shall call for a motion (and second) and, when applicable, poll the members regarding the petitioner's satisfaction of the variance criteria.

(12) The Chairperson shall subsequently call for a vote, and after said vote the hearing on the petition shall be declared closed and final and the results indicated on the petition for relief that is signed by the Chairperson and Clerk; the next case in order on the agenda will then be called by the Clerk for presentation.

(13) Members of the Board may ask questions at any point during the hearing and may request any party to the case to reappear.

(14) Only petitions that are noticed for hearing will be discussed.

(15) The Board's usual practice is to proceed to a conclusion in the hearing of any petition that has been read by the Board or is in the process of being heard by 10:00 p.m. The Board reserves the right to designate a "last petition" after 9:30 p.m.

G. The conduct of the business session shall be governed by the following rules:

(1) The Chairperson shall review the previous meeting minutes, discuss corrections, and call for a vote of approval on the minutes (as amended, if applicable).

(2) The Chairperson shall review each motion for rehearing, discuss the disposition, and call for a vote of approval/disapproval on each motion for rehearing request.

(3) The Chairperson shall then review, discuss, and act upon all correspondence and/or items raised by the Board members or Building Inspector.

§ 860-5. Petitions.

A. A petitioner shall present to the Building Department, which acts as the Board's agent, a complete petition, along with all filing and abutter notification fees, by the deadline date set forth on a list adopted by the Board and posted in the Building Department, in order to be scheduled for a hearing. Each petition shall be documented on the ZBA petition for relief forms (dated July 2007) and shall include all associated supporting material specified in the "Instructions to Petitioners Seeking Relief from the ZBA" pamphlet. Any petition not completed in accordance with the pamphlet shall not be heard or acted upon by the Board.

B. At least five days prior to a regular meeting, the Building Department shall provide each Board member with a copy of all petitions scheduled to be heard.

C. An appeal to the Board on any administrative decision or requirement shall be taken within 30 days of the date of such decision or requirement.

D. The Board shall decide all cases within 30 days of hearing. Notification of the decision shall be made on the ZBA decision form, comply with the requirements of RSA 676:3, and be sent to the applicant and the abutters and filed in the records of the Board. Board decisions shall be given as a body and as a whole.

§ 860-6. Time limit.

A two-year time limit shall be given on all variances. If substantial (i.e., 20%) progress is not shown within said time frame, the variance shall be rescinded in accordance with the Zoning Ordinance of the Town of Hampton.

§ 860-7. Forms.

All forms and revisions thereof shall be adopted by resolution and shall become a part of these rules.

§ 860-8. Public and personal notice.

A. Public notice of public hearings on each petition shall be given in a newspaper of general circulation in the area and shall be posted at the Town Hall at least 10 days prior to said hearing. Such notice shall include the name of the petitioner, description of property, action desired by the petitioner, provision of the Zoning Ordinance concerned, the type of petition being made, and the time and place of the hearing.

B. Personal notice shall be made by certified mail to the petitioner and to every abutter to, and holder of conservation, preservation, or agricultural preservation restrictions on, the property in question, as required by RSA 676:7 and 672:3, not less than five days before the date of the hearing. Notice shall also be given to the Planning Board, the Town

Clerk, and other parties deemed by the Board to have a special interest. Said notice shall contain the same information as the public notice.

§ 860-9. Joint meetings and hearings.

The foregoing rules shall apply to the Board's participation in joint meetings with other Town boards, except as modified by the provisions of RSA 676:2.

§ 860-10. Fees.

A. The filing fee to accompany the filing of any petition to the Board shall be in the amount of $100.

B. The notification fee shall be in the amount of $8 for each mailing required to be made pursuant to RSA 676:7 and 672:3.

§ 860-11. Waiver.

By majority vote and where permitted by law, the Board may vote to waive application of the above rules to a particular petition.

§ 860-12. Amendment and readoption.

These rules may be amended at any time by a majority vote of the regular Board members and are subject to readoption annually following the election at Town Meeting of new members to the Board.

PART VII

AGREEMENTS AND MEMORANDUMS OF UNDERSTANDING

Chapter AMU

AGREEMENTS AND MEMORANDUMS OF UNDERSTANDING

1985 - Sewer Agreement

1988 - Agreement Relating to Provisions of Cemeteries

1989 - Agreement for Treatment and Disposal of Wastewater

2008 - Management of Lamprey/Leavitt Town Property

2008 - Public Works Mutual Aid And Assistance Agreement

2009 - Intergovernmental Agreement as to Old Stage Road Bridge

2012 - Agreement Between State of New Hampshire, Town of Hampton, and Town of Rye for Use of Wastewater Treatment Plant

2012 - Beach Fire Substation Memorandum of Understanding

2012 - Agreement to Purchase Air Conditioning and Lighting Improvements in Library

2014 - Agreement Regarding Lease of Church Street Parking Lot

2014 - Intermunicipal Agreement for Cable Access, Facilities and Equipment

AGREEMENT

THIS AGREEMENT made the 28th day of Oct 1985 by and between the TOWN OF HAMPTON, a municipal corporation duly existing in the County of Rockingham, the State of New Hampshire, and the TOWN OF EXETER, a municipal corporation duly existing in said County and State.

WITNESSETH:

WHEREAS, HAMPTON voted at the Annual Town Meeting of March, 1969 to install a sanitary sewer system in the Warner Lane and Roberts Drive area in said Hampton and authorized the reimbursement of EXETER for disposal of the sewage collected; and

WHEREAS, EXETER is willing for said sanitary sewer system to be connected to its sanitary sewer system and to convey, treat, and dispose of the sewage therefrom;

NOW THEREFORE, in consideration of the promises and the mutual promises hereinafter set forth, the parties agree as follows:

(1) That EXETER shall permit the sewage from Warner Lane and Roberts Drive areas to be discharged into the EXETER systems and they shall convey, treat and dispose of the sewage therefrom; provided, however; that the maximum number of single family HAMPTON dwelling units to be connected shall be twenty-nine (29), and further, that no multiple family HAMPTON dwelling units may be connected unless the written approval of the EXETER Board of Selectmen is first obtained; and further, that the tie-in to the EXETER system shall be the sole responsibility of HAMPTON and shall be done to the satisfaction of the Exeter Public Works Department.

(2) That HAMPTON shall pay to EXETER for the services as provided in Paragraph (1), for the twenty-nine single family Hampton dwelling units utilizing said sanitary sewer system $4,176.00 annually. Payment shall be made by HAMPTON annually on December 1 of each year. In the event the Town of EXETER authorizes additional tie-ins to the EXETER sewer system in this area, the fee shall be $150 per tie-in and such tie-in shall be in accordance with the specifications of the Exeter Public Works Department;

(3) That HAMPTON shall pay to EXETER for the services as provided in Paragraph (1) for any multiple dwelling unit structure, the rate as set forth in Paragraph (2) multiplied by the number of dwelling units therein; no commercial or industrial use shall be allowed to connect to said sewer system;

(4) That any HAMPTON use of the services as herein contemplated shall be in accordance with the Sewer Rules and Regulations of EXETER as they now exist and may be changed from time to time;

(5) That this Agreement shall be reviewed annually and shall continue in full force and effect from year to year until revoked; provided, however, that EXETER or HAMPTON may revoke this Agreement, if, in the opinion of the EXETER Selectmen or the HAMPTON Selectmen, continued participation should become unduly burdensome to EXETER or HAMPTON, but if revoked by EXETER, written notice thereof must be given to HAMPTON providing a reasonable time in which to make other arrangements.

IN WITNESS WHEREOF, the parties hereunto set their hands and seals by their respective Selectmen the day and year above set forth.

Witness:

TOWN OF EXETER

By

Board of Selectmen

Witness:

TOWN OF HAMPTON

By

Board of Selectmen

Hampton Properties Connected to Exeter Sanitary Sewer System

	Hs #	Street
1	1	Donna's Lane
2	3	Donna's Lane
3	744	Exeter Road
4	750	Exeter Road
5	752	Exeter Road
6	2	Roberts Drive
7	4	Roberts Drive
8	5	Roberts Drive
9	6	Roberts Drive
10	7	Roberts Drive
11	8	Roberts Drive
12	9	Roberts Drive
13	10	Roberts Drive
14	11	Roberts Drive
15	13	Roberts Drive
16	15	Roberts Drive
17	4	Rosa Road
18	6	Rosa Road
19	3	Warner Lane
20	4	Warner Lane
21	5	Warner Lane
22	6	Warner Lane
23	7	Warner Lane
24	8	Warner Lane
25	9	Warner Lane
26	10	Warner Lane
27	11	Warner Lane
28	12	Warner Lane

Fees Paid To Exeter

Year	# of Units	Amt. Pd.
1988	24	5,877.84
1989	24	6,487.55
1990	24	3,103.64
1991	24	3,092.08
1992	24	3,735.63
1993	24	4,233.56
1994	24	4,359.36
1995	28	4,209.52
1996	28	4,368.00

AGREEMENT RELATING TO THE
PROVISIONS OF CEMETERIES IN HAMPTON, NEW HAMPSHIRE

AGREEMENT entered into this 29thday of January, 1988 by and between the Town of Hampton, New Hampshire (hereinafter referred to as the "Town"); the Hampton Cemetery Association, a voluntary non-profit association (hereinafter referred to as the "Association") and the Hampton Cemetery Trustees (hereinafter referred to as "Cemetery Trustees"):

WHEREAS under New Hampshire RSA 289:1 "Every town shall provide one or more suitable public cemeteries for the interment of deceased persons within its limits, which shall be subject to such regulation as the Town may establish"; and

WHEREAS, the Town of Hampton presently provides public cemeteries for the interment of deceased persons within its limits;

WHEREAS the Hampton Cemetery Association currently provides funds for the operation of the cemeteries; and

WHEREAS the Hampton Cemetery Trustees presently maintain the cemeteries.

It is, therefore, agreed by and between the Town, the Association, and the Cemetery Trustees as follows:

1. The elected Hampton Cemetery Trustees will operate the Town's cemeteries and may, at their discretion, hire employees to carry out the maintenance of the cemeteries, or the Cemetery Trustees may sub-contract out all maintenance service.

2. The Town of Hampton will seek the full amount necessary to operate and maintain the Town Cemeteries at the annual town meeting. The Hampton Cemetery Association will pay all funds received as income from invested funds, directly to the Cemetery Trustees.

3. The Hampton Cemetery Trustees will in turn repay the Town of Hampton for all funds advanced, less the actual amount necessary for the operation and maintenance of the cemeteries. In this regard, the Hampton Cemetery Trustees expenditures will not exceed the amount appropriated for each year. The Hampton Cemetery Trustees agree that the total spent on the maintenance and operation of Town cemeteries shall not exceed the sum appropriated less the amount donated by the Hampton Cemetery Association.

4. The Hampton Cemetery Trustees guarantee that all funds received from the Town of Hampton, the Hampton Cemetery Association and the Trustees of Town Trust Funds, will be used exclusively for the maintenance of cemeteries in Hampton.

Hampton Cemetery Association

By: _____
Robert H. Danelson, Jr.
President

Hampton Cemetery Trustees

By: _____
Roland W. Page
Chairman

Town of Hampton:

_____
Dona R. Janetos, Chairperson

_____
Ansell W. Palmer, Vice Chairman

_____
John R. Walker

_____
Glyn P. Eastman

_____
John Lessard

AGREEMENT
for
TREATMENT AND DISPOSAL
of
WASTEWATER

OCTOBER, 1989

TOWN OF HAMPTON
NEW HAMPSHIRE

TOWN OF RYE
NEW HAMPSHIRE

AGREEMENT BETWEEN THE TOWN OF HAMPTON AND THE TOWN OF RYE, NEW HAMPSHIRE RE: TREATMENT AND DISPOSAL OF WASTEWATER

The Town of Hampton and the Town of Rye (governmental subdivisions of the State of New Hampshire) covenant and agree pursuant to New Hampshire RSA Chapter 53-A as follows:

1. Purpose and Intent

(a) The purpose of this Agreement is to permit the wastewater system operated by the Town of Hampton to receive wastewater from the Town of Rye, New Hampshire to:

1. Effect economies and efficiencies in the treatment of wastewaters for the communities involved; and,
2. Improve the quality and protection of the area's beaches and waters.

(b) It is the intent of the parties that the sewer lines and appurtenant works contemplated by this Agreement for construction or enlargement will be so constructed or enlarged with capital funds received as aid from the federal and state government and with local capital funding in the portions and to the amounts stipulated under federal and state laws.

2. Consideration

The consideration for this Agreement is the mutual advantage referred to in Paragraph 1 hereof, the payments to be made by the Town of Rye as hereinafter provided and the construction to be undertaken by that Town, certain other construction and renovation of public works, and the provision by Hampton of wastewater treatment and disposal services for Rye wastewater.

3. Definitions

As used in this Agreement:

1. "Hampton" means the Town of Hampton.
2. "Rye" means the Town of Rye.
3. "North Hampton" means the Town of North Hampton.

4. "Wastewater" means the water-carried wastes from residences, commercial buildings and institutions in that area of Rye where the Town of Rye has been mandated by the State of New Hampshire to provide sewerage services, together with incidental infiltration as may be collected and transported in sewer lines.

5. The "Administrator" shall be the Hampton Town Manager, or acting Town Manager, and in the event Hampton discontinues the Town Manager form of government, the Director or Supervisor of the Hampton Public Works Department.

6. "WWTP" means wastewater treatment plant.

7. O&M means operation and maintenance.

8. "Effective Date" means the date of approval of project funding at a Rye Town Meeting.

4. Reception, Treatment and Disposal of Rye Wastewater

(a) Rye shall, at its own expense, and with Hampton's approval, which shall not be unreasonably withheld, construct and maintain one or more sewer lines to collect wastewater and convey it to one or more appropriate sewer lines of Hampton at the existing termination point within Hampton.

(b) Upon the taking effect of this Agreement, Rye shall proceed with due diligence to plan, acquire land, secure easements, design, construct and place in operation all necessary works in Rye, North Hampton and Hampton for the discharge of wastewater from Rye into the Hampton system.

(c) In the planning, design and construction of such works, Rye will consider North Hampton's future needs and design the works to accommodate these needs. It is understood by the Parties to this Agreement that North Hampton will be allowed to connect to the sewer works passing through North Hampton when the parties to this Agreement negotiate separate agreements with North Hampton.

(d) Hampton shall not acquire any title, property interest or equity in any facilities or works within Rye or North Hampton, nor shall it have any responsibilities or authority with respect to any such facilities or works other than the right of entry for inspection, operation and maintenance provided pursuant to Paragraphs 5(c) and 8(c) hereof. By operation of this Agreement and in accordance with its terms, Rye shall have the right to the reception, treatment and disposal of its wastewater by Hampton, but Rye shall not acquire any title, property interest or equity other than purchased capacity in the facilities and works of or within Hampton or other Hampton assets, including that portion of the completed force main or sewer extending from the Hampton-North Hampton town line to the point of connection with the Hampton sewerage system . Nor shall Rye have responsibility for any debts of Hampton, except in accordance with its obligation to make proper and timely payments for services and to perform in good faith pursuant to this Agreement.

(e) Upon the coming into operation of the works necessary for the delivery and reception of Rye wastewater, and thereafter during the continuance of this Agreement, Rye shall be entitled to deliver and Hampton shall receive not to exceed **0.19** (MGD) as an arithmetic average daily flow. The average shall be calculated on a calendar year basis. The allowable peak hourly flow shall not exceed a rate of **500 GPM (0.72 MGD)**. Maximum wastewater strength will not exceed **250 MG/L** calculated as a monthly average for 5 day BOD and **300 MG/L** for suspended solids. Flows shall be metered at a point or points where the only flows are those originating in Rye.

5. Construction and Maintenance

(a) Upon the taking effect of this Agreement, the Town of Rye shall proceed promptly and with due diligence to plan, design and construct and extend its sewer facilities to connect with Hampton at the northerly termination of the Hampton Gravity Sewer System.

(b) Rye shall construct the sewers and appurtenant facilities as necessary and appropriate to inspect, monitor, transport and deliver wastewater flow to Hampton, for treatment and disposal by Hampton. The right of Rye to reception of its wastewater in accordance with this Agreement shall commence on the first day following completion of construction.

(c) Upon completion of construction of present and future sewer facilities in Rye, North Hampton and Hampton, Hampton will be wholly responsible for the proper operation and maintenance of the sewer system delivering wastewater from Rye to the existing sewer system in Hampton, as per Exhibit B, Agreement for Operation and Maintenance Services, attached hereto and made a part hereof.

(d) Rye shall submit to Hampton for approval, which shall not be unreasonably withheld, all plans, specifications, shop drawings and O&M Manuals for any and all sewer facilities to be constructed for the purpose of delivering wastewater flows to the Hampton sewerage system.

6. Payments by Rye

(a) Within sixty days of the effective date of this Agreement Rye shall pay the following sums in recognition of equities in the Hampton system previously contributed by Hampton and which will inure to the benefit of Rye in that it will be enabled to utilize a system already in operation.

WWTP	$18,700
Interceptor System (Including Pump Station)	$122,410

Present Worth Value of existing bonded indebtedness will be

WWTP	$3,462
Interceptor system (Including Pump Station)	$237,959
	$382,531

(c) Assessments for future capital costs (as defined by the Hampton budget process for expansion and/or improvement of the facilities) for that portion thereof used by Rye shall be made on a flow proportionate basis with purchased capacity (.19 MGD average daily flow) as the basis for apportioning capital costs at the WWTP and peak flow rates as the basis of apportioning capital costs for the Interceptor system (including pump station).

(d) From and after the date when Hampton receives wastewater from Rye, and as long as Hampton continues to receive wastewater from Rye, Rye shall pay for the treatment and/or disposal thereof. In accordance with the procedures and practices of Exhibit A, Rye shall have the sole responsibility for making such payments and may levy sewer and other charges on persons within its town limits as may be authorized or allowed by its own laws and the laws of the State of New Hampshire.

(e) From and after the date that Hampton receives wastewater from Rye, Rye will pay Hampton a service charge for the operation and maintenance of the Rye sewer system. Pricing structure for this operation and maintenance service will be as per Exhibit B made part of this Agreement.

7. Full Waste Treatment and Disposal Services

On and after the first day of the month following the completion of the works necessary for the delivery and reception of Rye wastewater, Rye shall be entitled to have its entire wastewater flow allowance, or so much thereof as it may elect, received, treated and/or disposed of by Hampton. Hampton shall be responsible for the degree and character of wastewater treatment and for disposal of all effluents and sludges to the best of Hampton's ability in accordance with applicable law. The Rye entitlement shall be subject to the limitations set forth in Paragraph 4(e).

8. Discharges into Sewers

(a) The rules, regulations and requirements of Hampton prescribing and limiting the content of wastewater discharged, placed or otherwise permitted to flow into the sewers tributary to the treatment facilities of Hampton shall apply within Rye. On or before commencement of discharge into the Hampton system, Rye shall adopt such local laws and shall make such contractual arrangements as may be necessary to assure proper observance of the aforementioned rules, regulations and requirements with respect to wastewaters originating within Rye and delivered to Hampton for treatment and disposal thereby. Rye shall enforce the aforementioned rules, regulations and requirements within its territory with due diligence.

(b) Hampton rules, regulations and requirements relating to the content of wastewaters discharged, placed or otherwise permitted to flow into its sewers shall be nondiscriminatory and shall be applied to and administered equally to Rye and Hampton.

(c) The Town of Rye through its local ordinances shall facilitate the entry of representatives of Hampton for the purpose of inspecting sewers and appurtenance facilities owned by the Town of Rye, whether in Rye, North Hampton or Hampton, as well as any dischargers

into the sewers and appurtenant facilities owned by the Town of Rye. Hampton representatives may exercise the rights set forth herein for the purpose of ascertaining the state of compliance with the Rye's sewer use ordinance and any discharge permits which have been issued by Rye.

(d) Permits for residential, commercial and institutional discharges into the sewers of Rye shall be issued and administered by Rye in accordance with all applicable laws and subject to the provisions of this Agreement. Prior to issuance of any such permit, Rye shall provide a draft thereof to Hampton and shall have the appropriate consultation with Hampton to assure that the permit and any other arrangements in connection therewith are consistent with the sewer ordinances of Hampton and its rules and regulations. If the permit and any other arrangements in connection therewith are not consistent with the sewer ordinance of Hampton and its rules and regulations, Hampton shall have the right to disallow the permit. Rye will enact and keep in force a valid sewer use ordinance in accordance with law. It shall be the further responsibility of Rye to obtain such reviews and approvals and to furnish such information with respect to its permits as may be required by law. The Rye permit system shall be substantially consistent with that of Hampton.

(e) The discharge of septage or holding tank waste into the Rye sewer system discharging into the Hampton sewer system is strictly prohibited.

9. Access to Books and Records

The duly designated representatives of Rye shall have access to all books and records of Hampton which relate to sewerage systems used by Rye at all reasonable times and shall be entitled to receive or make copies of any information contained therein.

10. Insurance

(a) Rye will secure and maintain the appropriate insurance to cover its liability under this Agreement.

(b) Hampton will secure and maintain the appropriate insurance to cover its liability under this Agreement.

11. Disputes

If for any reason the parties hereto are in dispute over any part of this Agreement for more than thirty (30) days, Hampton and Rye agree to retain an independent third party acceptable to both Hampton and Rye for the purpose of resolving the dispute(s), which may be appealed to the Superior Court.

12. Rye agrees to forever defend and indemnify and hold Hampton harmless from any claims or damages resulting from or due to any incident in connection with the Rye Sewer System, excluding any incident occurring which is under the control of Hampton, and to forever defend and indemnify and hold Hampton harmless from any and all claims resulting from any natural event or catastrophe, or any accident or damage caused by others, to any site or facility observed, maintained, or inspected by Hampton pursuant to the Rye Sewer System.

13. Term

(a) The term of this Agreement shall be 20 years. It shall commence on the effective date.

(b) This Agreement may be amended or terminated earlier than its expiration date by duly authorized mutual action of Hampton and Rye.

(c) Both the Town of Hampton and the Town of Rye recognize that, due to the large capital expenditures associated with the Hampton-Rye Connection, renewal of the Agreement is contemplated. It is agreed that the renewal agreement will be based upon the same principles of proportionality that are contained in this Agreement and the Agreement shall be renewed for successive periods of not less than 5 years unless 2 years prior to the termination date of this Agreement either party notifies the other that the Agreement shall not be renewed.

(d) Upon termination of this Agreement those wastewater facilities within the bounds of the Town of Hampton shall remain the property of Hampton, all other wastewater facilities shall remain the property of Rye.

14. Default

In the event default is made by either of the parties hereto the other party may bring an action in the appropriate court for damages, specific performance, and/or any other legal or equitable relief, the costs of any litigation, including reasonable attorney's fees, costs of expert witnesses, and other court costs, shall accrue to the prevailing party.

15. If the Town of Rye shall fail to hold a Town Meeting at which there is voted approval of the funding of this Agreement on or before April 1, 1990 then this Agreement shall be null, void and of no effect.

TOWN OF HAMPTON, NEW HAMPSHIRE

By _____

Chairman John J. Lessard

_____

Daniel E. Coughlin, Jr.

_____

George F. Hardardt

_____

Glyn P. Eastman

_____

Mary-Louise Woolsey

TOWN OF RYE, NEW HAMPSHIRE

By _____

Chairman Susan E. Elsea

_____

Jack Tobey

_____

John J. Coffey

Witness:

By _____

Philip G. Richards

Town Manager

10-23-89

Date

Witness:

By _____

Janet Thompson

Administrative Assistant

10-23-89

Date

EXHIBIT A

Rye will pay Hampton a charge each quarter for the treatment and transport of wastewater in Hampton based on the estimated cost to process the total flow on a per 1000 gallon basis. Treatment and transport costs will be arrived at in the following manner:

$$\frac{\text{Projected Annual O\&M Budget for WWTP}}{\text{Actual Total Flow From Previous Year}} \times 1000 =$$

= Estimated Cost of Treatment and Transport Per 1,000 Gallons

In addition to the above cost of treatment and transport, Rye will also pay 19.23%* of the costs to operate and maintain the High Street East Pump Station.

Hampton will invoice Rye for services not later than 15 days after the end of each quarter. Rye will pay Hampton for invoiced services not more than 30 days of the billing date.

The budget categories included in the treatment and transport costs are:

1. Annual Labor Costs
2. Administration
3. Utilities
4. Chemicals
5. Laboratory
6. Maintenance
7. Insurance
8. Miscellaneous

*19.23% is based on a Rye wastewater contribution at the rate of 500 gpm.

Between January 1 and April 1 of each year actual O&M expenditures for the system used by Rye will be calculated. This calculated figure will be divided by the total flow through the WWTP for the previous year and a cost per 1000 gallons arrived at. This cost will be multiplied by the total actual flow from Rye (per 1000 gallons) for the previous year. Based on this calculation, a credit or debit will be issued.

Included in the annual adjustments will be a fee to defray the Hampton cost of accounting for the Rye flows.

EXHIBIT B

AGREEMENT FOR OPERATION AND MAINTENANCE SERVICES

THIS AGREEMENT is attached and made a part of an Agreement for Treatment and Disposal of Wastewater between the TOWNS of HAMPTON and RYE, dated October ____, 1989. TOWN OF RYE, NEW HAMPSHIRE is hereinafter referred to as the "TOWN", and the TOWN OF HAMPTON, NEW Hampshire is hereinafter referred to as the "CONTRACTOR".

RECITALS

WHEREAS, TOWN contemplates constructing a Sewage Collection System hereinafter referred to as the "SEWERAGE SYSTEM"; and

WHEREAS, TOWN desires to employ the services of CONTRACTOR in the management maintenance and operation of the SEWERAGE SYSTEM during the term of said Agreement for Treatment and Disposal of Wastewater and CONTRACTOR desires to perform such services for the compensation set forth hereinafter.

NOW THEREFORE, for the mutual considerations set forth hereinafter, the parties hereto agree as follows:

I. EMPLOYMENT:

A. TOWN hires CONTRACTOR to furnish the services hereinafter mentioned at and for the compensation herein provided, and CONTRACTOR accepts said hiring upon said terms and conditions set forth herein.

B. It is expressly understood that the CONTRACTOR has been employed to manage, operate, and maintain the SEWERAGE SYSTEM and has no interest direct or indirect in said SEWERAGE SYSTEM.

II. SEWERAGE SYSTEM:

SEWERAGE SYSTEM as used herein includes the TOWN's equipment and facilities consisting of the TOWN's Sewage Collection System; sewage pumping stations including piping to and from sewage pumping stations. Operation and maintenance of additions to the collection system will be included by amending the contract from time to time as mutually agreed by the TOWN and the CONTRACTOR.

III. COMPENSATION:

The TOWN will pay the CONTRACTOR at standard hourly rates for personnel and equipment assigned, plus reimbursable expenses. Expenses will be charged at their direct out-of-pocket cost. All charges will be in accordance with billing rates indicated in "The Town of Hampton, Department of Public Works Billing Rates for 1989", included herein as "Schedule of Compensation".

Billings for services will be itemized and will be based on actual charges accrued. Payment will be due the CONTRACTOR within 30 days of the billing date.

Billing rates as indicated in the attached Schedule of Compensation may be adjusted on an annual basis.

IV. SCOPE OF SERVICES:

A. CONTRACTOR represents to TOWN, by the execution of this Agreement, that it is qualified in all respects to perform the services that it herein agrees to perform. CONTRACTOR will utilize its knowledge and experience to control, maintain and operate the SEWERAGE SYSTEM.

B. 1. CONTRACTOR shall pay all expenses except power, water and telephone, incurred in the maintenance and operation of the SEWERAGE SYSTEM including, but not limited to, wages, benefits, salaries, fuel, lubricants, materials and supplies, and contracted services, if any, except as otherwise limited herein, and be reimbursed therefor.

2. TOWN shall make arrangements for and pay directly all expenses for water, electric power, and telephone associated with the SEWERAGE SYSTEM.

3. CONTRACTOR shall within sixty (60) days of the start of contract services provide the TOWN with a preventive maintenance schedule. It will 1) define what is required and when it is to be performed; 2) inventory of equipment and spare parts; and 3) maintain a history of all maintenance.

4. TOWN represents to CONTRACTOR that all mechanical and electrical equipment and systems are operative, and are free from any known defects at commencement of services to be provided by this Agreement. Should there be inoperative or defective equipment or systems, the CONTRACTOR will within thirty (30) days of commencement of this Agreement, inform the TOWN citing the specific defects and piece of equipment or

systems. The CONTRACTOR shall also provide a cost estimate with documentation on "repair or replace" decisions made for said equipment or systems. The TOWN shall either immediately acknowledge or disclaim said pre-existing defect. If said pre-existing defect is acknowledged by the TOWN, the TOWN will approve, within thirty (30) days, repair or replacement of the defective equipment or systems.

4. CONTRACTOR warrants to TOWN that if and when services under this Agreement are terminated all mechanical and electrical equipment within the SEWERAGE SYSTEM will be operative and free from known defects subject to normal and usual wear and tear.

C. Routine and normal maintenance and repairs for equipment and structures shall be provided by CONTRACTOR: provided however, that such routine and normal maintenance and repairs shall not include costs associated with: (1) Flood, fire or other similar extraordinary occurrences not within the control of CONTRACTOR: except those due to the sole negligence of the CONTRACTOR, (2) Excess costs due to the necessity of repairing or fabricating parts for equipment which has become obsolete and for which parts are no longer available in the open market. CONTRACTOR will pay for repair and maintenance of equipment and structures, including all parts necessary for equipment and repair or replacement during the term of services, and will invoice the TOWN for the repair or replacement, provided the amount shall not exceed $5,000 per occurrence for each item, process or system. Repair and replacement cost determinations are exclusive of CONTRACTOR's labor costs and capital expenditures as defined below.

D. CONTRACTOR will submit upon request, documentation of the cost-effectiveness of "repair versus replace" decisions made by CONTRACTOR.

E. A capital expenditure is defined as any expenditure made for equipment or a facility item that is normally depreciated on a scheduled basis, or an expenditure item that is pre-programmed for purchase by the TOWN or, for repairs or replacement costs that exceed $5,000 per occurrence whether it actually is a repair or not.

F. Any capital expenditures, specialized work, or service the CONTRACTOR desires to have performed by an outside specialist or subcontractor, which is within the scope of services herein provided, will be subject to prior written approval by the TOWN.

G. CONTRACTOR agrees to perform other services as shall be requested in writing by TOWN and for which appropriate compensation is agreed to by both parties in advance. Such additional services shall be made part of this Agreement by an addendum signed by the parties hereto.

H. CONTRACTOR shall maintain all existing equipment in accordance with the requirements and as defined in the operation and maintenance manual. CONTRACTOR shall maintain all new equipment purchased after the effective date of the Agreement in accordance with equipment manufacturers' warranty requirements.

V. CHANGES IN SERVICES:

Any change in SEWERAGE SYSTEM operation, reporting requirements, monitoring requirements or in personnel qualifications required by any agency having jurisdiction to order such change

may be authorized by TOWN, in which event the parties shall mutually determine the increase or decrease in costs of operation to TOWN as recited under Article IV, Compensation , of this Agreement.

VI. HOLD HARMLESS AGREEMENTS:

A. CONTRACTOR shall defend at its own expense, in the name and behalf of the TOWN, and shall indemnify and save harmless the TOWN from any and all claims, suits, losses, damages, costs or expenses, including attorney's fees, due to the negligence of the CONTRACTOR, or the negligence of its officers, employees or agents, on account of injury or damage to any person or property, caused or occasioned, or allegedly caused or occasioned, in whole or in part by reason of or arising out of the operation of the SEWERAGE SYSTEM. The duty of the CONTRACTOR to defend, and save harmless and indemnify the TOWN, shall extend to officers, employees and agents of the TOWN, to the extent the TOWN is obliged to defend, save harmless and indemnify same by law.

B. TOWN shall defend at its own expense, in the name and on behalf of the CONTRACTOR, and shall indemnify and save harmless the CONTRACTOR from any and all claims, suits, losses, damages, costs or expenses, including attorney's fees, due to the negligence of the TOWN or the negligence of its officers, employees or agents, on account of injury or damage to any person or property, caused or occasioned, or allegedly caused or occasioned, in whole or part by reason of or arising out of the operation of the SEWERAGE SYSTEM. The duty of the TOWN to defend, and save harmless and indemnify the CONTRACTOR, shall extend to officers, employees, and agents of the CONTRACTOR, to the extent the CONTRACTOR is obliged to defend, save harmless and indemnify same by law.

VII. INSURANCE:

A. CONTRACTOR shall maintain, during the life of this Agreement, Worker's Compensation Insurance for all its employees employed at the SEWERAGE SYSTEM, and in case any work is sublet, CONTRACTOR shall require its subcontractor similarly to provide Worker's Compensation Insurance for all of the latter's employees, unless such employees are covered by the protection afforded by CONTRACTOR. In case any class of employee engaged in work under this Agreement is not protected under any Worker's Compensation Law, CONTRACTOR shall provide, and shall cause each subcontractor to provide adequate insurance for the protection of employees not otherwise protected.

B. LIABILITY INSURANCE

CONTRACTOR shall furnish TOWN with a comprehensive policy of public liability insurance insuring the TOWN and its agents, officers and employees against claims or liability, contingent and otherwise, for injury to, or death of, any person, or persons, or damage to real or personal property, arising in, by reason of, or in connection with, CONTRACTOR's operations herein contemplated, and also agree to defend against all claims, demands, actions or legal proceedings made or brought by any person by reasons of any such injury, death or damage and to pay all judgements, interest, costs, and other expenses arising out of or in connection therewith. The limits of liability of such policy shall be not less than $1,000,000 combined single limits for bodily injury and/or property damage. Said comprehensive bodily injury and property damage liability insurance policy or policies shall contain the following endorsement:

"Notwithstanding any other provision of this policy, the insurance afforded hereunder to TOWN, its agents, officers and employees shall be primary as to any other insurance or re-insurance covering or available to said parties, and such other insurance or re-insurance shall not be required to contribute to any liability or loss until and unless the appropriate limits or liability afforded hereunder are exhausted."

2. The liability insurance requirement stated herein may be satisfied by CONTRACTOR endorsing its existing liability policy to name TOWN and its agents, officers and employees as additional named insureds thereunder, and to contain the standard cross liability and severability to interest clause. In such case, certificates of insurance under CONTRACTOR's liability policy as endorsed shall be furnished to TOWN.

3. CONTRACTOR shall furnish TOWN, concurrently with the execution hereof, satisfactory proof of said insurance coverage required, and will provide to TOWN at least thirty (30) days prior notice of the cancellation of any policy required herein during the effective period of this Agreement.

4. Should any of the policies affecting the TOWN be cancelled or materially modified prior to the expiration date thereof, the issuing company shall provide the TOWN thirty (30) days prior written notice of said cancellation or material change.

VIII. PRICE ADJUSTMENT:

Commencing with the second year of the term of this Agreement, annual adjustments in the compensation provided for hereinabove in Article III shall be made.

IX. AMENDMENT:

This Agreement may be amended or modified only by written agreement signed by both parties, and failure on the part of either party to enforce any provision of this Agreement shall not be construed as a waiver of the right to compel enforcement of such provision or provisions.

X. RELATIONSHIP:

It is understood that the relationship of CONTRACTOR to TOWN is that of independent contractor.

XI. ASSIGNMENT:

CONTRACTOR binds itself, its successors and assigns to TOWN in respect to all provisions of this Agreement. Except for the foregoing, neither TOWN nor CONTRACTOR shall assign, subcontract or transfer their interests in this Agreement without the written consent of the other.

XII. ENTIRE AGREEMENT:

This instrument contains the entire Agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral representations or modifications concerning this instrument shall be of no force or effect excepting a subsequent modification in writing, signed by the party to be charged.

XIII. PARTIAL INVALIDITY:

If any term, provision, covenant or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

XIV. ATTORNEY'S FEES:

If any litigation is necessary to enforce the terms of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees which are directly attributed to such litigation in addition to any other relief to which it may be entitled.

XV. NOTICES:

A. All notices shall be in writing and delivered in person or transmitted by certified mail, return receipt, postage prepaid.

B. Notices required to be given to TOWN shall be addressed as follows:

TOWN OF RYE
10 Central Road
Rye, New Hampshire 03870

C. Notices required to be given to CONTRACTOR shall be addressed as follows:

DIRECTOR OF PUBLIC WORKS
TOWN OF HAMPTON
136 Winnacunnet Road
Hampton, New Hampshire 03842

or such other addresses as may be specified by written notice by either party to the other.

XIV. RIGHT OF OWNERSHIP:

A. All permanent facilities and equipment within the SEWERAGE SYSTEM outside the TOWN of HAMPTON shall remain the property of TOWN, and such property cannot be disposed of by CONTRACTOR without the express written consent of the TOWN.

B. Any non-permanent capital equipment provided by CONTRACTOR, at its sole expense, shall remain the property of CONTRACTOR. However, TOWN shall have the option to purchase any capital equipment, acquired during the term of the Agreement at its depreciated value at the termination of the Agreement. A detailed depreciation schedule shall be provided to the TOWN for any and all such equipment within sixty (60) days of its purchase by the CONTRACTOR.

XV. FORUM:

A. The law governing the formation, construction and interpretation of this Agreement shall be the law of the State of New Hampshire.

B. The parties to this Agreement hereby agree that as to the determination and rendering of judgment in any controversy arising hereunder, jurisdiction shall vest exclusively in the Courts of the State of New Hampshire.

1989 SCHEDULE OF COMPENSATION
TOWN OF HAMPTON, NEW HAMPSHIRE
DEPARTMENT OF PUBLIC WORKS

	Regular Rate	Over Time Rate
Labor		
Town Manager	$35.10	---
Director of Public Works	29.50	---
Operations Manager	29.50	---
Pump Mechanic	20.90	$31.40
Inspector	19.30	28.90
Equipment Operator	18.40	27.60
Laborer	14.30	21.50
Clerical	14.50	---
Equipment*		
High Velocity Sewer Jet	45.00	N/A
Dump Truck	20.00	N/A
Compressor	12.00	N/A
Rodding Machine	10.00	N/A
Other		
Mileage	.23/Mi	N/A
Copies	.04/Ea	N/A
Materials, Expenses, Insurance, Other	At Cost	N/A

*Equipment costs do not include operator

Town of Hampton

Management Agreement

between the

Hampton Board of Selectmen

and the

Hampton Conservation Commission

for the

Lamprey/Leavitt Town Property
Tax Map 76, Lot 15

Now comes the Town of Hampton Board of Selectmen and the Town of Hampton Conservation Commission and agree as follows:

The Town of Hampton is the owner of a parcel of land known as the Lamprey/Leavitt Property, Tax Map 76, Lot 15, which abuts property (Tax Map 96, Lot 3) acquired by the Town of Hampton Conservation Commission from Pondside, LLC that composes the vast majority of the remainder of the Lamprey/Leavitt Ice Pond and is near the dam and associated easements conveyed to the Commission by Malcolm E. Smith, III.

The Board of Selectmen desires that these parcels be used in harmony with each other for the benefit of the citizens of the Town of Hampton forever.

The Board of Selectmen has agreed that the Conservation Commission should manage and protect Tax Map 76, Lot 15 in the name of the Town of Hampton utilizing funds from its conservation fund to carry out these purposes.

It is agreed that the following general conditions will be followed by the Commission in its management of Tax Map 76, Lot 15:

1. No structures, including portable toilets, shall be placed on the property without permission from the Board of Selectmen.
2. Hunting will be permitted in accordance with the requirements of State Laws.

100 Winnacunnet Road, Hampton, New Hampshire 03842 Tel. 603-926-6766 Fax 603-926-6858

3. Timber will not be cut upon the property without the permission of the Board of Selectmen and funds derived from any timber cut will be deposited in the general fund of the Town.
4. The use of motorized ATV's and other vehicles will be prohibited except for emergency purposes or as part of the management and maintenance by the Commission of Tax Map 76, Lot 15 and Tax Map 96, Lot 3, and the aforesaid dam property and its associated easements.
5. The property and its natural habitat, its rare and endangered species and its historically significant artifacts will be preserved, and the property shall not be used as playing fields (i.e. ball fields) nor shall electricity be installed on the property.
6. The Commission will erect appropriate signage directing the use of the property.
7. Other issues surrounding the management of the property will be referred to the Board of Selectmen and the Conservation Commission meeting jointly.
8. The Agreement will be reviewed annually in a joint meeting between the Board of Selectmen and the Conservation Commission.

Agreed to this 5th day of May, 2008

Board of Selectmen

Conservation Commission

New Hampshire Public Works Mutual Aid Program
Mutual Aid and Assistance Agreement

This Agreement is entered into by each of the entities that executes and adopts the understandings, commitments, terms, and conditions contained herein:

WHEREAS, the State of New Hampshire is geographically vulnerable to a variety of natural and technological disasters; and

WHEREAS, Chapter 53-A of the New Hampshire Revised Statutes Annotated, permits municipalities to make the most efficient use of their powers by enabling them to cooperate with other municipalities on a basis of mutual cooperation and recognizing this vulnerability and providing that this Agreement's intended purposes are to:

(1) Reduce vulnerability of people and property of this State to damage, injury, and loss of life and property;

(2) Prepare for prompt and efficient rescue, care, and treatment of threatened or affected persons;

(3) Provide for the rapid and orderly rehabilitation of persons and restoration of property; and

(4) Provide for cooperation and coordination of activities relating to emergency and disaster mitigation, preparedness, response, and recovery; and

WHEREAS, in addition to the State, the Federal Emergency Management Agency (FEMA) has recognized the importance of the concept of coordination between the State and local governments; and

WHEREAS, under Chapter 53-A and other chapters of the New Hampshire Revised Statutes Annotated, entities entering into mutual aid and assistance agreements may include provisions for the furnishing and exchanging of supplies, equipment, facilities, personnel, and services; and

WHEREAS, the entities which have chosen to become signatories to this Agreement wish to provide mutual aid and assistance among one another at the appropriate times.

THEREFORE, pursuant to RSA 53-A:3, I, these entities agree to enter into this Agreement for reciprocal emergency management aid and assistance, with this Agreement embodying the understandings, commitments, terms, and conditions for said aid and assistance, as follows:

SECTION I: DEFINITIONS

The following definitions will apply to the terms appearing in this Agreement.

A. *"Agreement"* means this document, the New Hampshire Public Works Mutual Aid Program Agreement.

B. *"Aid and assistance"* includes personnel, equipment, facilities, services, supplies, and other resources.

C. *"Authorized Representative"* means a party's employee who has been authorized, in writing by that party, to request, to offer, or to otherwise provide assistance under the terms of this Agreement. The list of Authorized Representatives for each party executing this Agreement shall be attached to the executed copy of this Agreement. (In the event of a change in personnel, unless otherwise notified, the presumption will be that the successor to that position will be the authorized representative.)

D. *"Disaster"* means a calamitous event threatening loss of life or significant loss or damage to property, such as a flood, hurricane, tornado, dam break, or other naturally-occurring catastrophe or man-made accidental, military, or paramilitary cause.

E. *"Mutual Aid Resource List"* means the list of Providers, equipment, and personnel maintained by the UNH Technology Transfer Center.

F. *"Party"* means a governmental entity which has adopted and executed this Agreement.

G. *"Provider"* means the party which has received a request to furnish aid and assistance from another party in need (the "Recipient"). In the absence of any local governing body designation, the Provider shall be represented by the local agency charged with recovery and repair activities including, but not limited to, opening of public ways; removal of debris; building of protective barriers; management of physical damage to structures and terrain; transportation of persons, supplies, and equipment; and repair and operation of municipal utilities.

H. *"Recipient"* means the party setting forth a request for aid and assistance to another party (the "Provider"). In the absence of any local governing body designation, the Provider shall be represented by the local agency charged with recovery and repair activities including, but not limited to, opening of public ways; removal of debris; building of protective barriers; management of physical damage to structures and terrain; transportation of persons, supplies, and equipment; and repair and operation of municipal utilities.

SECTION II: INITIAL RECOGNITION OF PRINCIPLE BY ALL PARTIES; AGREEMENT PROVIDES NO RIGHT OF ACTION FOR THIRD PARTIES

A. As this is a reciprocal contract, it is recognized that any party to this Agreement may be requested by another party to be a Provider. It is mutually understood that each party's foremost responsibility is to its own citizens. The provisions of this Agreement shall not be construed to impose an unconditional obligation on any party to this Agreement to provide aid and assistance pursuant to a request from another party. Accordingly, when aid and assistance have been requested, a party may in good faith withhold the resources necessary to provide reasonable and adequate protection for its own community, by deeming itself unavailable to respond and so informing the party setting forth the request.

B. Given the finite resources of any jurisdiction and the potential for each party to be unavailable for aid and assistance at a given point in time, the parties mutually encourage each other to enlist other entities in mutual aid and assistance efforts and to enter into such agreements accordingly. Concomitantly, the parties fully recognize that there is a highly meritorious reason for entering into this Agreement, and accordingly shall attempt to render assistance in accordance with the terms of this Agreement to the fullest extent possible.

C. Pursuant to RSA 53-A and as elaborated upon in Section XI of this Agreement, all functions and activities performed under this Agreement are hereby declared to be governmental functions. Functions and activities performed under this Agreement are carried out for the benefit of the general public and not for the benefit of any specific individual or individuals. Accordingly, this Agreement shall not be construed as or deemed to be an agreement for the benefit of any third parties or persons and no third parties or persons shall have any right of action under this Agreement for any cause whatsoever. All immunities provided by law shall be fully applicable as elaborated upon in Section XI of this Agreement.

SECTION III: GOVERNING BOARD; POWERS

A. The New Hampshire Public Works Mutual Aid Program shall be governed by a Board of Directors composed as follows:

(1) Four (4) members who shall be members of and appointed by the New Hampshire Road Agents Association;
(2) Two (2) members who shall be members of and appointed by the New Hampshire Public Works and Municipal Engineers Association;
(3) One (1) member who shall be members of and appointed by the New Hampshire Municipal Management Association;
(4) One (1) member who shall be members of and appointed by the New Hampshire Association of Fire Chiefs, *ex. officio;*
(5) One (1) member who shall be members of and appointed by the New Hampshire Association of Chiefs of Police, *ex. officio;*
(6) The Commissioner of the Department of Transportation or a designee, *ex. officio*;
(7) The Director of the New Hampshire Office of Emergency Management or a designee, *ex. officio*;
(8) The Director of the University of New Hampshire Technology Transfer Center or a designee, *ex. officio*; and
(9) The Executive Director of the Local Government Center or a designee, *ex. officio.*

B. *Ex-officio* members shall be non-voting members and shall not be counted for a quorum. A majority of the voting members appointed and qualified shall constitute a quorum for the transaction of any business and a majority vote of these present and voting at any meeting shall be required for any action.

C. The fiscal and business year of the New Hampshire Public Works Mutual Aid Program shall be from January 1 to December 31 of each year. The Board of Directors shall meet at least one time each year in June. The Board of Directors shall elect a Chair and a Vice Chair. The Chair and Vice Chair shall serve in their respective positions for a period of two years, provided that either may resign or be removed by the Board of Directors with or without cause. The Chair shall preside at all meetings of the Board of Directors and shall have such other duties as the Board may assign. In the absence of the Chair, the Vice Chair shall perform the duties of and have the authority of the Chair. The Vice Chair shall also have such other duties as the Board may assign. It is expected that all Directors shall use their best efforts to attend all Board meetings. If a vacancy is created by the removal or resignation of a Director or for any other reason, the entity identified in Section III A as being responsible for appointing the former Director shall promptly appoint a replacement Director to serve the remainder of the former Director's term.

D. The Board of Directors shall have the authority to elect a Treasurer and a Secretary. The Treasurer and Secretary shall serve in their respective positions for a period of two years, provided that either may resign or be removed by the Board of Directors with or without cause. The Treasurer shall: (a) have charge and custody of and be responsible for all funds and securities of the New Hampshire Public Works Mutual Aid Program; (b) receive and give receipts for moneys due and payable to the New Hampshire Public Works Mutual Aid Program from any source whatsoever, and deposit all such moneys in the name of the New Hampshire Public Works Mutual Aid Program in such banks, trust companies, or other depositaries as shall be selected by the Board of Directors; and (c) in general perform all of the duties incident to those set forth in this Section III. D. and such other duties as from time to time may be assigned to the Treasurer by the Board of Directors. The Secretary shall: (a) keep the minutes of the proceedings of the Board of Directors in one or more books provided for that purpose; (b) be the custodian of the records of the New Hampshire Public Works Mutual Aid Program, or make adequate provision for alternative custody arrangements; (c) when requested or required, authenticate any records of the New Hampshire Public Works Mutual Aid Program; and (d) in general

perform all of the duties incident to those set forth in this Section III. D. and such other duties as from time to time may be assigned to the Secretary by the Board of Directors.

E. The term of office of voting members shall be three (3) years or until their successor is appointed and qualified. The initial terms of office shall be staggered as follows:

(1) The four Category (1) members shall hold initial terms of one (1) year; two (2) years; and two (2) for three (3) years;
(2) The two Category (2) members shall hold initial terms of one (1) year and two (2) years.
(3) The Category (3) member shall hold an initial term of one (1) year.
(4) The Category (4) member shall hold an initial term of two (2) years.
(5) The Category (5) member shall hold an initial term of three (3) years.

F. In addition to any other authority provided in this Agreement, the New Hampshire Public Works Mutual Aid Program Board of Directors shall have the authority to:

(1) Enter into any necessary agreements on behalf of the participating units of government in furtherance of this Mutual Aid Agreement, subject to any necessary ratification by the participating units;
(2) Adopt an annual budget and establish an annual fee for participating in the New Hampshire Public Works Mutual Aid Program;
(3) Propose modifications to the mutual aid agreement for ratification by participating units of government;
(4) Promulgate reasonable rules to govern the New Hampshire Public Works Mutual Aid Program; and
(5) Perform any other function and undertake any other activity reasonably necessary to carry out the purpose of this agreement unless said function or activity is subsequently disavowed by a majority vote of the governing bodies of the participating municipal government units.

SECTION IV: PROCEDURES FOR REQUESTING ASSISTANCE

Mutual aid and assistance shall not be requested unless the resources available within the stricken area are deemed inadequate by Recipient. When Recipient becomes affected by a disaster and deems its resources inadequate to rectify the given situation, it may request mutual aid and assistance by communicating the request directly to one or more Providers on the Mutual Aid Resource List, indicating the request is made pursuant to this mutual aid agreement. The request shall be followed as soon as practicable by a written confirmation of that request. All requests for mutual aid and assistance shall be transmitted as set forth below.

A. METHOD OF REQUEST FOR MUTUAL AID AND ASSISTANCE: Recipient shall directly contact Provider's authorized representative, setting forth the information in paragraph B of this Section (Section IV). All communications shall be conducted directly between Recipient and Provider. Recipient shall be responsible for the costs and expenses incurred by any Provider in providing aid and assistance pursuant to the provisions of this Agreement as noted in Section VIII of this Agreement.

B. *REQUIRED INFORMATION:* Each request for assistance shall be accompanied by the following information, in writing or by any other available means, to the extent known:

(1) Stricken Area and Status: A general description summarizing the condition of the community (i.e., whether the disaster is imminent, in progress, or has already occurred) and of the damage sustained to date;
(2) Services: Identification of the service function(s) for which assistance is needed and the particular type of assistance needed;

(3) Infrastructure Systems: Identification of the type(s) of public infrastructure system for which assistance is needed (water/sewer, storm water systems, streets) and the type of work assistance needed;
(4) Aid and Assistance: The amount and type of personnel, equipment, materials, and supplies needed and a reasonable estimate of the length of time they will be needed;
(5) Facilities: The need for sites, structures, or buildings outside Recipient's geographical limits to serve as relief centers or staging areas for incoming emergency goods and services; and
(6) Meeting Time and Place: An estimated time and a specific place for a representative of Recipient to meet the personnel and resources of any Provider.

C. STATE AND FEDERAL ASSISTANCE: If the severity of the emergency is expected to exhaust the reasonably available resources on the Mutual Aid Resource List, then the Recipient shall be responsible for notifying the appropriate state agencies or coordinating requests for state and/or federal assistance.

SECTION V: PROVIDER'S ASSESSMENT OF AVAILABILITY OF RESOURCES AND ABILITY TO RENDER ASSISTANCE

When contacted by a Recipient in need, Provider's authorized representative shall assess Provider's own local situation in order to determine available personnel, equipment, and other resources. If Provider's authorized representative determines that Provider has available resources, Provider's authorized representative shall so notify the Recipient. Provider shall complete a written acknowledgment regarding the assistance to be rendered (or a rejection of the request) and shall transmit it by the most efficient practical means to the Recipient for a final response. Provider's acknowledgment shall contain the following information:

(1) In response to the items contained in the request, an acknowledgment of the personnel, equipment, and other resources to be sent;
(2) The projected length of time such personnel, equipment, and other resources will be available to serve Recipient, particularly if the period is projected to be shorter than one week (as provided in the "Length of Time for Aid and Assistance" section [Section VII] of this Agreement.)
(3) The estimated time when the assistance provided will arrive at the location designated by the Authorized Representative of the Recipient; and
(4) The name of the person(s) to be designated as Provider's supervisory personnel (pursuant to the "Supervision and Control" section [Section VI] of this Agreement).

SECTION VI: SUPERVISION AND CONTROL

A. Provider shall designate supervisory personnel among any employees sent to render aid and assistance to Recipient. As soon as practicable, Recipient shall assign work tasks to Provider's supervisory personnel, and unless specifically instructed otherwise, Recipient shall have the responsibility for coordinating communications between Provider's supervisory personnel and Recipient.

Based upon such assignments set forth by Recipient, Provider's supervisory personnel shall:

(1) have the authority to assign work and establish work schedules for Provider's personnel. Further, direct supervision and control of Provider's personnel, equipment, and other resources shall remain with Provider's supervisory personnel. Provider should be prepared to furnish communications equipment sufficient to maintain communications among its respective operating units, and if this is not possible, Provider shall notify Recipient accordingly;
(2) maintain daily personnel time records, material records, a log of equipment hours, and other expenses;
(3) shall report work progress to Recipient at mutually agreed upon intervals.

SECTION VII: LENGTH OF TIME FOR AID AND ASSISTANCE; RENEWABILITY; RECALL

A. Unless otherwise provided, the duration of Provider's assistance shall be presumed to be for an initial period of twenty-four (24) hours, starting from the time of arrival. Thereafter, assistance may be extended as the situation warrants for periods agreed upon by the authorized representatives of Provider and Recipient.

B. As noted in Section II of this Agreement, Provider's personnel, equipment, and other resources shall remain subject to recall by Provider to provide for its own citizens if circumstances so warrant. Provider shall make a good faith effort to provide at least twenty-four (24) hours advance notification to Recipient of its (Provider's) intent to terminate portions or all assistance, unless such notice is not practicable, in which case as much notice as is reasonable under the circumstances shall be provided.

SECTION VIII: COST DOCUMENTATION

A. Personnel – Provider shall continue to pay its employees according to its then prevailing ordinances, rules, regulations, and collective bargaining agreements. At the conclusion of the period of assistance, the Provider shall document all direct and indirect payroll costs plus any taxes and employee benefits which are measured as a function of payroll (i.e.; FICA, unemployment, retirement, etc.).

B. Provider's Traveling Employee Needs – Provider shall document the basic needs of Provider's traveling employees, such as reasonable out-of-pocket costs and expenses of Provider's personnel, including without limitation to transportation expenses for travel to and from the stricken area, shelter, and subsistence.

C. Equipment – Provider shall document the use of its equipment during the period of assistance including all repairs to its equipment as determined necessary by its on-site supervisor(s) to maintain such equipment in safe and operational condition, fuels, miscellaneous supplies, and repairs directly caused by provision of the assistance.

D. Materials And Supplies – Provider shall document all materials and supplies furnished by it and used or damaged during the period of assistance.

SECTION IX: RIGHTS AND PRIVILEGES OF PROVIDER'S EMPLOYEES

Whenever Provider's employees are rendering aid and assistance pursuant to this Agreement, such employees shall retain the same powers, duties, immunities, and privileges they would ordinarily possess if performing their duties within the geographical limits of Provider.

SECTION X: PROVIDER'S EMPLOYEES COVERED AT ALL TIMES BY PROVIDER'S WORKERS' COMPENSATION POLICY

Recipient shall not be responsible for reimbursing any amounts paid or due as benefits to Provider's employees due to personal injury or death occurring during the period of time such employees are engaged in the rendering of aid and assistance under this Agreement. It is mutually understood that Recipient and Provider shall be responsible for payment of such workers' compensation benefits only to their own respective employees. Further, it is mutually understood that Provider will be entirely responsible for the payment of workers' compensation benefits to its own respective employees.

SECTION XI: IMMUNITY

Pursuant to RSA 53-A, all activities performed under this Agreement are hereby declared to be governmental functions and the liability of both Provider and Recipient shall be governed by NH Statutes, RSA 107-C:10.

SECTION XII: PARTIES MUTUALLY AGREE TO HOLD EACH OTHER HARMLESS

Each party (as indemnitor) agrees to protect, defend, indemnify, and hold the other party (as indemnitee), and its officers, employees, and agents, free and harmless from and against any and all losses, penalties, damages, assessments, costs, charges, professional fees, and other expenses or liabilities of every kind and arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind in connection with or arising out of indemnitor's negligent acts, errors and/or omissions. Indemnitor further agrees to investigate, handle, respond to, provide defense for, and defend any such claims, etc. at indemnitor's sole expense and agrees to bear all other costs and expenses related thereto. To the extent that immunity does not apply, each party shall bear the risk of its own actions, as it does with its day-to-day operations, and determine for itself what kinds of insurance, and in what amounts, it should carry. Each party understands and agrees that any insurance protection obtained shall in no way limit the responsibility to indemnify, keep, and save harmless the other parties to this Agreement.

SECTION XIII: ROLE OF THE LGC AND UNIVERSITY OF NH TECHNOLOGY TRANSFER CENTER

A. Under this Agreement, the responsibilities of the Local Government Center (LGC) are:

(1) to serve as the fiscal agent of the Program for the invoicing and collection of any dues or fees, recipient for special grants or awards, and for the processing of all accounts receivable and payable;
(2) to serve as the central depository for executed agreements; and
(3) to provide administrative support to the Board of Directors.

B. Under this Agreement, the responsibilities of the University of New Hampshire Technology Transfer Center (UNH T^2) are:

(1) to maintain the Mutual Aid Resource List, and to provide this listing to each of the entities on an annual basis.
(2) to train public works personnel and other local officials in the implementation of the NHPWMAP.

SECTION XIV: AMENDMENTS; ADDITIONAL MEMBERS

A. *Manner* – This Agreement may be modified at any time by (1) a proposal of the Board of Directors and upon the consent of a majority of the participating government units or (2) upon the mutual written consent of the Recipient and Provider.

B. *Addition of Other Entities* – Additional entities may become parties to this Agreement upon: (1) acceptance and execution of this Agreement; (2) sending said executed copy of the Agreement to the Local Government Center with payment of any dues or fees; and (3) completing and returning the Mutual Aid Resource List.

SECTION XV: INITIAL DURATION OF AGREEMENT; RENEWAL; TERMINATION

This Agreement shall be binding for not less than one (1) year from its effective date, unless terminated upon at least sixty (60) days advance written notice by a party as set forth below. Thereafter, this Agreement shall continue to be binding upon the parties in subsequent years, unless canceled by written notification served personally or by registered mail upon the Local Government Center, which shall provide notice to all other parties. The withdrawal shall not be effective until sixty (60) days after notice thereof has been sent to all other parties. A party's withdrawal from this Agreement shall not affect a party's liability or obligation under the terms of this Agreement incurred hereunder. Once the withdrawal is effective, the withdrawing entity shall no longer be a party to this Agreement, but this Agreement shall continue to exist among the remaining parties.

SECTION XVI: HEADINGS

The headings of various sections and subsections of this Agreement have been inserted for convenient reference only and shall not be construed as modifying, amending, or affecting in any way the express terms and provisions of this Agreement.

SECTION XVII: SEVERABILITY – EFFECT ON OTHER AGREEMENTS

Should any clause, sentence, provision, paragraph, or other part of this Agreement be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Agreement. Each of the parties declares that it would have entered into this Agreement irrespective of the fact that any one or more of this Agreement's clauses, sentences, provisions, paragraphs, or other parts have been so declared invalid. Accordingly, it is the intention of the parties that the remaining portions of this Agreement shall remain in full force and effect without regard to the clause(s), sentence(s), provision(s), paragraph(s), or other part(s) invalidated.

SECTION XVIII: EFFECTIVE DATE

This Agreement shall take effect upon its approval by the entity seeking to become a signatory to this Agreement and upon proper execution hereof.

IN WITNESS WHEREOF, each of the parties have caused this New Hampshire Public Works Mutual Aid Program Agreement to be duly executed in its name and behalf by its chief executive officer, who has signed accordingly with seals affixed and attested with concurrence of a majority of its governing board, as of the date set forth in this Agreement.

WITNESS:

BY: _____
Printed Name: FREDERICK WELLER
Title: TOWN MANAGER
Municipal Government Unit: TOWN OF HAMPTON
Date: 8-6-08

DULY AUTHORIZED REPRESENTATIVE

Name: _____
Title: Director of Public Works
Address: 100 Winnacunnet Road
City/State/Zip: Hampton, NH 03842
Phone: (603) 926-4402
Fax: (603) 929-1913
Pager: _____
After Hours: (603) 944-9732

Quantity Available	Equipment Category	Description	Attachments List Number Available ( )
0	1	Ten Wheel Dump Truck	(0) Sander (0) Plow (0) Plow & Wing (0) Other
7	2	6 Wheel Dump Truck	(5) Sander (7) Plow (7) Plow & Wing (0) Other
4	3	1 Ton Dump Truck	(1) Sander (4) Plow (0) Other
11	4	1/2 or 3/4 Ton Pickup 4X4	(0) Sander (11) Plow (0) Other
3	5	1/2 or 3/4 Ton Pickup	(0) Sander (0) Plow (0) Other
1	6	Van	(1) Passenger (0) Hicube (0) Cargo (0) Other
2	7	6 Wheeler or 10 Wheeler	(1) Sewer Jet (0) Chipper Box (0) Hydraulic Crane
		Truck Mount, or Slide In	(0) Bucket Truck (1) Asphalt Hot Box (0) Wrecker
			(0) Welder (0) Other
3	8	Backhoe Loader 70 to 80 hp	(3) 4X4 (3) Extendahoe (0) Ripper Tooth (0) Hoe Ram
			(0) Twist-A-Wrist (0) Asphalt Wheel Cutter (0) Other
0	9	Backhoe Loader 80 to 90 hp	(0) 4X4 (0) Extendahoe (0) Ripper Tooth (0) Hoe Ram
			(0) Twist-A-Wrist (0) Asphalt Wheel Cutter (0) Other
2	10	Loader 2 to 3 Yard	(2) Plow and Wing (2) Plow (2) Claw Bucket (Power Broom)
			(0) Snow Blower (0) Forks (0) Other
0	11	Loader 3 1/2 to 4 Yard	(0) Plow and Wing (0) Plow (0) Claw Bucket (Power Broom)
			(0) Snow Blower (0) Forks (0) Other
0	12	Grader CAT 12 size	(0) Wing (0) Other
0	13	Grader CAT 14 size	(0) Wing (0) Other
1	14	Tractor	(0) Loader (1) York Rake (0) Rototiller (0) Other
0	15	Bulldozer	(0) D3 Size (0) D6 (0) D8 (0) Other
1	16	Skid Steer Loader	(0) Backhoe (0) Sweeper (0) Pavement Grinder
			(0) Other
1	17	Rollers	(1) 2 Ton (0) 4 Ton (0) 6 Ton (0) Other
2	18	Sidewalk Tractor	(2) Plow (2) Snow Blower (0) Sidewalk Sander
			(0) Power Broom (0) Mower (0) Other
1	19	Sweeper	(0) Vacuum (1) Mechanical (0) Tow Behind (0) Other
0	20	Brush Chipper	(0) Small (0) Large (0) Other
2	21	Portable Air Compressors	(0) 50-100 CFM (2) 125-175 CFM (0) Other
1	22	Portable Generators	(1) 100 Volt (1) 220 Volt (1) 440 Volt (0) Other
0	23	Portable Welders	(0) AC (0) DC (0) Other
0	24	Portable Water Pumps	(0) 2" (0) 3" (0) 4" (0) 6" (0) Other
5	25	Mud or Trash Pump	(0) 2" (4) 3" (1) 4" (0) Other
0	26	Water Tank Trailer,	(0) 300 Gal. (0) 500 Gal. (0) 1000 Gal. (0) Other
		Truck Mount, or Slide In	
3	27	Vibrating Compactors	(3) Plate Type (0) Roller Type (0) Other
0	28	Infra-red Pavement Heater	(0) Trailer Mount (0) Other
1	29	Trench Box	(0) 6'LX4'H (1) 10'LX6'H (0) 16'HX8'H (0)Other
0	30	Road Plates	(0) 8'X5' (0) 10'X8' (0)Other
4	31	Trailers	(0) Utility (2) Landscape (1) Tag-a-long (1)Box Trailer
			(0) Other
0	32	Culvert Thawer	(0) Other

2	33	Self-propelled Pavement Saw	(0) Other
6	34	Power Saws	(4) Chain Saw 16" Bar (0) Chain Saw 24" Bar
			(2) Multi-Purpose (Pipe) Saw (0) Brush Saw (0) Other
92	35	Traffic Control Devices	(30) Type 3 Barricades (0) Barrel Type (50) Cones
			(0) Paddles (0) Large Barricades (6) Jersey Barriers
			(0) Other
0	36	Boat	(0) Row (0) Motor (0) Other
0	37	Hydro Seeder	(0) 400 Gal Capacity (0) Other
0	38	Materials & Supplies	(0) Culvers (0) Catch Basins (0) Manholes
			(0) Frames & Gates (0) Frames & Covers
0	39	Other	
2	41	Clerical Support	(2) Book-keeper
3	42	Laptop Computer	(0) Printer (3) Modem (1) Floppy Disc Drive
			(3) CD-ROM (1) Windows95 (2) Windows98 (3) MSOFFICE
			(0) Lotus, (0) Other
13	43	Cellular Phones	(0) Other
2	44	Camera	(1) Video (1) Digital (0) 35MM (0) Other
1	51	Superintendent	(0) Road Agent (1) Director (0) Deputy Director (0) Other
4	52	General Foreman	(1) Lead Foreman (2) Utility Supervisor (1) Wastewater Superintendent
			(0) Water Supervisor (0) Parks Supervisor (0) Other
2	53	Working Foreman	(1) Lead Foreman (0) Utility Process Operator (0) Heads Groundskeeper
			(0) Lead Mechanic (1) Water/Sewer Street Foreman (0) Other
1	54	Heavy Equipment Operator	(1) Highway (0) Water/Sewer (0) Parks (0) Other
6	55	Truck Driver	(3) Highway (3) Water/Sewer (0) Parks (0) Other
15	56	Maintenance	(10) w/CDL (0) Park Maintenance-Specialist (1) Building Maintenance
			(1) Utility Mechanic (3) Water-wastewater Treatment Plant Operator
			(0) Other
16	57	Laborer	(0) w/CDL (0) Truck Driver Laborer (0) Water/Sewer
2	58	Vehicle Equipment Mechanic	(2) Highway (2) Water/Sewer (2) Parks (0) Other

SECTION XVII: SEVERABILITY – EFFECT ON OTHER AGREEMENTS

Should any clause, sentence, provision, paragraph, or other part of this Agreement be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Agreement. Each of the parties declares that it would have entered into this Agreement irrespective of the fact that any one or more of this Agreement's clauses, sentences, provisions, paragraphs, or other parts have been so declared invalid. Accordingly, it is the intention of the parties that the remaining portions of this Agreement shall remain in full force and effect without regard to the clause(s), sentence(s), provision(s), paragraph(s), or other part(s) invalidated.

SECTION XVIII: EFFECTIVE DATE

This Agreement shall take effect upon its approval by the entity seeking to become a signatory to this Agreement and upon proper execution hereof.

IN WITNESS WHEREOF, each of the parties have caused this New Hampshire Public Works Mutual Aid Program Agreement to be duly executed in its name and behalf by its chief executive officer, who has signed accordingly with seals affixed and attested with concurrence of a majority of its governing board, as of the date set forth in this Agreement.

WITNESS:

BY: _____
Printed Name: FREDERICK WELLER
Title: TOWN MANAGER
Municipal Government Unit: TOWN OF HAMPTON
Date: 8-6-08

DULY AUTHORIZED REPRESENTATIVE

Name: _____
Title: Director of Public Works
Address: 100 Winnacunnet Road
City/State/Zip: Hampton, NH 03842
Phone: (603) 926-4402
Fax: (603) 929-1913
Pager: _____
After Hours: (603) 944-9732

AGREEMENT BETWEEN GOVERNMENTAL UNITS PURSUANT TO RSA 53-A

WHEREAS the historic Old Stage Road Bridge crosses the Taylor River between the Towns of Hampton Falls and Hampton;

WHEREAS said Bridge has been closed to vehicular traffic for a number of years due to its being unsafe for that purpose;

WHEREAS a number of concerned citizens have been working diligently to generate interest in, and to raise private funds for, repairing and rehabilitating said Bridge so that it is safe and functional for walking, running, fishing, bicycling, and horseback riding;

WHEREAS at their respective 2009 Town Meetings, both Towns have approved by substantial majorities, identical warrant articles authorizing their Boards of Selectmen to enter into an intermunicipal agreement between them "for the purposes of constructing and maintaining a pedestrian walkway/bicycle path over said Bridge, and to perform such repair and rehabilitation of the existing Bridge itself as may be necessary to properly support such walkway/path, provided that no local property tax revenues are to be utilized for said purposes;"

NOW THEREFORE COME the Town of Hampton Falls, New Hampshire, a municipal corporation of Rockingham County and State of New Hampshire, having a mailing address of One Drinkwater Road,

Hampton Falls, New Hampshire 03844 and the Town of Hampton, New Hampshire, a municipal corporation of Rockingham County and State of New Hampshire, having a mailing address of 100 Winnacunnet Road, Hampton, New Hampshire 03842, and agree to enter into an intergovernmental agreement pursuant to RSA 53-A and agree as follows:

A. DURATION This agreement shall become effective on the 1st day of July, 2009 and shall continue in existence indefinitely until rescinded by Town Meeting vote in either Town.

B. ORGANIZATION This agreement shall be administered jointly by the Boards of Selectmen of the Towns of Hampton and Hampton Falls with the assistance of the Old Stage Road Bridge Committee, an advisory committee to both Boards.

C. PURPOSE The purpose of this agreement is to enable the two Towns to work together to repair, rehabilitate, and maintain the Old Stage Road Bridge.

D. FINANCING Funding for this agreement shall be provided as follows: grants and donations received by one or the other Board of Selectmen pursuant to N.H. RSA 31:95-b, which are to be held in trust by the recipient Town's Trustees of the Trust Funds for the above purposes. Each

Town will maintain a separate trust fund, and there will be no commingling of funds between the Towns.

E. Authorization for Work No work is to be performed without the approval of both Boards of Selectmen, under such terms and bidding requirements, if any, as are imposed by both Boards.

F. MAINTENANCE Maintenance of the repairs and improvements funded under paragraph D shall be the same funding mechanism regardless of which Town's side the improvements are located on.

G. INSURANCE Each Town shall maintain its regular public liability insurance covering said Bridge in the combined limit amount of $2,000,000.00.

H. TERMINATION This agreement may be terminated as follows: by vote of the Townspeople of either one of the two Towns. Upon termination of the Agreement, each Town shall own any improvements made on its side of the middle of said Bridge and each Town shall be allocated an equal amount from the unexpended Trust funds maintained separately by the trustees of the Trust Funds for the purposes of this agreement and shall utilize said funds for the maintenance of the Old Stage Road Bridge and any improvements thereto that were made during the duration of this Agreement.

Dated this 9th day of July 2009.

Town of Hampton Falls

By: _____
Chairman, Board of Selectmen,
Duly authorized

State of New Hampshire
County of Rockingham

The foregoing instrument was acknowledged before me this 9th day of July 2009, by Michael Farinola the H. Falls Selectman CH on behalf of the Town of Hampton Falls.

Holly C. Knowles
Justice of the Peace/Notary Public
My Commission Expires March 5, 2013

Town of Hampton

By: _____
Chairman, Board of Selectmen,
Duly authorized

State of New Hampshire
County of Rockingham

The foregoing instrument was acknowledged before me this 6TH day of JULY 2009, by RICHARD GRIFFIN the CHAIRMAN, BOARD OF SELECTMEN on behalf of the Town of Hampton.

_____
~~Justice of the Peace~~/Notary Public

FREDERICK W. WELCH, Notary Public
My Commission Expires July 18, 2012

Approved: _____
For the New Hampshire Attorney General's Office

MEMORANDUM OF AGREEMENT
between the
DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT
DIVISION OF PARKS AND RECREATON
and the
TOWN OF HAMPTON, NEW HAMPSHIRE
and the
TOWN OF RYE, NEW HAMPSHIRE

This Memorandum of Agreement (Agreement) is entered into by and between the State of New Hampshire, Department of Resources and Economic Development, Division of Parks and Recreation (State), 172 Pembroke Road, Concord, NH 03301, the Town of Hampton (Hampton), 100 Winnacunnet Road, Hampton, NH 03842, and the Town of Rye (Rye), 10 Central Road, Rye, NH 03870.

WHEREAS, the State owns, manages, and operates the North Hampton State Beach (State Beach), located in the Town of North Hampton, New Hampshire; and

WHEREAS, Hampton owns, manages, and operates a wastewater treatment plant (WWTP), which is designed to receive, treat, and/or dispose of wastewater and provide such sewerage and wastewater services; and

WHEREAS, the Town of Rye (Rye) owns the force main sewer pipe (force main) that traverses through the State Beach, and has its wastewater serviced by the WWTP pursuant to the towns' Agreement for Treatment and Disposal of Wastewater, October, 1989 (hereinafter referred to as the "October 1989 Agreement"), which Hampton and Rye entered into pursuant to RSA 53-A; and

WHEREAS, Hampton provides operation and maintenance services to Rye as part of the October 1989 Agreement; and

WHEREAS, the State desires to rehabilitate its bathhouse at the State Beach, to include servicing of its wastewater by the WWTP, by way of a connection into the force main; and

WHEREAS, Rye and Hampton are willing to allow the State to connect its wastewater system at the State Beach to the force main and the WWTP, consistent with the terms of this Agreement.

NOW THEREFORE, the State, Hampton and Rye (the parties) agree to the following terms:

I. Purpose and Intent

The purpose of this Agreement is to permit the WWTP to receive and treat wastewater from the State Beach to:

1. Effect economies and efficiencies in the treatment of wastewaters for the communities involved; and,

2. Improve the quality and protection of the area's beaches and waters, and the experience of visitors on the seacoast.

A. It is the intent of the parties to enter into a single agreement with respect to the delivery, receipt, treatment, and disposal of State wastewater from the State Park by the WWTP.

B. It is the intent of the parties that the sewer lines and appurtenant public works contemplated by this Agreement for construction or enlargement will be constructed or enlarged with capital funds received from state government by the State.

II. Consideration

The consideration for this Agreement are the mutual advantages referred to in Section I, Purpose and Intent, hereof; the payments to be made by the State as hereinafter provided to Hampton and Rye and the construction to be undertaken by the State; certain other construction and renovation of public works; and the provision by Hampton of wastewater treatment and disposal services for State wastewater from the State Beach.

III. Definitions

As used in this Agreement:

A. "State" means the State of New Hampshire, Department of Resources and Economic Development, Division of Parks and Recreation.

B. "State Beach" means North Hampton State Beach, owed and operated by the State.

C. "Hampton" means the Town of Hampton.

D. "Rye" means the Town of Rye.

E. "North Hampton" means the Town of North Hampton.

F. "Wastewater" means the water-carried wastes from the State Beach, where the State shall provide sewerage services, together with incidental infiltration as may be collected and transported in sewer lines.

G. The "Hampton Administrator" shall be the Hampton Town Manager, or acting Town Manager, and in the event Hampton discontinues the Town Manager form of government, the Director or Supervisor of the Hampton Public Works Department.

H. "WWTP" means the Hampton wastewater treatment plant.

I. "O & M" means operation and maintenance.

J. "Effective Date" means the date of execution of this Agreement by all parties, following the approval of this Agreement by the Hampton Town Meeting and by the Governor and Executive Council.

IV. Reception, Treatment, and Disposal of State Wastewater

A. Prior to the Effective Date of this Agreement, the State shall, at its own expense, proceed with due diligence to plan and design all necessary public works in North Hampton for the discharge of wastewater from the State Beach into the force main at the State Beach, and into the WWTP. Following the effective date of this Agreement, the State shall, at its own expense, proceed with due diligence to construct and place in operation all necessary public works in North Hampton for the discharge of wastewater from the State Beach into the force main at the State Beach, and into the WWTP. The right of the State to discharge its wastewater in accordance with this Agreement shall commence on the first day following completion of its construction. If the October 1989 Agreement between Hampton and Rye is terminated or otherwise concludes, Rye and Hampton shall have no obligations whatsoever to the State, provided that the State has received at least 120 days written notice in advance of such termination or conclusion.

B. Upon the commencement of operation of the public works necessary for the delivery and reception of State Beach wastewater, and thereafter during the continuance of this Agreement, the State shall be entitled to deliver, and Rye shall receive and convey to the WWTP through the force main, the wastewater originating from the State Beach, provided that the amount of wastewater that is thereby delivered from the State Beach shall be generated by no more than 16 fixtures, involving the following:

5 water closets in the women's room

2 water closets in the men's room

1 water closet in the family bathroom

3 urinals in the men's room

1 urinal in the family bathroom

1 multi-port lavatory in the women's room

1 multi-port lavatory in the men's room

1 wall mounted lavatory in the family bathroom

1 janitor's sink in the plumbing chase

C. Upon the commencement of operation of the public works necessary for the delivery and reception of State Beach wastewater, and thereafter during the continuance of this Agreement, the State shall be entitled to deliver, and Hampton shall receive, the wastewater originating from the State Beach and delivered through the force main, provided that the amount of wastewater that is thereby delivered from the State Beach shall be generated by no more than 16 fixtures, involving the following:

5 water closets in the women's room

2 water closets in the men's room

1 water closet in the family bathroom

3 urinals in the men's room

1 urinal in the family bathroom

1 multi-port lavatory in the women's room

1 multi-port lavatory in the men's room

1 wall mounted lavatory in the family bathroom

1 janitor's sink in the plumbing chase

D. The volume of wastewater flow from the State Beach that is accepted and treated by Hampton shall be above and beyond the volume of wastewater flow from Rye that Hampton is obligated to accept and treat and this Agreement shall not cause Hampton to reduce the amount of wastewater flow from Rye which Hampton is obligated to accept and treat, pursuant to the October 1989 Agreement.

V. Design

A. Before proceeding with bidding for construction, the State shall submit to Hampton and to Rye for their approval, which approval shall not be unreasonably withheld, all plans and specifications for any and all sewer facilities to be constructed for the purpose of delivering wastewater flows from the State Beach to the WWTP by way of the force main.

B. Design and construction of public works shall include a meter with remote reading capabilities to facilitate the ability of Hampton to reasonably gauge the amount of wastewater flow generated from the State Beach. Flows shall be metered at a point or points where the only flows measured are those originating at the State Beach. The meter shall be read by Hampton in accordance with the practices that Hampton utilizes to bill for the wastewater coming from Rye under the October 1989 Agreement, which practices

shall be provided to the State in writing prior to construction of the new public works. The new pumping station shall also include a trouble notification system capable of alerting the WWTP personnel of system failures and fault situations.

C. Bathroom facilities at the State Beach shall be designed by the State in such a way as to include no more than 16 fixtures, involving the following:

5 water closets in the women's room

2 water closets in the men's room

1 water closet in the family bathroom

3 urinals in the men's room

1 urinal in the family bathroom

1 multi-port lavatory in the women's room

1 multi-port lavatory in the men's room

1 wall mounted lavatory in the family bathroom

1 janitor's sink in the plumbing chase

VI. Title

A. Hampton shall not acquire any title, property interest or equity in any facilities or public works within the State Beach, nor shall it have any responsibilities or authority with respect to any such facilities or public works other than the right of entry for inspection, operation, and maintenance provided pursuant to Paragraphs V.A and VIII.C hereof. By operation of this Agreement and in accordance with its terms, the State shall have the right to the discharge into the force main, reception, treatment, and disposal of its wastewater by the WWTP, but the State shall not acquire any title, property interest, or equity other than purchased capacity in the facilities and public works of or within Hampton or other Hampton assets. Nor shall the State have responsibility for any debts of Hampton or the WWTP, except in accordance with its obligation to make proper and timely payments to Rye and Hampton for WWTP services, as hereinafter provided.

B. Rye shall not acquire any title, property interest or equity in any facilities or public works within the State Beach, nor shall it have any responsibilities or authority with respect to any such facilities or public works. By operation of this Agreement and in accordance with its terms, the State shall have the right to the discharge into the force main, reception and conveyance of its State Beach wastewater by Rye through the Rye force main, but the State shall not acquire any title, property interest, or equity other than purchased capacity in the facilities and public works of or within Rye or other Rye assets. Nor shall the State have responsibility for any debts of Rye or the WWTP, except in

accordance with its obligation to make proper and timely payments to Rye and Hampton as hereinafter provided.

VII. Operation and Maintenance

Upon completion of construction of present and future sewer facilities at the State Beach, DRED will be wholly responsible on a 24 hour per day, 7 days per week basis for the proper operation and maintenance of the sewer pumping system and the restroom facilities themselves and their internal plumbing and fixtures, delivering wastewater from the State Beach by way of the force main that traverses the State Beach to the existing sewer system in the WWTP.

VIII. Payments by Rye and by the State

A. The State shall pay Rye a one-time hook-up fee in the amount of the hook-up fee in effect at the time of connection to the force main (170 foot front maximum charge). At least 7 days prior to the anticipated date of connection, the State shall notify Rye of the anticipated date of connection. Rye shall then promptly bill the State for the hook-up fee, which shall be paid within thirty (30) days of the date of connection. The State shall pay 18% per annum interest on this fee if paid later than thirty (30) days from the date of connection.

B. Rye shall pay Hampton for the treatment and/or disposal of the additional flow of wastewater from the State Beach, as metered, that is delivered to the WWTP by way of the force main, in accordance with Paragraph 6(d) of the October 1989 as same is currently applied by Hampton and Rye.

C. Rye shall pay Hampton an additional assessment for future capital costs based upon that portion of increased capacity on a flow proportionate basis that results from the delivery of State Beach generated wastewater into the WWTP, as per Paragraph 6(c) of the October 1989 Agreement, as same is applied by Hampton and Rye.

D. Following tie in of the State facilities to the force main, the State shall pay Sewer User Charges to Rye in accordance with the Town of Rye Sewer User Charge Ordinance, as it may be amended from time to time. Payment shall be made within thirty (30) days of the date of Rye's bill. The State shall pay these bills within thirty (30) days of the date of Rye's bill, assuming bills are timely delivered to the State, and shall pay interest to the Town at the rate of 18% per annum on any balances for this service that remain outstanding after 30 days from the billing date.

IX. Full Waste Treatment and Disposal Services

After the effective date of this Agreement and following the completion of the public works necessary for the delivery and reception of the State Beach wastewater, the State shall be entitled to have its entire wastewater flow from the State Beach, or so much thereof as it may elect, discharged into the force main, and received, treated and/or disposed of by the WWTP, so long as the amount of sewerage limits set forth under Paragraph IV, B and C are not exceeded. The WWTP shall be responsible for the degree and character of wastewater treatment and for

disposal of all effluents and sludges to the best of the WWTP's ability in accordance with applicable law.

X. Discharges into Sewers

A. The rules, regulations, and requirements of Hampton and/or the WWTP prescribing and limiting the content of wastewater discharged, placed or otherwise permitted to flow into the sewers tributary to the WWTP's treatment facilities shall apply at the State Beach. On or before commencement of discharge into the WWTP's system, the State shall adopt such policies as set by the Department of Environmental Services, and shall make such contractual arrangements as may be necessary to assure proper observance of the aforementioned rules, regulations, and requirements with respect to wastewaters originating from the State Beach and delivered by way of the force main to the WWTP for treatment and disposal.

B. Hampton's rules, regulations, and requirements relating to the content of wastewaters discharged, placed, or otherwise permitted to flow into its sewers from the State Beach as delivered through the force main, shall be nondiscriminatory and shall be applied to and administered equally to the State, as it is to Hampton and other subdivisions of government under contract with Hampton.

C. The State shall facilitate the entry of representatives of Hampton and/or the WWTP for the purpose of inspecting sewers and appurtenance facilities located at the State Beach, as well as any of the sources of any discharges into the sewers and appurtenant facilities located at the State Beach. Hampton and/or WWTP representatives may exercise the rights set forth herein for the purpose of ascertaining the state of compliance with the State's sewer use policy and any discharge permits which have been issued by the State.

D. The discharge of septage or holding tank waste from off-site, or groundwater, into the State Beach sewer system discharging into the WWTP system is strictly prohibited.

E. The State shall comply with the Rye Sewer Use Ordinance regarding the discharge of wastewater from the State Beach into the force main.

XI. Access to Books and Records

The duly designated representatives of the State shall have access to all books and records of Hampton and Rye which relate to sewerage systems and the WWTP used by the State for the State Beach, including, but not limited to, all books and records pertaining to related fees and rate-setting charged to the State, at all reasonable times and shall be entitled to receive or make copies of any information contained therein.

XII. Insurance

A. The State is self-insured and will cover its liability under this Agreement, including but not limited to any damages to the force main and/or the Hampton sewerage system, arising from or due to any incident caused by the State related to the State Beach connection..

B. The Town of Rye currently has a Public Entity Liability Coverage policy with PRIMEX. The limit of liability for Personal Injury and Property Damage coverage is as provided by NH RSA 507-B: 4, I. If the statutory limit does not apply, the limit is $5,000,000 for any one occurrence or wrongful act or series of continuous, repeated or related occurrences or wrongful acts. The coverage includes $3500 per claim for sewer back-up. The coverage excludes any/all claims for contamination and pollution.

During the term of this Agreement, the Town of Rye will (1) keep equal or greater insurance coverage in effect; or (2) self-insure.

XIII. Disputes

If for any reason the parties hereto are in dispute over any part of this Agreement for more than thirty (30) days, the parties agree, before initiating any action at law or in equity, to attempt to mediate their dispute with an independent third party acceptable all of them, whose cost shall be shared equally by those parties who are in dispute. Nothing in this provision prohibits any of the parties from initiating any action at law or equity if necessitated by an emergency situation warranting immediate attention/action.

XIV. Sovereign Immunity

Except with regard to the State's obligations under this Agreement, nothing herein contained shall be deemed to constitute a waiver of the sovereign immunity of the State, which immunity is hereby reserved to the State. This covenant shall survive the termination of this Agreement.

XV. Term

A. The term of this Agreement shall be coterminous with the October 1989 Agreement and any renewals of the October 1989 Agreement.

B. This Agreement may be amended or terminated earlier than its expiration date by duly authorized mutual action of Hampton, Rye, and the State. The State may disconnect its wastewater system at the State Beach from the force main at its sole discretion, upon thirty (30) days written notice in advance to Rye and Hampton.

C. The parties recognize that, due to the large capital expenditures associated with the State Beach connection, renewal of the Agreement is contemplated and desired. It is agreed that the renewal agreement will be based upon the same principles of proportionality that are contained in this Agreement, and the Agreement shall be renewed for such successive periods as are implemented under the October 1989 Agreement.

D. Upon termination of this Agreement, those wastewater facilities within the bounds of the Town of Hampton shall remain the property of Hampton; those wastewater facilities within the bounds of Rye, including the force main, shall remain the property of Rye; and those wastewater facilities within the State Beach up to the force main and including the connection thereto shall remain the property of the State.

XVI. Default

Upon the occurrence of any event of default, the concerned party shall give the other parties hereto, written notice, delivered by US Postal Service certified first-class mail,

specifying the event of default and requiring remedial action within, in the absence of a greater or lesser specification of time, thirty (30) days from the date of the notice. If the event of default is not timely remedied, the concerned party may treat the Agreement as breached and pursue any of its remedies at law or in equity, effective two (2) days after giving the other party notice of termination.

Any and all outstanding payments owed by the State shall be paid to and delivered to Hampton and Rye within 30 days of termination of the Agreement due to default. The State may set off against any obligations the State may owe to Hampton or Rye any damages the State suffers by reason of any event of default on the part of Hampton or Rye, respectively.

XVII. Approval Contingencies

A. If the Hampton shall fail to hold a Town Meeting at which there is voted approval of the purpose and intent of this Agreement on or before April 1, 2012, then this Agreement shall be null, void, and of no effect.

B. If the State shall fail to obtain approval from Hampton, or the Rye Sewer Commission of the State's plans, as provided in Section V.A, then this Agreement shall be null, void, and of no effect.

C. If the State shall fail to obtain either 1) capital budget funding for its public works project at the State Beach for the State's fiscal years 2012 or 2013 or 2) approval by the Governor and Executive Council of this Agreement, then this Agreement shall be null, void, and of no effect.

[SIGNATURE PAGE FOLLOWS.]

MEMORANDUM OF AGREEMENT

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives as of the date(s) set forth below.

TOWN OF HAMPTON, NEW HAMPSHIRE

Witness:

1/30/12
Frederick W. Welch — Date
Town Manager

1/30/12
Richard Nichols, Chairman — Date

1/30/12
William G. Lally, Vice Chairman — Date

1/30/12
Richard P. Griffin — Date

1/30/12
Gerald Znoj — Date

1/30/12
Michael Pierce — Date

[A majority of Selectmen signatures shall constitute authorization.]

TOWN OF RYE, NEW HAMPSHIRE
RYE SEWER COMMISSION

Witness:

1/31/12
Lee Arthur — Date
Administrator

1/31/12
David W. Kohlhase, Chairman — Date

1/31/12
Peter G. Kasnet, Vice-Chairman — Date

1/31/12
David M. Adams, Commissioner — Date

[A majority of Commissioner signatures shall express approval.]

MEMORANDUM OF AGREEMENT

STATE OF NEW HAMPSHIRE
DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT

Concur:

2-1-12
Phil A. Bryce, Director Date
Division of Parks and Recreation

2/1/12
George M. Bald, Commissioner Date
Dept of Resources and Economic Development

Approved as to form, substance, and execution:

Office of the Attorney General

Approved by the Governor and Executive Council at its _____, 201_ meeting.

Agenda Item # ____.

PAB/tul090911

MEMORANDUM OF UNDERSTANDING

NOW COME the Commissioners (hereinafter, the "Commissioners") of the Hampton Beach Village District (hereinafter, the "District" or the "Precinct") and the Board of Selectmen (hereinafter, the "Board") of the Town of Hampton (hereinafter, the "Town") and enter into the following Memorandum of Understanding.

WHEREAS, the Town currently leases from the District, under a Lease dated May 31, 2009 (hereinafter the "Lease"), certain property (Tax Map 287, Lot 32) located at 64 Ashworth Avenue for use as a fire station.

WHEREAS, the aforesaid Lease expires on May 31, 2012 and indicates in paragraph 2.2 that "Under no circumstances shall Tenant remain at the Premises under the present terms and conditions contained herein after May 31, 2012."

WHEREAS, both the Commissioners and the Board desire that the Town continue to provide fire protection services from a location within the District, notwithstanding the language of paragraph 2.2 of the Lease.

WHEREAS, the Town has committed in 2009 the sum of $20,000 to studying the feasibility of and cost of constructing a new Beach fire sub-station in the District.

WHEREAS Town officials have determined that the best location for a new Beach fire sub-station within the District (hereinafter, the "new location") would be on land (Tax Map 287, Lot 31 and the portion of Tax Map 287, Lot 29 immediately adjacent to and to the north of Tax Map 287, Lot 31) owned by the District on Brown Avenue immediately to the west of, and adjacent to, the property covered by the Lease, and a portion of Tax Map 287, Lot 32.

WHEREAS the Board has reached an accord with the Commissioners whereby, upon approval first by the Town voters and then by the District's voters of necessary warrant articles, the Town would acquire certain land from the District upon which it would construct the new Beach fire sub-station in the new location, and in consideration of such acquisition the Town would then demolish the existing fire station and Precinct garage provided said demolitions are approved by the District voters, and would include as a portion of the property acquisition cost, a) an amount intended to compensate the District as set forth hereinafter in paragraph 6 for the District's loss of parking revenues during construction and b) a lot of land as set forth hereinafter in paragraph 7 to compensate the District for the District's permanent loss of parking spaces following completion of the new Beach fire sub-station and the demolition of the old fire station and Precinct garage.

NOW THEREFORE, the Commissioners and the Board agree that the terms of their accord for which they will seek approval from their respective legislative bodies, and which they agree to implement if and when both approvals are given, are as follows:

1. The District will convey by warranty deed to the Town, for the purpose of constructing a Beach Fire Substation, the land consisting of Tax Map 287, Lot 31, and the portion of Tax Map 287, Lot 29 immediately adjacent to and to the north of Tax Map 287, Lot 31, and a portion of Tax Map 287, Lot 32, (the "Town Acquired Property") and the Town will proceed to construct said new Beach fire sub-station with construction of said station to commence no sooner than the conclusion of the annual Seafood Festival in 2012, but no later than June 2, 2014. Upon acquisition of

damage and liability in amounts and in a manner consistent with the coverage obtained for other real property owned by the Town of Hampton.

2. In the course of its work on the aforesaid new Beach fire sub-station on the Town Acquired Property, the Town will a) demolish at its expense as part of the acquisition cost 1) the current Fire Station on Tax Map 287, Lot 32, and 2) the Precinct garage on Tax Map 287, Lot 29 (with the portions of said lots that are being retained by the District being referred to hereinafter as the "Demolition Property"), provided said demolitions are approved beforehand by the District voters, and the Town will pave, stripe, and install chain link fencing and gating (utilizing existing fencing and gating to the extent possible) on the portion of Tax Map 287, Lot 32 and 29 not deeded to the Town for the new Beach fire sub-station. It its approval is approved beforehand by the District voters, the Precinct garage shall be demolished immediately preceding construction of the new Beach fire sub-station so as to enable location of the new sub-station with less concern for its proximity to other buildings.

3. Contractors demolishing the existing fire station and Precinct garage, if that is to be done, shall be required to carry environmental hazard liability insurance naming the Town and District as additional insured.

4. The District Commissioners shall officially request of the State of New Hampshire Division of Historical Resources the removal of the existing Beach fire station from the Division's Database of historic buildings if that is needed as determined by District counsel in order to accomplish the demolition and removal of the existing Beach fire station.

5. Provided that the District voters approve beforehand the demolition of the existing fire station and it is removed from the State of New Hampshire Division of Historical Resources Database of historic buildings if that is needed as determined by District counsel in order to accomplish its demolition and removal, when the new Beach fire sub-station is constructed, the Town will construct shared meeting room space (of approximately 20 feet by 20 feet in size) on the second floor of the new Beach sub-station to accommodate meetings of the Commissioners of the District and a restroom and a storage closet adjacent to said meeting room for storage of District materials. The Town shall allow the District to conduct its annual or special meetings on the floor of the bays in the new Beach sub-station once it is completed consistent with current practice, provided, however, that if Life Safety or other codes ever change in such a way as to prohibit the use of the bays for this purpose, then the Town will provide an alternative location within the District for such annual and special meetings in a Town owned building. The Town will also construct a storage shed for the District of a size no larger than 10' x 10'to be located on either Tax Map 287, Lot 28 or 29. The Town will provide a location on Town property to be determined by the Town Manager for a 40' storage container belonging to the District to be placed for storage of additional materials belonging to the District.

6. The District anticipates that it will lose parking revenues as a result of the Town's construction of the new Beach fire sub-station. Therefore, the parties agree that a portion of the consideration by the Town to acquire the Town Acquired Property shall include an amount calculated as follows: an amount measured by the difference in

net revenues received by the District from parking on the District's property on Tax Map 287, Lots 29, 31, and 32 in the average of the three years preceding commencement of such construction and the net revenue received by the District from parking on such lots during the time in which construction occurs, provided that the District shall make all good faith efforts to maximize its parking revenues on the aforesaid property during construction from the parking that can still be safely accommodated on these lots during construction. Net revenue means the gross revenue received from such parking minus the expenses associated with generating such revenue. This portion of the consideration by the Town to the District shall be calculated and shall be paid by the Town to the District before the end of the calendar year in each year during which construction of the new Beach fire sub-station occurs so long as the District provides a complete accounting to the Town of the aforesaid net revenue loss including the net revenue from the three years preceding construction and the expenses associated with generating such revenue. Construction of the new Beach fire sub-station shall be considered complete when an Occupancy Permit has been issued and when the paving, striping, and installation of chain link fencing and gateing on the "Demolition Property", all as referenced in paragraph two above is complete

7. Upon the expiration on April 1, 2013 of the current lease of Town property located at Tax Map 287, Lot 28 ("Lot 28"), the Selectmen will deed, by Warranty Deed, the said Town owned property to the District, in full consideration for the District's permanent loss of parking spaces due to the deeding to the Town of the land for the

new location of the substation. The Town will stripe and install chain link fencing and gating (utilizing existing fencing and gating to the extent possible) on Lot 28 upon the expiration of the aforesaid lease.

8. A new Lease for the existing fire station shall be entered in to under such terms as may be agreeable to both the Town and District for such time as may be necessary to complete construction of, and to make operational, the new Beach fire sub-station at the new location.

9. If the District at its own expense, pursuant to a vote of its voters, opts to retain and pay for an independent engineer to review the Town's scope of work for engineering design for the new Beach sub-station, then the Town will ensure that the comments of the independent engineer will be taken into account as appropriate in the final engineering scope of work of the engineer contracted by the Town for this project.

10. The Town agrees to list the Village Precinct as an additional insured on any and all engineering or construction contracts entered into regarding any work performed. The Town and District shall also be named as additional insured on any environmental hazard liability insurance required of any contractors.

11. The Town agrees to obtain a lot line adjustment plan to create the Town Acquired Property as outlined above and to record same at the Rockingham County Registry of Deeds and provide notification of the proposed governmental use pursuant to the terms of RSA 674:54.

12. In the event the Town issues, at one time or from time-to-time, any tax-exempt obligation relating to the new Beach fire sub-station on the Town Acquired Property

or relating to the demolition of improvements on the Demolition Property or the improvements financed on Lot 28, then the District and the Town agree that while such tax-exempt obligations remain outstanding and during the term of any renewal term thereof, neither shall use such Town Acquired Property or Demolition Property or Lot 28 (by sale, lease, license or other arrangement) in any manner that would adversely affect the tax-exempt status of such tax-exempt obligations, and the District and the Town further agree that neither shall permit the use of such property by any non-governmental persons (by sale, lease, license or other arrangement) without first obtaining an approving opinion of bond counsel that such use shall not adversely affect the tax-exempt status of such tax-exempt obligations.

13. As specified hereinafter, the following language shall appear in the deeds for the conveyances called for in above paragraphs 1 and 5:

Language for Property to be Conveyed to Town as per paragraph 1:

"Subject to the reservation that, in the event that all of the following three conditions are met: (1) the fire sub-station construction, as evidenced by the issuance of a building permit, is not begun by June 2, 2014, and (2) the Hampton Beach Village District legislative body, in its sole discretion, votes to accept the reversion, which shall be evidenced by a majority vote of the Hampton Beach Village District voters, and (3) a record of the vote of the Hampton Beach Village District shall be recorded in the Rockingham County Registry of Deeds, then the property herein conveyed shall revert to the District. Upon any such reverter, the property and any improvements located thereon shall not be used in a manner that adversely affects the tax-exempt status of any indebtedness issued by the Town so long as the same remains outstanding.

And further, subject to the reservation for twenty (20) years from the date of conveyance of the property that, in the event that all of the following three conditions occur in that twenty year period: (1) either (a) the Town of Hampton permanently ceases to use the property to provide fire protection services, subject to the temporary, interim governmental uses permitted below, or (b) a sale or lease occurs by the Town to a third party that does not use the property to provide fire protection services within Hampton,

and (2) the Hampton Beach Village District legislative body, in its sole discretion, votes to accept the reversion, which shall be evidenced by a majority vote of Hampton Beach Village District voters, and (3) a record of the vote of the Hampton Beach Village District shall be recorded in the Rockingham County Registry of Deeds, then the property shall revert to the District. The District agrees that the reversion will not be triggered if the Town ceases to use the property to provide fire protection services on a temporary, interim basis for governmental purposes, including but not limited to renovations or repairs. This further reservation/reverter provision shall terminate twenty (20) years from the date of conveyance of the property to the Town. Notwithstanding the language above, the Town may ask the District to release this further reservation/reverter provision at a time earlier than the expiration of twenty (20) years, and this request may be granted by the District legislative body, but only after authorization of the release is evidenced by a majority vote of the District voters.

If the Hampton Beach Village District legislative body, in its sole discretion, votes to dissolve pursuant to RSA 52:21, or any successor provision thereto, which shall be evidenced by a two-thirds vote of Hampton Beach Village District voters, then upon such dissolution, all reversion rights and interests described in the foregoing paragraphs shall terminate and be of no further force or effect."

After the reverter right lapses, the Hampton Beach Village District shall have an additional period of 30 years following the lapse of the reverter right to exercise a right of first refusal in the event that the following occurs within that 30 years: a sale or lease is proposed to occur to a third party that would not use the property and improvements to provide fire protection services within Hampton. Documentation creating the right of first refusal, similar in form and substance as that attached in Exhibit A, shall be executed by the Town and the District.

If the Hampton Beach Village District legislative body, in its sole discretion, votes to dissolve pursuant to RSA 52:21, or any successor provision thereto, which shall be evidenced by a two-thirds vote of Hampton Beach Village District voters, then upon such dissolution, all reversion rights and right of first refusal described in the foregoing paragraphs shall terminate and be of no further force or effect.

Language for Property to be Conveyed to District as per paragraph 7:

"Subject to the reservation for twenty (20) years from the date of conveyance of the property that, in the event that all of the following three conditions occur in that twenty year period: (1) either (a) a reversion to the District occurs of the property conveyed on _____ to the Town by the District to provide fire protection services, or (b) the property is used for a purpose other than a parking lot, subject to the temporary, interim governmental uses permitted below, and (2) the Town of Hampton legislative body, in its sole discretion, votes to accept the reversion, which shall be evidenced by a majority vote

of the Town of Hampton voters, and (3) a record of the vote of the Town of Hampton shall be recorded in the Rockingham County Registry of Deeds, then the property shall revert to the Town. The Town agrees that the reversion will not be triggered if the District ceases to use the property as a parking lot on a temporary, interim basis for governmental purposes, including but not limited to, renovations or repairs. The reverter shall terminate twenty (20) years from the date of conveyance of the property herein conveyed to the District. Notwithstanding the language above, the District may ask the Town to release the reverter at a time earlier than the expiration of twenty (20) years, and this request may be granted by the Town legislative body, but only after authorization of the release is evidenced by a majority vote of the Town voters."

14. By way of terms governing the procedure for approval of their respective legislative bodies of the provisions of their accord and any funding therefor, the Commissioners and the Board agree as follows:

A. The Commissioners shall submit to their District voters at their next annual meeting in 2012 such warrant article or articles in form that is acceptable to the Board of Selectmen so as to seek the Village District voters' authorization for and ratification of the Commissioners' entering into this Memorandum of Understanding and authorize the two building demolitions referred to in above paragraph 2;

B. The Board shall submit a bond warrant article to the 2012 Town Meeting to seek the Townspeople's authorization for and ratification of the Board's entering into this Memorandum of Understanding and would fund the tasks that the Town is called upon to undertake and complete under the terms of this Memorandum of Understanding; and

C. This Memorandum of Understanding shall become null and void if any of the articles presented under the preceding subparagraphs A and B are defeated by the respective legislative bodies. .

15. The Town shall provide to the District copies of the performance bonds provided by the engineering company and the general contractor as to the construction of the new Beach fire sub-station.

16. The Commissioners and the Board stipulate that the laws of the State of New Hampshire shall govern this Memorandum of Understanding.

17. The Commissioners and the Board agree that this Memorandum of Understanding contains their entire Agreement and that its terms shall not be amended except by a written document signed by a majority of each of them.

IN WITNESS WHEREOF, the parties execute this Memorandum of Understanding on the dates that follow:

Hampton Beach Village District
By its Commissioners

Charles Rage, Chairman

Subscribed and sworn to before me this 15 day of March, 2012, by Charles Rage.

Notary Public/Justice of the Peace
My Commission Expires: KRISTI PULLIAM, Notary Public My Commission Expires October 6, 2015

Gary Kubik, Commissioner

Subscribed and sworn to before me this 15 day of March, 2012, by Gary Kubik.

Notary Public/Justice of the Peace
My Commission Expires: KRISTI PULLIAM, Notary Public My Commission Expires October 6, 2015

Maureen Buckley, Commissioner

Subscribed and sworn to before me this 15 day of March, 2012, by Maureen Buckley.

Notary Public/Justice of the Peace
My Commission Expires: KRISTI PULLIAM, Notary Public My Commission Expires October 6, 2015

Town of Hampton
By its Board of Selectmen

Richard E. Nichols, Chairman
Town of Hampton
Board of Selectmen

Subscribed and sworn to before me this 5TH day of MARCH, 2012, by Richard E. Nichols.

Notary Public/~~Justice of the Peace~~
My Commission Expires:

FREDERICK W. WELCH, Notary Public
My Commission Expires July 18, 2012

William G. Lally, Vice-Chair
Town of Hampton
Board of Selectmen

Subscribed and sworn to before me this 5TH day of MARCH, 2012, by William G. Lally.

Notary Public/~~Justice of the Peace~~
My Commission Expires:

FREDERICK W. WELCH, Notary Public
My Commission Expires July 18, 2012

Michael Pierce, Selectman
Town of Hampton

Subscribed and sworn to before me this 5TH day of MARCH, 2012, by Michael Pierce.

Notary Public/~~Justice of the Peace~~
My Commission Expires:

FREDERICK W. WELCH, Notary Public
My Commission Expires July 18, 2012

Gerald Znoj, Selectman
Town of Hampton

Subscribed and sworn to before me this 5TH day of MARCH, 2012, by Gerald Znoj.

Notary Public/~~Justice of the Peace~~
My Commission Expires:

FREDERICK W. WELCH, Notary Public
My Commission Expires July 18, 2012

Richard P. Griffin, Selectman
Town of Hampton

Subscribed and sworn to before me this 5TH day of MARCH, 2012, by Richard P. Griffin.

Notary Public/~~Justice of the Peace~~
My Commission Expires:

FREDERICK W. WELCH, Notary Public
My Commission Expires July 18, 2012

MEMORANDUM OF AGREEMENT

Now Come the Library Trustees of the Lane Memorial Library (hereinafter, the Trustees) and the Board of Selectmen of the Town of Hampton (hereinafter, the Board) and agree as follows:

WHEREAS, the Trustees wish to implement certain air conditioning and lighting improvements at the Library financed through zero interest loans from Unitil Energy Systems, Inc.(hereinafter Unitil), in order to realize energy savings, both from reduced energy usage and from lowered preventative maintenance costs, which are expected to far exceed the costs of these improvements; and

WHEREAS, the municipal authority to take out such loans lies with the Hampton Board provided they are duly authorized by Town meeting approval of a warrant article complying with the Municipal Finance Act, RSA ch. 33; and

WHEREAS, the Board is willing to put forth the necessary warrant article for the 2012 Town Meeting, provided that all the payments on the above loans are agreed to be made by the Trustees alone, out of either the operating budget of the Lane Memorial Library or Library funds under the control of the Trustees or both; and

WHEREAS, the Trustees have agreed to make all such payments on the above loans out of either the Library's operating budget or Library funds under the control of the Trustees or both, and will do so in timely fashion in accordance with the terms of said loans, if the warrant article passes by the requisite 3/5ths majority; and

WHEREAS, in reliance on said agreement by the Trustees, the Board has put forth the necessary warrant article (Exhibit A attached hereto) and has entered into a commitment letter with Unitil dated December 9, 2011 (Exhibit B attached hereto) whereby Unitil has agreed to reserve the necessary funds for these loans from its 2012 incentive funds and from its On –Bill Financing program to proceed with project; and

WHEREAS, once the Town Meeting votes in favor of said warrant article by ballot by the requisite 3/5ths majority at the March 13, 2012 Town Meeting, the Board will take any and all actions as may be necessary to secure the loans from Unitil as per the terms of the commitment letter; and

WHEREAS, the Trustees are agreed that the installation work will be started within a time frame satisfactory to Unitil if the Article passes at the March 13, 2012 Town Meeting by the requisite 3/5ths majority, and that they will be responsible for undertaking all actions to ensure that the improvements for which the loans are being taken out will in fact be made and completed;

NOW THEREFORE, in consideration of these actions and agreements the Trustees and the Board execute this Memorandum of Agreement to memorialize their agreement to the above terms and understandings.

Dated:

By: Linda Sadlock, Chair

Linda Sadlock, Chair
Duly authorized,
For the Trustees

And

Dated:

By: _____

Richard Nichols, Chairman
Duly authorized,
For the Board

AGREEMENT REGARDING
LEASE OF CHURCH STREET PARKING LOT

AGREEMENT made this 3rd day of ~~January~~ February 2014, by and between the Roman Catholic Bishop of Manchester, a corporation sole ("Lessor") and the Town of Hampton, NH ("Lessee").

WHEREAS, Lessor and Lessee entered into a Lease of Church Street Parking Lot dated April 3, 1995 (hereinafter the "Lease") for a three year term; and

WHEREAS, the Lease into which the parties entered was renewable for 2 three-year terms; and

WHEREAS, the parties have operated under the terms of the Lease since its inception in 1995 and agree that the terms of the Lease are in effect through March 30, 2014; and

WHEREAS, the parties seek to amend the Lease, effective April 1, 2014;

NOW THEREFORE, the parties agree as follows:

1. Section 3 in the Lease is hereby deleted and replaced with the following paragraph:

   3. RENT

   The Lessee shall agree to pay rent in the amount of $17,000.00 for the first year of the Lease, $18,000 for the second year of the lease, and $19,000 for the third year of the lease. If the Lease is renewed in accordance with paragraph 4, the rent shall be increased by $1,000.00 each year (i.e., $20,000 for the fourth year, $21,000 for the fifth year, etc.) with a cap of $25,000 per year. Rent shall be due and payable to the Roman Catholic Bishop of Manchester on or before April 1 each year that the Lease is in effect.

2. Section 4 in the Lease is hereby deleted and replaced with the following paragraph:

   4. TERM OF LEASE

   The term of this lease is three (3) years beginning on the 1st day of April 2014. The Lessee may renew this Lease on the same terms and conditions for two additional three (3) year terms upon giving the Lessor ninety (90) days written notice prior to the expiration of the term of any renewal thereof. Additional renewals may occur on the same terms if agreed upon by the parties.

3. Section 5 in the Lease is hereby deleted and replaced with the following paragraph:

5. INSURANCE

a. Fire and Casualty Insurance: Lessee shall, during the term of this Lease, at its own expense, maintain fire and casualty insurance on the Premises and for its interest in the contents of the Premises and its property which shall be its sole remedy for any loss resulting from fire and casualty.

b. Liability Insurance: Lessee agrees to maintain combined liability and property insurance naming the Roman Catholic Bishop of Manchester, a corporation sole, as an additional insured, with sufficient minimum limits to cover any accidents which may occur on the Premises. Lessee shall obtain an insurance certificate evidencing such coverage and provide the Lessor with the same and any replacement or extension thereof. These coverages and limits are fully described in *Schedule A*.

4. Section 11 of the Lease is hereby amended to add the following new paragraph at the end of said Section 11 in the Lease:

11. MAINTENANCE

. . .

With the Lessor's permission, which shall not be unreasonably withheld, Lessee may install on the leased premises, at the Lessee's expense, toilet facilities for Town parking lot employees, including installing the necessary water and sewer infrastructure to enable toilet facilities to be installed on the leased premises. Lessee understands and agrees that it is solely responsible for the security, cleaning, and maintenance of any toilet facilities it installs on the property. It is further understood that upon termination of the Lease, the water and sewer infrastructure shall become the property of the Lessor, but the toilet facilities structure shall, at the option of the Lessor, be removed by the Lessee at Lessee's expense.

5. Section 13 of the Lease is hereby deleted and replaced with the following paragraph:

13. OVERFLOW LOT

On Saturdays and Sundays, the "overflow lot" shall be reserved for the use of St. Patrick Church, and there shall be no charge for parking in the overflow lot on Saturdays and Sundays.

6. In all other respects, the terms of the Lease remain in full force and effect.

IN WITNESS WHEREOF, the Lessor and Lessee have hereunto set their hands on the date set forth above.

Lessor:
ROMAN CATHOLIC BISHOP OF MANCHESTER, a corporation sole

Witness

By: Diane Murphy Quinlan
Its: Chancellor

Lessee:
TOWN OF HAMPTON
By its Board of Selectmen

Witness TO ALL

Chairman

Witness

Vice Chairman

Witness

Selectman

Witness

Selectman

Witness

Selectman

SCHEDULE A

INSURANCE REQUIREMENTS

The Diocese of Manchester requires all lessees of diocesan facilities and contractors who perform work at parishes, schools and diocesan institutions to carry insurance. In addition, lessees and contractors must name the *Roman Catholic Bishop of Manchester, a Corporation Sole* as an additional insured on their liability policies.

The minimum required insurance coverages and limits are:

Comprehensive General Liability	
General Aggregate	$2,000,000
Products/Completed Operations	$2,000,000
Personal & Advertising Injury	$1,000,000
Each Occurrence	$1,000,000
Property Damage	$50,000
Sexual Misconduct *	$500,000
Automobile Liability	
Combined Single Limit	$1,000,000
Workers Compensation	
Part A: Workers' Compensation	Statutory
Part B: Employer's Liability	$500,000

*Required for pre-schools, child care centers, day care and agencies serving youth who lease space within diocesan-owned facilities.

INTERMUNICIPAL AGREEMENT FOR CABLE ACCESS, FACILITIES, AND EQUIPMENT

BETWEEN

THE TOWN OF HAMPTON AND HAMPTON SCHOOL DISTRICT (SAU 90)

This Agreement is made and entered into, pursuant to RSA 53-A, by and between the Town of Hampton, 100 Winnacunnet Road, Hampton, New Hampshire (the "Town") and the Hampton School District, SAU 90, 6 Marston Way, Hampton, New Hampshire (the "District"), who agree to the commitments, terms, and conditions contained in the Intermunicipal Agreement (the "Agreement").

WHEREAS, on February 4, 2013 the Town entered into a franchise agreement with Comcast of Maine/New Hampshire, Inc., which requires that cable service be made available to residential dwelling units within the Town; and

WHEREAS, the franchise agreement provides for the establishment of Public, Educational and Governmental (PEG) Access Programming in accordance with 47 U.S.C. §531; and

WHEREAS, the Town has established Educational and Governmental Access Channels to provide its residents with local programming; and

WHEREAS, the Town collects franchise fees and has established a Hampton Cable TV Local Revolving Fund for the purpose of providing cable access in compliance with the franchise agreement; and

WHEREAS, the District desires to produce programming for the Educational and Governmental Access Channels; and

WHEREAS, the Hampton Board of Selectmen deem the providing by the School District to the Town of programming for the Educational and Governmental Access Channels to be of benefit to the public; and

WHEREAS, the Town and District have determined that it is in their best interests to act together to provide programming for the Educational and Governmental Access Channels; and

WHEREAS, RSA 53-A permits "municipalities and counties to make the most efficient use of their powers by enabling them to cooperate with other municipalities and counties on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities."

NOW, THEREFORE, pursuant to RSA 53-A, the Town and District enter into this Agreement to provide programming for the local Educational and Governmental Access Channels.

I. PURPOSE

The purpose of this Agreement is to allow the Town and District to provide local programming for the Educational and Governmental Access Channels. The District will develop and provide programming for Hampton residents to be aired on Hampton Cable 22 or other local access channels. The District will video record school events and activities, produce and deliver content to the Cable TV Advisory Committee, and develop educational programming for Hampton residents. However, it will be within the discretion of the Hampton Cable TV

Advisory Committee whether a given item of programming will be aired, in accordance with the Operating Guidelines & Policies. Also, airing of SAU 90 programming may be interrupted or pre-empted at the discretion of the Director of the Town's Emergency Operations Center. The Board of Selectmen shall appoint a school representative to the Cable TV Advisory Committee.

II. TERMS AND CONDITIONS

This Agreement shall be effective upon signing by the Hampton Board of Selectmen and Hampton School Board, approval by the Attorney General under RSA 53-A:3, V, and the filing of the Agreement with the Town Clerk, School District Clerk, and the Secretary of State under RSA 53-A:4, and shall continue in effect unless terminated as set forth in this Agreement.

III. ADMINISTRATIVE

This Agreement does not establish a separate legal entity to conduct this undertaking. This Agreement shall be administered by a single administrator and the Hampton Board of Selectmen and the Hampton School Board designate Russell D. Bridle as the administrator for a three year period: upon the expiration of his term the Hampton Board of Selectmen and the Hampton School Board shall designate a successor to Mr. Bridle.

IV. FINANCIAL AGREEMENT

A. The Town acting through the Board of Selectmen in their discretion shall provide the District financial support from franchise fees in an amount to be determined by the Selectmen on an annual basis to assist the District with its production, programming, equipment purchases and maintenance which may include personnel costs. The District shall provide the Town copies of invoices showing equipment purchased and evidence that the franchise fees paid

to the District have been used to develop and produce local programming having educationally relevant content.

B. Technology and equipment purchases: During the life of this Agreement, technology and equipment purchased with franchise fees shall be considered to be owned by the Town but loaned to the District. The District shall obtain the approval of the Hampton Cable TV Advisory Committee prior to making purchases of such equipment to ensure efficient utilization of Town resources. The Town's Purchasing Policy and Procedures then in effect shall be adhered to in the making of such purchases. Said technology and equipment as is purchased and loaned shall be insured at the District's expense under a policy of comprehensive general liability insurance that names the Town as an additional insured. Upon the termination of this Agreement, the technology and equipment purchased with franchise fees shall be returned to the Town.

C. Employment: The parties agree that the District shall be the employer of the personnel it utilizes to develop programming, and shall be responsible for all employment-related expenses, including but not limited to, payment of wages, benefits, retirement, payroll taxes and any applicable insurance coverage. Such personnel shall be subject to the personnel policies of the District. The District shall have sole authority over decisions regarding compensation, performance, evaluation, discipline, hiring, and discharge of said personnel.

V. TERMINATION

A. Mutual Agreement: This Agreement may terminate at any time upon mutual agreement of the Hampton Board of Selectmen and Hampton School Board.

B. Termination With One Year Notice: A party wishing to withdraw from the Agreement shall give written notice to the other party one year in advance of the date of termination.

C. Termination for Breach: In the event that a party fails to comply with the terms and conditions of this Agreement, the other party may notify the breaching party of its failure in writing and that it is terminating the Agreement in thirty (30) days if the breach is not cured within that thirty (30) day time period.

VI. MISCELLANEOUS

A. Pursuant to RSA 53-A:3, IV, this Agreement does relieve either party of any litigation or responsibility imposed upon them by law except to the extent of actual and timely performance thereof by a Joint Board. Said performance may be offered in satisfaction of the obligation or responsibility.

B. Pursuant to RSA 53-A:3, V, this Agreement shall be submitted to the Attorney General who shall determine whether the Agreement is in proper form and compatible with the laws of this State.

C. Pursuant to RSA 53-A:4, this Agreement shall be filed with the Town and School District Clerks and with the Secretary of State.

D. This Agreement may be amended only by written agreement of the Hampton Board of Selectmen and the Hampton School Board.

E. This Agreement shall be interpreted in accordance with the laws of the State of New Hampshire.

F. The provisions of this Agreement are severable, and if any section, sentence, clause, part or provision herein shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Agreement, and is hereby declared to be the intent of the parties that this Agreement would have been entered into if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein, unless the purposes of this Agreement cannot be achieved in the absence of the invalid provision.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed on the date provided below:

TOWN OF HAMPTON
By its Selectmen

04/28/2014
Date

By: _____
Philip W. Bean, Chairman

04/28/2014
Date

By: _____
Mary-Louise Woolsey Vice Chairman

04/28/2014
Date

By: _____
Russell D. Bridle

04/28/2014
Date

By: _____
Richard P. Griffin

04/28/2014
Date

By: _____
James A. Waddell

HAMPTON SCHOOL DISTRICT

5-6-14
Date

By: Charlotte "Peppa" Ring
Its Board Member, Charlotte Ring, Chairman

05/06/14
Date

By: Virginia Bridle Russell
Its Board Member, Virginia Bridle Russell, Vice Chairman

05/06/14
Date

By:
Its Board Member, Russell Bridle

5/6/2014
Date

By:
Its Board Member, Jerry Znoj

05/06/14
Date

By: Andrea Shepard
Its Board Member, Andrea Shepard

APPENDIX

DERIVATION TABLE

Chapter DT

DERIVATION TABLE

§ DT-1. Derivation Table of Town Code of Ordinances to 2011 Code.

In order to assist Code users in the transition to the new Code's organization, the Derivation Table indicates where chapters and articles of the Town Code of Ordinances have been included in the 2011 Code, or the reason for exclusion.

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§ DT-1. Derivation Table of Town Code of Ordinances to 2011 Code.

NI = Not included in Code but saved from repeal.
NLP = New legislation is pending.

Chapter/Article From Town Code of Ordinances	Location in 2011 Code
Ch. 1, Regulation of Animals	Ch. 18
Ch. 2, Health and Welfare	
Art. 1, Dumps	Ch. 420, Art. II
Art. 2, Public Health Regulation Recreational Camping	Ch. 571
Art. 3, Swimming Pools	Ch. 780
Art. 4, Sunday Sports	Ch. 774
Art. 5, Beaches and Parks of Hampton	Ch. 35, Art. II
Art. 6, Sanitary Sewer Systems	Ch. 406, Art. II
Art. 7, Restaurants	Ch. 737
Art. 8, Regulation of Noise in Dance Halls	Repealed 3-9-2010
Art. 9, Storage of Tires	Ch. 457
Art. 10, Posting of Street Address Numbers	Ch. 535
Art. 11, Automatic Telephone Dialers/Security-Intrusion	Ch. 542
Art. 12, Massage Parlor Ordinance	Ch. 674
Art. 13, Welfare Guidelines	Ch. 812
Art. 14, Recycling	Repealed 3-10-2009; see Ch. 420, Art. III
Art. 15, Waste Collection and Storage	Ch. 761
Art. 16, Tattooing, Branding and Body Piercing	Ch. 438, Art. II
Ch. 3, Highways and Traffic	
Art. 1, Authority	Ch. 805, Art. I
Art. 2, Highway Drainage, Driveways and Sidewalks	Ch. 769, Art. I

Chapter/Article From Town Code of Ordinances	Location in 2011 Code
Art. 3, Loitering	Ch. 769, Art. II
Art. 3A, Begging	Ch. 769, Art. III
Art. 4, One-Way Streets	Ch. 805, Art. II
Art. 5, Parking Regulations	Ch. 805, Art. III
Art. 6, Stop and Yield Intersections	Ch. 805, Art. IV
Art. 7, Vehicle Use	Ch. 805, Art. V
Art. 8, Taxicabs	Repealed 3-9-2010; see Ch. 448
Art. 9, Placing of Snow on Public Highways	Ch. 769, Art. IV
Art. 10, Right Turn on Red	Ch. 805, Art. IV
Art. 11, Fire Lanes	Ch. 805, Art. VI
Art. 12, Skateboards and Roller-Skating on Public Highways	Ch. 769, Art. V
Art. 13, Speed Limits	Ch. 805, Art. VII
Art. 14, Police Wrecker Service	Ch. 805, Art. VIII
Art. 15, Temporary Traffic Control Measures	Repealed 9-15-2008
Ch. 4, Licensing	
Art. 1, Authority	Ch. 278, Art. II
Art. 2, Licensing	Ch. 278, Art. II
Art. 3, Bicycle Licenses	Repealed 9-15-2008
Art. 4, Licensing of Coin-Operated Amusement Devices	Superseded 3-11-2008; see Ch. 14
Art. 5, Hawkers and Peddlers Licenses	Repealed 2-11-2008; see Ch. 628
Art. 6, Hawkers, Peddlers and Itinerant Vendors Licenses	Ch. 628
Ch. 5, Subdivisions	See Part V, Land Use Legislation
Ch. 6, Fire Codes	
Art. 1, Fire Ordinance	Ch. 167, Art. II
Art. 2, Automatic Telephone Dialers/Fire Alarm	Ch. 167, Art. VII
Art. 3, Permits and Permit Fees	Ch. 602
Art. 4, Posted Use and Occupancy	Ch. 697
Art. 5, Fire Detection/Suppression System	Ch. 167, Art. III
Art. 6, Lock Boxes	Ch. 167, Art. IV
Art. 7, Licensed Fire Protection Engineer	Ch. 167, Art. V
Art. 8, Gasoline Dispensing Nozzles	Ch. 167, Art. VI
Art. 9, Fireworks	Ch. 167, Art. VIII
Ch. 7, Zoning	See Part V, Land Use Legislation

Chapter/Article From Town Code of Ordinances	Location in 2011 Code
Ch. 8, Administrative Code	
Art. 1, Authority	NI
Art. 2, Purchasing Procedure	Superseded 5-24-2010; see Ch. 718
Art. 3, Personnel Rules and Regulations	NI
Art. 4, Table of Organization	NI
Art. 5, Position Classification	NI
Art. 6, Pay Plan	NI
Art. 7, Town Manager Information List	Ch. 733
Art. 8, Board of Selectmen's Code of Ethics	Superseded 6-4-2007; see Ch. 594
Art. 9, Creed for Board of Selectmen	Ch. 582
Ch. 9, Mutual Aid	Ch. 686
Ch. 10, Drug Paraphernalia	Ch. 134

DISPOSITION LIST

Chapter DL

DISPOSITION LIST

§ DL-1. Disposition of legislation.

The following is a chronological listing of legislation of the Town of Hampton adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] The last legislation reviewed for the original publication of the Code was adopted at the March 2011 Town Meeting.

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§ DL-1. Disposition of legislation.

Adoption Date	Adopted by	Subject	Disposition
10-31-2011	Bd. of Selectmen	Raffles	Ch. 727
12-19-2011	Bd. of Selectmen	Funds: Fund Balance Policy	Ch. 611
12-21-2011	Planning Board	Plan Review Committee: Administrative Procedure	Ch. 852
2-1-2012		Agreement between State of New Hampshire, Town of Hampton, and Town of Rye for use of wastewater treatment plant	Part VII
1-23-2012	Bd. of Selectmen	Parades and public gatherings	Ch. 706
1-30-2012	Bd. of Selectmen	Credit card policy	Ch. 580
2-27-2012	Bd. of Selectmen	Sewers: sewer rates and charges for state properties	Ch. 749
3-15-2012		Beach Fire Substation memorandum of understanding	Part VII
3-13-2012	ATM, Art. 2	Zoning	Ch. ZO
3-13-2012	ATM, Art. 3	Zoning	Ch. ZO
3-13-2012	ATM, Art. 4	Zoning	Ch. ZO
3-13-2012	ATM, Art. 5	Zoning	Ch. ZO
3-13-2012	ATM, Art. 6	Zoning	Ch. ZO
3-13-2012	ATM, Art. 7	Zoning	Ch. ZO
3-13-2012	ATM, Art. 19	Sewers	Ch. 406
3-13-2012	ATM, Art. 29	Highways	Ch. 224
3-13-2012	ATM, Art. 30	Town property	Ch. 469
3-13-2012	ATM, Art. 31	Highways	Ch. 224
3-13-2012	ATM, Art. 35	Entertainment activities	Ch. 149

Adoption Date	Adopted by	Subject	Disposition
3-13-2012	ATM, Art. 40	Deed restrictions	Ch. 118
6-18-2012	Bd. of Selectmen	Purchasing policy	Ch. 718
6-18-2012	Bd. of Selectmen	Tax compliance procedures	Ch. 784
10-15-2012	Bd. of Selectmen	Streets, sidewalks and public places: highway drainage, driveways and sidewalks	Ch. 769
12-17-2012	Bd. of Selectmen	Vehicles and traffic: parking regulations	Ch. 805
12-27-2012	Bd. of Selectmen	Purchasing policy	Ch. 718
2012		Agreement to purchase air conditioning and lighting improvements in library	Part VII
3-12-2013	ATM, Art. 2	Zoning	Ch. ZO
3-12-2013	ATM, Art. 3	Zoning	Ch. ZO
3-12-2013	ATM, Art. 5	Town meetings and elections	Ch. 468
3-12-2013	ATM, Art. 13	History and historic preservation	Ch. 229
3-12-2013	ATM, Art. 16	Cable television	Ch. 69
3-12-2013	ATM, Art. 17	Cable television	Ch. 69
3-12-2013	ATM, Art. 18	Cable television	Ch. 69
3-12-2013	ATM, Art. 21	Sewers	Ch. 406
3-12-2013	ATM, Art. 22	Code adoption	Ch. 1
3-12-2013	ATM, Art. 23	Highways	Ch. 224
3-12-2013	ATM, Art. 24	Highways	Ch. 224
3-12-2013	ATM, Art. 25	Solid waste	Ch. 420
3-12-2013	ATM, Art. 26	Animals	Ch. 18
3-12-2013	ATM, Art. 27	Taxi businesses	Ch. 448
3-12-2013	ATM, Art. 28	Pedicab businesses	Ch. 346
3-12-2013	ATM, Art. 30	Bingo and lotteries	Ch. 40
4-1-2013	Bd. of Selectmen	Building Committee repealer	Ch. 565, reference only
5-6-2013	Bd. of Selectmen	Vehicles and traffic: parking regulations	Ch. 805
5-6-2013	Bd. of Selectmen	Purchasing policy	Ch. 718
6-2013	Bd. of Selectmen	Cable television	Ch. 569
8-5-2013	Bd. of Selectmen	Streets, sidewalks and public places: highway drainage, driveways and sidewalks; Vehicles and traffic	Chs. 769; 805
9-18-2013	Planning Board	Driveway regulations	Ch. SU

Adoption Date	Adopted by	Subject	Disposition
12-9-2013	Bd. of Selectmen	Expenditures: nonbudgeted	Ch. 596
12-9-2013	Bd. of Selectmen	Purchasing policy	Ch. 718
2-3-2014	Bd. of Selectmen	Vehicles and traffic: stop intersections	Ch. 805
2-3-2014		Amendment regarding lease of Church Street Parking Lot	Part VII
3-11-2014	ATM, Art. 2	Zoning	Ch. ZO
3-11-2014	ATM, Art. 3	Zoning	Ch. ZO
3-11-2014	ATM, Art. 4	Zoning	Ch. ZO
3-11-2014	ATM, Art. 5	Zoning	Ch. ZO
3-11-2014	ATM, Art. 6	Zoning	Ch. ZO
3-11-2014	ATM, Art. 7	Zoning	Ch. ZO
3-11-2014	ATM, Art. 26	Acceptance of state statute re: sewers	Part II
3-11-2014	ATM, Art. 27	Sewers	Ch. 406
3-11-2014	ATM, Art. 28	Solid waste	Ch. 420
3-11-2014	ATM, Art. 29	Highways	Ch. 224
3-11-2014	ATM, Art. 30	Highways	Ch. 224
3-11-2014	ATM, Art. 31	Highways	Ch. 224
3-11-2014	ATM, Art. 32	Weapons	Ch. 512
3-11-2014	ATM, Art. 33	Entertainment activities	Ch. 149
3-11-2014	ATM, Art. 34	Tree Warden	Ch. 473
3-11-2014	ATM, Art. 35	Fire Department and ambulance service	Ch. 163
3-11-2014	ATM, Art. 42	Deed restrictions	Ch. 118
3-17-2014	Bd. of Selectmen	Information technology use policy	Ch. 642
3-17-2014	Bd. of Selectmen	Vehicles and traffic: parking regulations	Ch. 805
4-7-2014	Bd. of Selectmen	Trees	Ch. 797
4-8-2014	Fire Chief	Vehicles and traffic: fire lanes	Ch. 805
4-14-2014	Bd. of Selectmen	Fees: Building Department Fee Schedule	Ch. 598
4-14-2014	Bd. of Selectmen	Town property: Town-leased parking spaces	Ch. 794
4-21-2014	Bd. of Selectmen	Easements	Ch. 588
4-28-2014		Intermunicipal agreement for cable access, facilities and equipment	Part VII

Adoption Date	Adopted by	Subject	Disposition
5-7-2014	Planning Board	Subdivision regulations	Ch. SU
5-12-2014	Bd. of Selectmen	Wastewater system	Ch. 809
5-12-2014	Bd. of Selectmen	Wastewater system	Ch. 809
5-12-2014	Bd. of Selectmen	Easements	Ch. 588
6-4-2014	Planning Board	Site plan review regulations	Ch. SI
7-16-2014	Planning Board	Site plan review regulations	Ch. SI
7-16-2014	Planning Board	Subdivision regulations	Ch. SU
3-9-2015	Bd. of Selectmen	Vehicles and traffic: speed limits	Ch. 805
3-10-2015	ATM, Art. 2	Zoning	Ch. ZO
3-10-2015	ATM, Art. 3	Zoning	Ch. ZO
3-10-2015	ATM, Art. 4	Zoning	Ch. ZO
3-10-2015	ATM, Art. 5	Zoning	Ch. ZO
3-10-2015	ATM, Art. 6	Zoning	Ch. ZO
3-10-2015	ATM, Art. 7	Zoning	Ch. ZO
3-10-2015	ATM, Art. 8	Zoning	Ch. ZO
3-10-2015	ATM, Art. 9	Zoning	Ch. ZO
3-10-2015	ATM, Art. 10	Zoning	Ch. ZO
3-10-2015	ATM, Art. 11	Zoning	Ch. ZO
3-10-2015	ATM, Art. 30	Acceptance of state statutes	Ch. AC
3-10-2015	ATM, Art. 31	Fire prevention	Ch. 167
3-10-2015	ATM, Art. 32	Acceptance of state statutes	Ch. AC
3-10-2015	ATM, Art. 33	Town Forest	Ch. 463
3-10-2015	ATM, Art. 34	Solid waste	Ch. 420
3-10-2015	ATM, Art. 35	Heritage Commission	Ch. 220
3-10-2015	ATM, Art. 36	Taxi businesses	Ch. 448
3-10-2015	ATM, Art. 37	Noise	Ch. 328
3-10-2015	ATM, Art. 48	Budget Committee	Ch. 57
3-10-2015	ATM, Art. 49	Deed restrictions	Ch. 118
3-23-2015	Bd. of Selectmen	Vehicles and traffic: speed limits	Ch. 805