



***OTHER
ORDINANCES***

**May 2023
Cost \$7.00**

OTHER ORDINANCES

TABLE OF CONTENTS

00-1	PARKING DURING WINTER MONTHS	1
00-2	BUILDING CODE	2
00-3	CHARITABLE SOLICITATION REGISTRATION	5
00-4	DOGS	8
00-5	FIREWORKS	9
00-6	ESTABLISHING REGULATIONS CONCERNING FIRE ALARMS	11
00-7	FLOODPLAIN DEVELOPMENT	13
00-8	HAZARDOUS MATERIALS CONTROL CONTAINMENT	21
00-9	INTOXICATING BEVERAGES	24
00-10	KNOX BOX ESTABLISHING REGULATIONS REGARDING ENTRY TO CERTAIN BUILDINGS	25
00-12	OIL AND GAS BURNER PERMIT	26
00-13	ROADWAY EXCAVATION	27
00-14	SAND AND GRAVEL	28
00-15	SKATEBOARD	44
00-17	NH RULES FOR THE SANITARY PRODUCTION AND DISTRIBUTION OF FOOD HEP 2300 – STATE HEALTH	46
00-19	TATTOO PARLOR	47
00-22	YARD SALES AND ALL SIMILAR SALES	58
00-23	DRUG-FREE SCHOOL ZONE MAP	59
00-24	MODEL PUBLIC NUDITY	61
00-25	REGULATE AND CONTROL THE KINDLING, GUARDING AND SAFEKEEPING OF FIRES	64
00-26	SIGNAGE REGULATION OF TOWN ROADS	65

00-27	RESIDENTIAL AND BUSINESS BURGLARY, ROBBERY AND PANIC ALARMS	67
00-28	ADMINISTRATIVE ENFORCEMENT OF PARKING VIOLATIONS	71
00-29	FIRE LANE ORDINANCE	73
00-30	EMERGENCY MANAGEMENT	76
00-31	RECYCLING AND TRANSFER	82
00-32	NOISE REGULATION ORDINANCE	91
00-33	LITTERING ORDINANCE	94
00-34	PLACING SNOW, ICE AND PUMPED WATER ON STREETS AND SIDEWALKS	95
00-35	GRAFFITI ORDINANCE	96
2010-1	HAWKERS & PEDDLERS ORDINANCE	98
2012-1	DESIGNATION OF GOFFSTOWN ROAD AS A SCENIC ROAD	102
2013-1	AN ORDINANCE RELATIVE TO QUALIFYING HISTORIC BUILDINGS	103
2014-1	PAWNBROKERS AND SECONDHAND DEALERS	104
2015-1	AN ORDINANCE TO AUTHORIZE THE HOOKSETT TRUSTEES OF THE TRUST FUNDS.....MANAGEMENT OF CAPITAL RESERVE FUND INCOME	109
2020-1	STORM WATER MANAGEMENT PROGRAM	110
2021-1	PARKS AND RECREATION	113
	AMENDMENTS	114

**PARKING DURING WINTER MONTHS
ORDINANCE # 00-1**

The Town of Hooksett ordains that, pursuant to the authority granted under section 3.6 of the Hooksett Town Charter, the following ordinance is hereby enacted in the Town of Hooksett:

**SECTION 1
PROHIBITION**

EFFECTIVE November 1, through May 1 each year, no parking shall be permitted on any Town road or Town maintained road between the hours of 11:00 pm and 6:00 am or anytime during storms and related Town operations for snow and ice removal and control. The parking ban shall be in effect seven days a week.

**SECTION 2
PENALTY**

Violator's vehicles shall be removed under the direction of the Highway Department Manager or Chief of Police. Charges for towing and storage shall be paid by the owner for release of the vehicle.

ADOPTED: 12/08/93

**BUILDING CODE
ORDINANCE # 00-2**

Ordinances providing for fire limits, and regulations governing the construction, alteration, removal, demolition, equipment, use, occupancy, location and maintenance of buildings and structures.

Be it ordained by the Town of Hooksett, New Hampshire

**SECTION 1
ADOPTION OF BUILDING CODE**

There is hereby adopted by the Town of Hooksett (03/18/83), for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use, occupancy, location and maintenance of buildings and structures, including permits and penalties, that certain building codes known as International Building Code, International Residential Code, International Mechanical Code, International Plumbing Code, the current National Electric Code, including all Referenced Standards and all subsequent amendments, save and except such portions as are hereinafter deleted, modified, or amended, of which not less than one (1) copy has been and now is filed in the office of the Clerk of the Town of Hooksett and the same are hereby adopted and incorporated as dully as if set out at length herein.

**SECTION 2
QUALIFICATIONS OF THE BUILDING INSPECTOR**

To be eligible to appointment, the candidate for the position shall have had experience as an architect, structural engineer, building inspector, or superintendent of building construction or equivalent experience. He/she shall be in good health, physically capable of making the necessary examination and inspections. He/she shall not have any interest whatsoever, directly or indirectly, in the sale or manufacture of any material process or device entering into or used in or in connection with building construction, alterations, removal and demolition.

**SECTION 3
DUTIES OF BUILDING INSPECTOR**

- A. The Building Inspector shall devote the time necessary to the duties of the office. He/she shall receive applications required by this code; issue permits and furnish the prescribed certificates. He/she shall examine premises for which permits have been issued and shall make necessary inspections to see that the provisions of the law are complied with and that construction is prosecuted safely. He/she shall enforce all provisions of the Building Code. He/she shall, when requested by proper authority, or when the public interest so requires, make investigations in connection with matters referred to in the Building Code and render written reports on the same. To enforce compliance with law, to safeguard during construction, or to require adequate exit facilities in buildings and structures, he/she shall issue such notices or orders as may be necessary.

At the discretion of the Building Inspector, a building permit may be required for any work associated with site preparation. If, in the opinion of the Building Inspector, a building permit is required, the fee will be based on the estimated cost of the work to be performed and be in conformance with the fee schedule as established by the Town Council.

- B. Inspections required under the provisions of the Building code shall be made by the Building Inspector at his/her duly appointed assistant. The Building Inspector may accept reports of inspectors of recognized inspection services, after investigations of their qualifications and reliability. No certificate called for by any provision of the Building Code shall be issued on such reports unless the same are in writing and certified to by a responsible officer of such service.
- C. The Building Inspector shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered and of notices or orders issued. He/she shall retain on file, copies of required plans and all documents relating to building work so long as any part of the building or structure to which they relate may be in existence.
- D. All such records shall be open to the public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the Building Inspector without his/her written consent.
- E. The Building Inspector shall make written reports to his/her immediate superior once each month, or more often if requested including statements of permits and certificates issued and orders promulgated.

**SECTION 4
LIABILITY OF BUILDING INSPECTOR**

The Building Inspector or any employee charged with the enforcement of this code, acting in good faith and without malice for the Town in the discharge of his/her duties, shall not thereby render himself/herself liable personally, and he/she is hereby relieved from all personal liability for any damage that may occur to person(s) or property as a result of any act required or by reason of any act or omission in the discharge of his/her duties. Any suit brought against the Building Inspector or employee, because of such act or omission performed by him/her in the enforcement of any provision of the Code, shall be defended by the legal department of the Town until final termination of the proceedings.

**SECTION 5
COOPERATION OF OTHER OFFICIALS**

The Building Inspector may request and shall receive, so far as may be necessary, in the discharge of his/her duties, the assistance and cooperation of other officials of the municipality.

**SECTION 6
RIGHT OF ENTRY**

The Building Inspector, in the discharge of his/her official duties, and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour.

**SECTION 7
DEFINITIONS**

- A. Wherever the word "municipality" is used in the Building Code, it shall be held to mean the Town of Hooksett.
- B. Wherever the term "Corporation Counsel" is used in the Building Code, it shall be held to mean the Attorney for the Town of Hooksett.

**SECTION 8
FEES**

- A. No permit, as required by the Building Permit Ordinance, shall be issued until the fee prescribed in this ordinance shall have been paid. Nor, shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure shall have been paid.
- B. For a permit for the construction or alteration of a building or structure, the removal of a building or structure from one lot to another, the removal of a building or structure to a new location within the same lot or the demolition of a building or structure, the fee will be as established by the Town Council of the Town of Hooksett and on file with the Town Clerk.

**SECTION 9
SAVING CLAUSE**

Nothing in this ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred, nor cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

**SECTION 10
VALIDITY**

The invalidity of any section or provision of this ordinance or of the building code hereby adopted shall not invalidate other sections or provisions thereof.

**SECTION 11
INCONSISTENT ORDINANCE REPEALED**

Ordinance or parts thereof in force at the time that this ordinance shall take effect and inconsistent herewith are hereby repealed.

- A. Building Regulation Ordinance.
- B. Permit Fee Schedule under the Building Permit Ordinance.

**SECTION 12
DATE OF EFFECT**

This ordinance shall take effect ninety days after its approval as required by law.

**ADOPTED: 03/18/83
AMENDED: 05/14/02**

**CHARITABLE SOLICITATION REGISTRATION
ORDINANCE # 00-3**

By the authority granted under section 3.6 of Hooksett Town Charter, the Town of Hooksett ordains the following:

**SECTION 1
DEFINITION**

- A. The term "solicit funds" or "solicitation of funds" shall mean any request for the donation of money, property or anything of value, or the pledge of a future donation of money, property or anything of value; or the selling or offering for sale of any property, real, or personal, tangible or intangible, whether of value or not, including, but not limited to, goods, books, pamphlets, tickets, publications or subscriptions to publications, or brochures, upon the representation, express or implied, that the proceeds of such sale will be used for a charitable purpose as such term is defined herein. Expressly excluded from the meaning of "solicit funds" or "solicitation of funds" is any offer of membership in any organization.

- B. The term "charitable purpose" shall mean philanthropic, religious or other non-profit objectives, including the benefit of poor, needy, sick, refugee or handicapped persons; the benefit of any church of religious society, sect, group or order; the benefit of a patriotic or veterans' association or organization; the benefit of any fraternal; social or civic organization, or the benefit of any educational institution.
 - 1. The term "charitable purpose" shall not be construed to include the benefit of any political group or political organization.

**SECTION 2
UNLAWFUL SOLICITATION**

- A. It shall be unlawful for any person, directly or through an agent or employee, to solicit funds for charitable purposes within the corporate limits of the Town of Hooksett unless such person shall have first obtained a certificate of registration from the Town, as hereinafter provided.

- B. It shall be unlawful for any individual, as the agent or employee of another, to solicit funds for charitable purposes in the Town unless his or her principal or employer has received a certificate of registration as hereinafter provided.

- C. It shall be unlawful for an individual to solicit for charitable purposes while displaying an identification card issued by the Town in the name of another individual.

- D. It shall be unlawful to solicit for charitable purposes between the hours of 10:00 pm and 6:00 am.

- E. It shall be unlawful for any person, directly or through an agent or employee, to solicit funds for charitable purposes within the corporate limits of the Town after the expiration of any certificate of registration issued as hereinafter provided.

- F. It shall be unlawful for the person registering or the agents or employees thereof to solicit funds for a charitable purpose other than that set out in the registration statement upon which the certificate of registration was issued.

- G. It shall be unlawful for any person who shall solicit funds for charitable purposes in the Town to represent in connection with such solicitation of funds that the issuance of a certificate of registration or an identification card by the Town constitutes an endorsement or approval of the purposes of such solicitation of funds by the town or any officer or employee thereof.

**SECTION 3
REGISTRATION STATEMENT**

All persons desiring to solicit funds for charitable purposes in the Town shall file with the town a registration statement, containing the following information.

- A. The name of the of the person registering and desiring to solicit funds for charitable purposes.
- B. Whether the person registering is a natural person, partnership, corporation or association and, the business address and telephone number of the person, partnership, corporation or association soliciting funds.
- C. If the person soliciting funds is a partnership, corporation or association, the name, address and telephone number of the individual responsible for the fundraising effort.
- D. A brief description of the charitable purpose for which the funds are to be solicited and an explanation of the intended use of the funds toward that purpose.
- E. The names of all individuals authorized to solicit funds on behalf of the association, corporation, partnership or person.
- F. The time within which the solicitation of funds is to be made, giving the date of beginning of solicitation and its projected conclusion.
- G. A description of the methods and means by which the solicitation of funds is to be accomplished.
- H. The registration statement must be signed by the applicant, if the person registering is an individual; if the person registering is a partnership, corporation or association, then the individual responsible for the solicitation.

**SECTION 4
ISSUANCE OF CERTIFICATE OF REGISTRATION**

After a review of the registration statement to determine its compliance with this ordinance, and within ten working days of the receipt of the registration statement, the Town shall either issue a certificate of registration and such identification cards as have been requested, or notify the person registering that the registration statement does not comply with the requirements of this ordinance, specifically identifying what information has not been furnished which is required before a certificate of registration can be issued.

**SECTION 5
SOLICITORS' IDENTIFICATION CARDS**

The Town may prescribe the form for identification cards for solicitors. Each such identification card shall bear the name of the person registering, the name of the solicitor or agent, the expiration date of the certificate of registration and shall have printed permanently thereon:

"This identification card is not an endorsement of the solicitation of the Town of Hooksett or any of its officers or employees."

The person registering shall provide by a separate list, the names and addresses of all agents or employees for whom identification cards are desired.

**SECTION 6
EXPIRATION**

Every certificate of registration and identification card issued by the Town shall expire at the termination of the solicitation period specified in the registration statement or one year from the date of issuance, whichever is less.

**SECTION 7
SEVERABILITY**

If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or set of circumstances shall not be affected thereby, it being the intent of the Town on adopting this ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion here of and all provisions of this ordinance are declared to be severable for that purpose.

**SECTION 8
PENALTY**

Violation of the terms of this ordinance shall be punishable by a fine of Fifty Dollars (\$50.00) for each day that such violation is found to continue.

ADOPTED: 06/24/92

**DOGS
ORDINANCE # 00-4**

**SECTION 1
PROHIBITION**

No owner or keeper of a dog(s), shall permit such dog(s), to remain outside his/her home, whether confined or not, between the hours of 10:00 pm and 5:00 am, if such dog(s), shall disturb the peace of the neighbors by reason of loud barking or other undue noise. All kennel owners shall keep their dogs confined indoors between the hours specified herein.

**SECTION 2
WARNING**

Any person disturbed by the failure of any owner or keeper of a dog(s) to comply with the provisions of SECTION 1 and Section 3 of this Ordinance may make a complaint to the Hooksett Police Department which, in turn, will serve an Order to Abate Nuisance which can, in the officer's discretion, serve as a written warning on the dog owner or keeper so complained of, ordering compliance with this ordinance.

**SECTION 3
RESTRAINT**

All dogs shall be restrained from running at large within the limits of the Town, except when they are on the owner's or keeper's property and under the control of any person by means of personal presence or attention as will reasonably control the conduct of such dog. If a dog is being used for hunting or training purposes, the owner or custodian must be able to see, hear and/or have a reasonable knowledge of where the dog is hunting, herding or training.

PENALTY: Any person(s), firm or corporation violating any provision of this ordinance shall, upon service of an Order to Abate Nuisance by a Town Official or Police Officer, answer said order at the Office of the Town Clerk. If such person does not pay the specified fine or civil forfeiture within 96 hours from the date of issuance, or notifies the Town Clerk that he/she/it wishes to contest said Order, a complaint may be filed in the Hooksett District Court and prosecuted by the Hooksett Police Department Prosecutor, as is permitted by RSA 466-31-a, I.

**SECTION 4
PENALTY**

If any person upon whom a warning or Order to Abate Nuisance has been served, as provided in SECTION 2 and 3 herein shall refuse or neglect to comply with the Order to Abate Nuisance (be it a Warning, 1st offense or 2nd offense or subsequent offense) within the specified 96 hours of the date of issuance, a complaint may be filed in the Hooksett District Court and prosecuted by the Hooksett Police Department Prosecutor, as is permitted by RSA 466:31-a, I.

**SECTION 5
EFFECTIVE DATE**

This ordinance shall take effect upon its passage.

**ADOPTED: 11/17/93
AMENDED: 06/23/10**

**FIREWORKS
ORDINANCE # 00-5**

The Town of Hooksett ordains that, pursuant to the authority vested in the Town of Hooksett Town Council by Charter and RSA 160-B:10 the following ordinance is hereby enacted in the Town of Hooksett:

SECTION 1 - DEFINITION

Definitions of terms pertaining to fireworks or activities associated with fireworks, which includes but are not limited to sales or displays of fireworks, as used in this ordinance, are defined by NH RSA 160-B:1.

SECTION 2 - MANUFACTURE

The manufacture of fireworks is prohibited within the jurisdictional boundaries of Hooksett.

SECTION 3 – SALE, STORAGE, AND DISTRIBUTION

The retail sale, storage and/or wholesale distribution of fireworks are prohibited within the jurisdictional boundaries of Hooksett, except that previously approved existing facilities may continue in operation subject to securing applicable permits required under the following Sections.

SECTION 4 – PERMITS TO DISPLAY

A permit shall be obtained from the fire chief or designee for the display or discharge of all Display fireworks a/k/a Class B special fireworks.

An application for a permit to display or discharge fireworks shall be made in writing at least fifteen (15) days in advance of the date of the display or discharge.

No permit to display or discharge fireworks shall be issued to anyone who is not a licensed pyrotechnist.

Before any permit is issued, the person, firm or corporation making application for the permit shall furnish proof of financial responsibility to satisfy claims for damage to property or personal injury arising out of any act or omission on the part of such person, firm or corporation or any of their agents or employees, in such amount, character and form as the fire chief or designee determines to be necessary for the protection of the public.

SECTION 5 – PERMITS TO SELL

In the case of operations in previously approved existing facility as referenced in Section 3, a permit shall be obtained from the fire chief or designee for the retail sale of fireworks.

SECTION 6 – SUPERVISION AND INSPECTION

All displays or discharges of fireworks (subject to a permit to display under Section 4) shall be supervised by the Hooksett Fire Department. The number of personnel and equipment needed will be determined by the fire chief or designee.

All costs associated with this supervision will be reimbursed to the Town of Hooksett by the permittee.

Prior to any discharge, the site shall be inspected by the fire chief or designee. The fireworks shall be arranged, located, discharged or fired in a manner that in the opinion of the fire chief or designee will not be a hazard to property or endanger any person.

SECTION 7

It shall be illegal for any person, firm, partnership or corporation to knowingly allow its property, building or facilities to be utilized in violation of this ordinance.

SECTION 8

Nothing in this ordinance shall be construed to restrict or limit any other authority granted by state law.

All requirements in this ordinance are in addition to any other state and federal regulations.

SECTION 9

If any person, persons, firm, partnership or corporation violates the provisions of this ordinance, he or she shall be fined in accordance with NH RSA 160-B:2,3,4.

SECTION 10

In accordance with RSA 160-B:6,I, refer to the Fire Department fee schedule for fees that are applicable.

ADOPTED: 12/08/1993

AMENDED: 05/24/2000 & 10/26/05

**ESTABLISHING REGULATIONS CONCERNING FIRE ALARMS
ORDINANCE # 00-6**

BE IT ORDAINED, By the Board of Selectmen of the Town of Hooksett as follows:

**ARTICLE 1
FIRE ALARM USER REGULATIONS**

SECTION 1.1

Inspections of alarm installation

The initial inspection of an installed fire alarm system shall be performed by the Fire Department without charge to the alarm owner. At this time the Fire Department will approve or disapprove the installation. Re-inspection of installed alarm systems shall be billed at the rate of Twenty-five (\$25.00) Dollars per re-inspection.

SECTION 1.2

False alarm charges

Any property owner having a Fire Alarm System on his or it's premises and installed to warn occupants of fire, which causes a response by the Fire Department, shall pay the Town of Hooksett a charge for false alarms to which the Fire Department responds in each calendar year as follows:

- A. The first five (5) false alarms in excess of the limit, the amount of Fifty Dollars (\$50.00) per alarm;
- B. All false alarms in excess of ten (10) above the limit, the amount of One Hundred Dollars (\$100.00) per alarm;
- C. The false alarm limits shall be based on the number of alarms initiating devices connected to the Fire Alarm as follows:

Devices: Alarms/year:	Limit of False
1-25	5
26-150	10
151-200	15
301 or more	20

SECTION 1.3

False alarms

For the purpose of this ordinance, a false alarm shall be defined as an alarm signal eliciting a response by the fire department personnel does not in fact exist, but does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the fire alarm user.

SECTION 1.4

Rules and regulations governing fire alarms systems.

The fire alarm supervisor under the direction of the chief of the department shall maintain the Hooksett N.H. Fire Department Rules and Regulations for Fire Alarm Systems based on the

current National Fire Protection Association (NFPA) codes and regulations established by the Hooksett Fire Department. Such rules and regulations govern the installation, maintenance and operation of all fire alarm systems.

SECTION 1.5

Liability of Town limited

The Fire Department of the town shall take every reasonable precaution to assure that the alarm signals and alarm messages received by the Fire Department are given appropriate attention and are acted upon with dispatch. Nevertheless, the Fire Department shall not be liable for any defects in operation of alarm devices, nor for the failure or neglect of any person in connection with the installation and operation of alarm devices or their components, the transmission of alarm signals and prerecorded alarm messages, or the receipt or relaying of such signals and messages. In the event that the Fire Department finds it necessary to disconnect an alarm device, the Fire Department shall incur no liability by such action.

ADOPTED: 05/21/86

FLOODPLAIN DEVELOPMENT ORDINANCE # 00-7

This ordinance, adopted pursuant to the authority of RSA 674:16 shall be known as the Town of Hooksett Floodplain Development Ordinance. The regulations in this ordinance shall overlay and supplement the regulations in the Town of Hooksett Zoning Ordinance, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provision of this ordinance differs or appears to conflict with any provision imposing the greater restriction or more-stringent standard shall be controlling.

The following regulations in this ordinance shall apply to all land designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the County of Merrimack", dated April 19, 2010, or as amended, together with the associated Flood Insurance Rate Maps dated April 19, 2010 which are declared to be a part of this ordinance and are hereby incorporated by reference.

SECTION A DEFINITIONS

The following definitions shall apply only to this Floodplain Development Ordinance, and shall not be affected by, the provisions of any other ordinance of the Town of Hooksett.

"Area of Special Flood Hazard" if the land in the floodplain within the Town of Hooksett subject to a one-percent or greater possibility of flooding in any given year. The area is designated as Zone (s) A and AE on the Flood Insurance Rate Map.

"Base Flood" means the flood having a one-percent possibility of being equaled or exceeded in any given year.

"Basement" means any area of a building having its floor subgrade on all sides.

"Building" see "Structure"

"Development" means 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 operation or storage of equipment or material.

"FEMA" means the Federal Emergency Management Agency.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

"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 an official map incorporated with this ordinance, on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Hooksett.

"Floodplain" or "Flood-prone Area" means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

"Flood Proofing" means any combination of structural and non-structural 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 include only docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building/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 by either:
 1. 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 an enclosure is not built so as to render the structure in violation of the applicable non-elevation 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" 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.

"Means Sea Level" means the National Geodetic Vertical Datum (NGVD) of 1929 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 flood plain management regulation adopted by a community and includes any subsequent improvements to such structures.

"100-year Flood" see "Base Flood"

"Recreational Vehicle" means a vehicle which is (i) built on a single chassis, (ii) 400 square feet or less when measured at the largest horizontal projection, (iii) designed to be self-propelled or permanently towable by a light duty truck, and (iv) 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. These areas are designated as floodways on the Flood Insurance Rate Maps.

"Special Flood Hazard Area" means an area having flood, mudslide, and/or flood related erosion hazards and shown on an FIRM as zone A, AE (see "Area of Special Flood Hazard").

"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.

"Start of Construction" includes substantial improvements, and means the date the building permit was issued, provided 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 site, such as the pouring of slab or 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, and filling; nor does it include the installation of streets and/or sidewalks; nor does it include excavation of a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

"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 fifty (50) percent 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 fifty (50) percent of the market value of the structure. The market value of the structure should equal 1) the appraised value prior to the start of the initial repair or improvement, or 2) 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, which have incurred substantial damage, regardless, or 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 the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(4), or (e)(5) 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, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains.

SECTION B PERMIT REQUIRED

All proposed development in any special flood hazard areas shall require a permit.

SECTION C CONSTRUCTION REQUIREMENTS

The Code Enforcement Officer 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 flotation, collapse, or lateral movement of the structure resulting from hydrodynamics and hydrostatic loads, including the effects of buoyancy,
- B. be constructed with materials resistant to flood damage,
- C. be constructed by methods and practices that minimize flood damage and
- D. be constructed with 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.

SECTION D WATER AND SEWER SYSTEMS

Where new or replacement water and sewer systems (including onsite systems) are proposed in a special flood hazard area, the applicant shall provide the Code Enforcement Officer with assurance that these systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

SECTION E INFORMATION REQUIRED

For all new or substantially improved structures located in Zones A and AE, the applicant shall furnish the following information to the Code Enforcement Officer:

- A. The as-built elevation (in relation to the NGVD) of the lowest floor (including the basement) and include whether or not such structures contain a basement.
- B. If the structure has been floodproofed, the as-built elevation (in relation to the NGVD) to which the structure was floodproofed.
- C. Any certification of floodproofing.

The Code Enforcement Officer shall maintain for public inspection, and shall furnish such information upon request.

**SECTION F
GRANTING OF BUILDING PERMIT**

The Code Enforcement Officer shall not grant a building permit until the applicant certifies that 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 G
CERTIFICATION REQUIRED**

The following certifications shall be required prior to the granting of a building permit by the Code Enforcement Officer:

- A. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Board of the New Hampshire Department of Environmental Services and submit copies of such notification to the Code Enforcement Officer, in addition to the copies required by N.H. RSA482-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Code Enforcement Officer, including notice of all scheduled hearings before the Wetlands Board.
- B. The applicant shall submit the Code Enforcement Officer, certification provided by a registered professional engineer, assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.
- C. Along watercourse with a designated Regulatory Floodway, no encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels within the community during the base flood discharge. .
- D. Along watercourses that have not had a Regulatory Floodway designated, no new construction, substantial improvement, 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 (1) foot at any point within community.
- E. The Building Inspector shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources as criteria for requiring that all development located in Zone A meet the following floodway requirement:

“No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge.”

SECTION H DETERMINATION BY CODE ENFORCEMENT OFFICER

- A. The Code Enforcement Officer shall make the following determination:
1. In special flood hazard areas, the Code Enforcement Officer shall determine the 100-year flood elevation in the following order of precedence according to the data available.
 2. In Zone AE, refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM and FHBM.
 3. b. In A zones, the Code Enforcement Officer shall obtain, review and reasonably utilize any 100-year flood elevation data available from any federal, state or other source including data submitted for development proposals submitted to the community. (i.e. subdivisions, site approvals)
- B. The Code Enforcement Officer's 100 year flood elevation determination will be used as criteria for requiring in Zones A and AE that:
1. All new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the 100 year flood elevation;
 2. That all new construction or substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the 100 year flood level; or together with attendant utility and sanitary facilities, shall:
 - a) be floodproofed so that below that 100 year flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - b) have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
 - c) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section;
 3. All manufactured homes to be placed or substantially improved 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 level; 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;
 4. Recreational vehicles placed on sites within zones A and AE shall either (i) be on the site for fewer than one hundred and eighty (180) consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet all standards of Section 60.3 (b) (1) of the National Flood Insurance program regulations and the elevation and anchoring requirements for "manufactured homes" in paragraph (c) (6) of Section 60.3.

5. For all new construction and substantial improvement, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements:
 - a) the enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage;
 - b) the area is not a basement;
 - c) 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:
 - 1) a minimum of two (2) opening having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
 - 2) the bottom of all openings shall be no higher than one (1) foot above grade.
 - 3) openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

SECTION I VARIANCES AND APPEALS

- A. Any order, requirement, decision or determination of the Code Enforcement Officer made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.
- B. If the applicant upon appeal, requests a variance as authorized by RSA 674:33, I(b), the Zoning Board of Adjustment, in determining whether or not any variance will be contrary to the spirit of this ordinance, shall consider the following:
 1. That the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.
 2. That if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.
 3. That the variance is a minimum necessary, considering the flood hazard, to afford relief.
- C. The community shall:
 1. Maintain a record of all variance actions, including their justification for their issuance; and
 2. Report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.
- D. The Zoning Board of Adjustment shall notify the applicant in writing that:

1. the issuance of a variance to construct below the base flood level will result in 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

Such notification shall be maintained with a record of all variance actions.

ADOPTED: 09/19/90

AMENDED: 04/13/94

AMENDED: 03/10/10

EXPLANATION OF CHANGES

RE: Floodplain Development Ordinance #00-7

Please note that the following changes have been made on the recommendation of the Southern New Hampshire Planning Commission.

In summary, the Town Council need only act on the two additions covering "recreational vehicles" (pages 3,4 and 8) and the changes pertaining to the "Variances and Appeals" section (Section I, page 9 and 10).

In reference to Section I, "Variances and Appeals", the following paragraph has been deleted from the section in accordance with the advice of the Chief Planner, James Tethers, of the Southern New Hampshire Planning Commission. The other amendments to this section were very minor and pertaining to format only.

"The Zoning Board of Adjustment shall notify the applicant in writing that:

- a. **The issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and**
- b. **Such construction below the base flood level increases risks to life and property.**
- c. **Such notification shall be maintained with a record of all variance actions."**

*In Section G (page 9 and 10), under the heading of "Certification Required", portions are underlined only to show missing words that have been included in the new ordinance.

**HAZARDOUS MATERIALS CONTROL CONTAINMENT
ORDINANCE # 00-8**

To see if the Town will vote to adopt an ordinance for the control, containment and cleanup of hazardous materials in accordance with the provisions of RSA 31:39 and 41:11 as follows:

The Town of Hooksett ordains that:

In accordance with the provisions of RSA 31:39 and 41:11, the Town of Hooksett hereby adopts the following ordinance to regulate and provide for the control, containment and clean up of hazardous materials.

**SECTION 1
PURPOSES**

To provide for the control and containment of hazardous materials and to require the users and suppliers or manufacturers of any hazardous materials to pay for all services provided by the Town in relation to the control and containment of hazardous materials. The purpose of the ordinance is not to impose upon the Town, or any of its officers and agents, any obligation to secure or remove any hazardous material from the town once safe containment of the materials is made and that nothing in the ordinance is intended to relieve any owner or person in possession of hazardous material of any obligation imposed by state or federal law and specifically that nothing in the ordinance shall be deemed to permit the possession, storage, or use of hazardous materials except in conformance with all federal, state and local laws.

**SECTION 2
APPLICATION**

This ordinance shall apply to all incidents involving hazardous waste or hazardous materials within the boundaries of the Town of Hooksett and to all persons who may possess such materials found within the town except as prevailing state or federal laws or regulations may take precedence and control over any such incident or person. (See RSA 146-A; RSA 147-A and RSA 265:115-118 for examples of such prevailing state law at the time this ordinance is adopted).

**SECTION 3
DEFINITIONS**

For purposes of this ordinance, the following definitions apply:

- A. Hazardous Material - Those substances or materials in such quantity and form which may pose an unreasonable risk to health and safety or property, which may include but are not limited to, explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, and compressed gases which are listed by the Materials Transportation of the United States Department of Transportation in Title 49 of the Code of Federal Regulations and any amendment thereto.
- B. Person - Any individual, association, corporation, partnership, trust or other legal entity.
- C. User - Any person who manufactures or transports or owns, uses, handles, stores, or has the legal authority to control hazardous materials, specifically including their officers, directors, employees and agents.

**SECTION 4
DUTY TO REPORT**

Any user or transporter who causes or has knowledge of any discharge or release of hazardous materials under his control or supervision, in any manner which poses an actual or potential threat to any person, animal, wildlife, vegetation, property or the environment, shall immediately report the incident to the Hooksett Fire Department.

**SECTION 5
CONTROL, CONTAINMENT AND CLEAN-UP**

The Hooksett Fire Department shall promptly respond to each reported incident and take such action as is necessary to protect public health, safety, property and the environment.

**SECTION 6
CLEAN-UP**

The user or transporter of a hazardous material which is intentionally or accidentally discharged or released within the Town of Hooksett shall, in addition to reporting the accident as required by Section 4, take immediate action to cause the discharge or release to be cleaned up in an environmentally safe and scientifically sound manner and to restore the site and the surrounding environment at his own expense.

**SECTION 7
COSTS**

The user or transporter of the hazardous material, which was discharged or released, shall be strictly liable to the Town of Hooksett for all costs incurred in the control, containment, and clean-up of the hazardous material. For this purpose, each user and transporter shall be jointly and severally liable and the costs may be recovered from any of them by a suit in any court with jurisdiction over the parties and the amount claimed.

**SECTION 8
INTENTIONAL DISCHARGE OR RELEASE**

The intentional discharge or release of a hazardous material within the Town of Hooksett is strictly prohibited.

**SECTION 9
PENALTIES**

Any person, firm or corporation found violating any of the provisions of this ordinance, shall be guilty of a violation, and upon conviction thereof, shall pay a civil fine. (scheduled below).

- Day 1 - \$ 500.00
- Day 2 - \$1,000.00
- Day 3 - \$1,500.00 etc.

Any penalties assessed shall ensure to such uses as the Town of Hooksett may direct, pursuant to RSA 31:39 (III). The penalties that may be assessed pursuant to this section shall be deemed separate from and in addition to any costs that may be recovered by the Town of Hooksett pursuant to Section 7.

**SECTION 10
USE OF COSTS AND CIVIL FORFEITURE COLLECTED**

All costs and civil fines collected under this ordinance shall be placed in the general fund to offset appropriation used in the Control and Containment of a Hazardous Materials incident.

**SECTION 11
ENFORCEMENT**

- A. The Chief of the Hooksett Fire Department shall be responsible for enforcing this ordinance, with the exception of Section 7.
- B. The Town Manager shall be responsible for the assessment and collecting of costs as provided in section 7.

**SECTION 12
SEVERABILITY**

If any section, provision or part of this ordinance should be held invalid for any reason whatsoever, such decision shall not affect the remaining portions, which shall remain in full force and effect; and, to this end, the provisions of this ordinance are severable.

**SECTION 13
EFFECTIVE DATE**

This ordinance shall become effective upon passage.

ADOPTED: 11/17/93

**INTOXICATING BEVERAGES
ORDINANCE # 00-9**

Be it enacted this date, September 6, 1973, by the Board of Selectmen, Town of Hooksett, that no person over the lawful age of 21 shall possess or consume any alcoholic beverages in the area known as Arthur Donati Memorial Field/Park, Boat Launch (by Hooksett District Court), Fraser Memorial Field, Heads Pond Trail, Heritage Landing, Hooksett Dog Park, Hooksett Skate Park, Jacob Square, Lambert Park, Lilac Bridge Monument, Peters Brook Park, Pinnacle Park, Quimby Mountain, Riverwalk Trail, Veterans' Park at Jacob Square and all town owned/controlled properties. Signs shall be posted in said areas indicating the same. Any violations of this ordinance and/or of violation of New Hampshire laws not included herein, shall be duly enforced by the Hooksett Police Department. Any person violating said ordinance shall be fined not more than \$100.00, unless New Hampshire laws mandate applicable penalties.

ADOPTED: 09/06/1973

AMENDED: 07/17/1985

AMENDED: 06/23/2010

AMENDED: 09/22/2021

Town Council Chair

Town Clerk

**KNOX BOX
ESTABLISHING REGULATIONS REGARDING ENTRY TO CERTAIN BUILDINGS
ORDINANCE # 00-10**

Be it ordained, by the Board of Selectmen of the Town of Hooksett as follows:

ARTICLE 1

Installation of knox box security entry system

SECTION 1.1

Where required

Anyone of the following building in the Town of Hooksett, which require entry by the Fire Department:

- A. Buildings with monitored alarms or sprinkler systems.
- B. Businesses in which building is empty after working hours.
- C. Apartment complexes having outside entrances locked.
- D. Any other place which the "Authority having jurisdiction" feels is appropriate.

SECTION 1.2

Type and Location

KNOX BOX SAFE: Mounted on the outside of the building near the main entrance.

SECTION 1.3

Contents

- A. KEYS: To gain entry to any door (inside or out).
- B. Names, addresses, telephone numbers of the following:
 - 1. Owner
 - 2. Manager
 - 3. Name of someone who could arrive at building fairly fast if needed.
 - 4. Name and address of those responsible for maintaining alarm or sprinkler system.
- C. A list of any hazardous materials stored or used along with location.
- D. A complete map or blueprint on the layout of the building.

ADOPTED: 11/01/87

**OIL AND GAS BURNER PERMIT
ORDINANCE # 00-12**

**SECTION 1
PROHIBITION**

It shall be unlawful for any person or persons, firm or corporation to install power oil burner equipment, of any kind, without first obtaining a permit for such installation from the Chief of either Fire Department.

**SECTION 2
TEMPORARY PERMIT**

Upon the receipt of an application for a permit for the installation of power oil burner equipment, the chief of the Fire Department shall issue a temporary permit for such installation.

**SECTION 3
INSTALLATION**

Installation under the temporary permit required in SECTION 2 shall be in accordance with the rules and regulations of the New Hampshire Board of Fire control promulgated under RSA 153.

**SECTION 4
PERMANENT PERMIT**

Upon completion of the installation, the temporary permit shall become void. The chief of the Fire Department, after having inspected the installation or otherwise satisfying himself that it is in accordance with this ordinance, shall issue a permanent permit covering the storage of oil and the operation of the equipment installed as provided herein.

**SECTION 5
PENALTY**

Every person or persons, firm or corporation, violating any provision of this ordinance shall be fined not more than \$10.00 for each day such violation shall exist.

ADOPTED: 03/02/88

**ROADWAY EXCAVATION
ORDINANCE # 00-13**

Be it ordained, by the Hooksett Town Council as follows:

ROADWAY EXCAVATION PERMITS

- A. No person shall make or cause any excavation within the right-of-way of any public street without first obtaining an excavation permit from the Town of Hooksett Department of Public Works as provided in this ordinance.
- B. Application for an excavation permit shall be made two working days (at least 48 hours) prior to the start of work on a form provided by the Department of Public Works.
- C. Upon application the applicant shall pay a fee of \$100.00 to the Town.
- D. Department of Public Works shall not issue such excavation permit unless:
 - 1. the applicant shall post a bond to the order of the Town by means of cash, certified check or corporate surety licensed by the New Hampshire Insurance Department to provide against the failure of the applicant to complete the excavation as per permit. Unless, in the opinion of the Town Engineer and because of special conditions, a bond in a greater amount is required, such bond shall be in the sum of \$5,000.00 for a period of 30 months.
 - 2. the applicant shall establish an escrow account for the Town Engineer's inspection fees. Unless, in the opinion of the Town Engineer and because of special conditions, a lesser/greater escrow amount is required, such escrow shall be in the sum of \$800.00.
 - 3. the applicant shall have obtained the written consent from the Town of Hooksett's Police Department, Fire Department, Sewer Department and Water Department which has mains or other underground structures in the vicinity to which the permit pertains.
 - 4. the applicant shall submit with his permit form, a suitable traffic maintenance plan and shall verify that it has arranged for any police traffic control, traffic control devices and warning lights as shall be deemed necessary by the Police and Fire Departments.
 - 5. except in emergency and with proper provisions for warning lights, no excavation in a Town street right-of-way shall be open earlier than 7:30 am nor closed later than dusk or 5:00 pm, whichever is earlier.
 - 6. in the case of emergency, a municipal or public utility may excavate within the right-of-way of a public street without prior application provided it gives notice to the Department of Public Works and to the superintendents of any affected municipal utilities as soon as practicable but, in any case, before closing the excavation.
 - 7. any violation of this ordinance shall be punishable by a fine not to exceed \$1,000.00. Each day a violation continues shall be deemed a separate offense. Fines assessed hereunder shall be payable to the Town for the benefit of the general fund.

ADOPTED: 03/02/88
AMENDED: 05/24/23

**SAND AND GRAVEL
ORDINANCE # 00-14**

SECTION I: AUTHORITY

Chapter 155-E of the New Hampshire Revised Statutes Annotated, as amended, stipulates that, with some exceptions, all earth excavations in the State are subject to regulations from the local municipality in which the operation occurs. Pursuant to the authority vested in RSA 155-E, the Hooksett Town Council adopts the following regulations to govern the excavation of earth materials in the Town of Hooksett.

SECTION II: PURPOSE AND SCOPE

The goal of these regulations are to: provide for reasonable and responsible opportunities for excavation; minimize safety hazards which can be created by open excavations; ensure that the public health and welfare will be safeguarded; protect natural resources and the environment; and maintain the aesthetic features of the Town. For achieving these goals, no earth materials in the Town shall be excavated except in conformance with these regulations.

These regulations supplement the provisions of RSA 155-E and provide further clarification of the statutory requirements and their application in the Town of Hooksett. They are adopted as provided in RSA 155-E:11. And, as adopted, whenever local regulations differ from the most recent provisions of RSA 155-E, those which impose greater restriction or high standard shall be controlling.

SECTION III: DEFINITIONS

- A. ABUTTER** means (1) any person who property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration. (2) For the 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. (3) 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 form of ownership or association, as defined in RSA 356-B:3, XXIII.B. (4) For purposes of notification and receiving testimony, “abutter” means all affected towns, and the regional planning commission(s) in the case of a development having regional impact, as determined by the Board.
- B. APPROVING ABUTTER** means an abutter who registers his or her approval to the Board during the public hearing process for the excavation permit. Absent such notice of approval, all abutters shall be considered disapproving abutters for the purposes of determining excavation setbacks. (See Section VI, A 2)
- C. AGRICULTURAL EXCAVATION** means excavation of earth by the owner of the land to be used on the owners’ land exclusively for agricultural use.
- D. AGRICULTURAL USE** means land used for agriculture and farming, as defined by RSA 21:34-a, including dairying, pasturage, apiculture, horticulture, floriculture, silviculture and animal and poultry husbandry.
- E. APPLICANT** means the owner of the property to be excavated or the owner’s agent, so designated in writing as part of the excavation application.
- F. BOARD** means the Town of Hooksett Zoning Board of Adjustment and regulator of excavation permits.

- G. COMMERCIAL EXCAVATION** means excavation of 1,000 cubic yards or more of earth intended for commerce.
- H. COMMERCIALLY USEFUL** means any earth material leaving the property intended to be sold or used in commerce or is 1,000 cubic yards or more.
- I. CONTIGUOUS** means land whose perimeter can be circumscribed without interruption in common ownership except for roads or other easements, in the Town of Hooksett.
- J. DIMENSION STONE** means rock that is cut, shaped or selected for use in blocks, slabs, sheets, or other construction units of specified shapes or sizes and is used for external or interior parts of buildings, foundations, curbing, paving, flagging, bridges, revetments, or for other architectural or engineering purposes. Dimension stone includes quarry blocks from which sections of dimension stone are to be produced. Dimension stone does not include earth as defined below.
- K. EARTH** means sand, gravel, rock, soil, loam or construction aggregate produced by quarrying, crushing or any other mining activity or such other naturally-occurring unconsolidated materials that normally mask the bedrock.
- L. EXCAVATING** means extracting earth from a site that is in a natural state, or a site that is reclaimed or naturally reclaimed, by any method, such as dredging, blasting, digging out and removing, or forming a cavity or a hole in any land area. Excavating includes excavate.
- M. EXCAVATE** means a land area which is used, or has been used, for the commercial taking of earth, including all slopes.
- N. EXCAVATION AREA** means the surface area within an excavation site where excavation has occurred or is eligible to occur under the provisions of RSA 155-E. This is also known as the pit area.
- O. EXCAVATION SITE** means any area of contiguous land in common ownership upon which excavation takes place as approved by the Board.
- P. EXISTING EXCAVATION** means any excavation, as described in RSA-E:2, I, which lawfully existed as of August 24, 1979, from which earth material or sufficient weight or volume to be commercially useful has been removed during the 2-year period before August 24, 1979, and has submitted the report as required by RSA 155-E:2, I, (d).
- Q. EXPANSION** means excavation and disturbance of earth beyond the limits as shown on the plan as approved by the Board.
- R. INCIDENTAL EXCAVATION** means excavation that is subordinate or accessory to a primary use located on the same lot and conducted immediately prior to initiating the primary use. Incidental uses shall meet all the following criteria: 1. Will be completed within 90 days; 2. Will involve the removal from the site of less than 1,000 cubic yards; and 3. all required permits, including those for the proposed primary use, have been obtained prior to commencing the incidental excavation. Excavation that results in a high

level of intensity or potential for safety concerns shall not be considered incidental.

- S. MINOR TOPOGRAPHICAL ADJUSTMENT means a one-time removal of earth from the site of less than 1,000 cubic yards that is exclusively necessary to change the physical configuration of the land for a specified use or situation.
- T. NORMAL LANDSCAPING means the on-site alteration and contouring of the land exclusively devoted to improving the function utility and planting of the grounds.
- U. PHASE EXCAVATION means excavation over a limited part of the permitted area, with reclamation of that area to be inspected before expanding to a new portion of the permitted area.
- V. QUARRY means an excavation in bedrock open to the surface excavated for the purpose of removing rock, minerals or metallic ores.
- W. RECLAMATION means the restoration of an excavation site to an acceptable standard at least equal to those described in Section X of these regulations and as determined and approved by the Board.
- X. STATIONARY MANUFACTURING AND/OR PROCESSING PLANTS means equipment and facilities, including a scale and scale house, which are placed on a site for the purposes of sorting, washing, screening, crushing, classifying, drying, weighing or processing excavated earth materials.
- Y. VISUAL BARRIER means a human-made structure or natural vegetative growth, or a combination thereof, to provide a year-round method to absorb, neutralize, minimize, and conceal visual, noise, dust or other impacts. This includes but is not limited to natural or planted, berms, walls or opaque fences, vegetated fence rows, forested land whether managed or undisturbed (See Section VI A 7).

SECTION IV: COMPLIANCE WITH ZONING & PROJECTS REQUIRING A PERMIT

Prior to applying for an excavation permit, an Applicant must comply with all zoning ordinances and acquire any necessary variances, special exceptions or equitable waivers. Any excavation of earth unless specifically exempted by either RSA 155-E:2 or specifically accepted in Section V of these regulations requires a permit.

Excavation permits cease to be valid upon expiration. A new permit must be in place prior to continuing excavation activities beyond the expiration date. Permit holders wishing to continue to excavate beyond a permit expiration date should make a timely application for the new permit to avoid being unpermitted.

SECTION V: EXEMPTIONS FROM AN EXCAVATION PERMIT

A. The following projects are deemed to be exempt from a permit:

- 1) Site developments, construction activities, or other projects, that require excavation of earth and will not remove more than 1,000 cubic yards of earth from the site. If the project will result in the removal of more than 1,000 cubic yards from the site, the project will be considered incidental provided that all of the required state and local permits have been issued. In those instances, the Board may impose operational conditions and a non-lapsing performance bond as may be deemed necessary to insure completion of the proposed project.

- 2) Excavation of less than 1,000 cubic yards of earth for the alteration of a building or structure, parking lot or driveway on a portion of the premises where removal occurs, provided all local and state permits have been issued.
- 3) Excavation of earth that is incidental to agricultural activities, normal landscaping, or minor topographical adjustments as defined in Section III(R) of these regulations.
- 4) Excavation from a granite quarry for the purpose of producing dimension stone, if such excavation requires a permit under RSA 12-E (Mining and Reclamation).
- 5) An excavation performed exclusively for the lawful construction, reconstruction, or maintenance of Class I, II, III, IV, or V highway by a unit of government which has jurisdiction for the highway or an agent of the unit of government which has a contract for the construction, reconstruction, or maintenance of the highway, as regulated by RSA 155-E:2, IV.
- 6) A person owning land abutting a site which was taken by eminent domain or by any other governmental taking upon which construction is taking place may stockpile earth taken from the construction site and may remove the earth later after written notification to the Board.
- 7) Existing excavations as defined in RSA 155-E:2, I, including the quarrying or crushing of bedrock do not require a permit, but are nevertheless subject to the Operation and Reclamation Standards of these regulations. Compliance with these Standards is mandatory to retain the non-permit status. The Board may require the owner/operator to come before the Board and submit such information as may be necessary to demonstrate compliance with said standards.
- 8) Stationary Manufacturing Plants. No permit shall be required under this chapter for excavation from an excavation site which on August 4, 1989, was contiguous to or was contiguous land in common ownership with stationary manufacturing and processing plants which were in operation as of August 24, 1979, and which use earth obtained from such excavation site. Such excavation shall be performed in compliance with the operational standards as expressly set forth in RSA 155-E:4-a and the reclamation standards as expressly set forth in RSA 155-E:5 and 155-E:5-a, which express standards shall be the sole standards with which such excavations must comply in order to retain their non-permit status as provided under this paragraph. Loss of such non-permit status shall be preceded by written notice from the Board that the excavation is not in compliance and the owner shall have failed to bring such excavation into compliance within 30 days of receipt of such notice. Such excavation may be expanded without a permit under this chapter to any contiguous lands which were in common ownership with the site of the plant on August 4, 1989, except as limited by RSA 155-E:4-a, I, II, and III.

(b) No further permit shall be required under this chapter for excavation from a site which on August 4, 1989, was contiguous to or was contiguous land in common ownership with stationary manufacturing and processing plants for which local or state permits have been granted since August 24, 1979, and

before August 4, 1989, which use earth obtained from such site. It is further provided that their operation and reclamation shall continue to be regulated by such local or state permits and any renewals or extensions thereof by the permitting authority or authorities.

SECTION VI: PROHIBITED PROJECTS

A. The Board shall not grant a permit for any Prohibited Excavation Projects as defined in RSA 155-E:4.

- 1) No excavation below road level within fifty (50) feet of the right-of-way of any public highway as defined in RSA 229:1, except in those cases where the edge is not readily defined, then one hundred (100) feet from a road centerline.
- 2) No excavation within seventy-five (75) feet of the boundary of a disapproving abutter or within twenty-five (25) feet of an approving abutter.
- 3) No excavation shall be permitted within 100 feet of any pond, navigable river, or any other standing body of water 10 acres or more in or within 50 feet of any other stream, river or brook which normally flows throughout the year, or any naturally occurring standing body of water less than 10 acres, prime wetland as designated in accordance with RSA 485-A:15, I or any other wetland greater than 5 acres in area as defined by the Department of Environmental Services. Within 250 feet of water, shoreland permits may be required.
- 4) When the excavation cannot receive necessary approvals from state or federal agencies, such as, but not limited to the N.H. Department of Environmental Services Alteration of Terrain or Wetlands permits.
- 5) Where the excavation is not permitted by zoning or other applicable local ordinances and a variance or special exception has not been obtained as defined in RSA 155-E:4, II and required by the Town of Hooksett Zoning Ordinances and Section IV of this Ordinance.
- 6) Where the issuance of a permit would be unduly hazardous or injurious to the public welfare, including creating a nuisance or health or safety hazard. The Board shall give particular consideration to such factors as noise, dust, traffic, fumes or danger from operation.
- 7) Where the excavation will not unreasonably accelerate the deterioration of highways or create safety hazards in the use thereof.
- 8) The excavation will not cause a diminution in area property value or unreasonably change the character of the neighborhood.
- 9) Where existing visual barriers in the areas specified in RSA 155-E:3, III would be removed, except to provide access to the excavation.
- 10) Where the excavation would damage an aquifer, as designated by the United States Geological Survey.

- 11) Where the project cannot comply with the reclamation provisions of RSA 155-E:5 and 155-E:5-a or the operational standards of RSA 155-E:4-a.

SECTION VII: ABANDONED EXCAVATIONS

- A. Any excavation, to include both grandfathered and permitted pits, for which the affected area has not be brought into complete compliance with the reclamation standards of this regulations shall be considered abandoned if:
 - 1) No earth material of sufficient weight or volume to be commercially useful has been removed from the site during any 2-year period either before, on, or after August 4, 1989.
 - 2) The excavation is in use, but either has not been brought into compliance with the incremental reclamation standards of this regulation, or a bond has not been posted and a reclamation timetable has not been approved by the Board.
 - 3) Neither the owner nor the operator of the excavation has secured a permit pursuant to these regulations.

- B. In the event the Board determines that any abandoned excavation presents a hazard to the public health, safety or welfare, the owner may be required, following a public hearing, to comply with the timetable and bonding requirements outlined above, or to complete reclamation within a reasonable period. Should reclamation not be completed, the Board may request the Town to authorize reclamation at the Town's expense. The Town's cost shall constitute an assessment against the owner and shall create a lien against the property on which the excavation is located. Such assessment and lien may be enforced and collected in the same manner as provided for real estate taxes.

SECTION VIII: EXCAVATION EXPANSIONS

When the scope of an approved permitted excavation is proposed to be altered as to affect either the size or location of the excavation, the rate of removal, or the plan for reclamation, the owner must submit a new application, plans and other required submission items for a new excavation permit hearing process. If the approved excavation previously required a special exception or variance, the proposed change must first be approved by the Board. The Board may then adjust the performance bond accordingly.

SECTION IX: OPERATIONAL STANDARDS

- A. All excavations requiring a permit must comply with the operational standards pursuant to RSA 155-E:4-a which are the minimum. In addition, all excavations must also comply with the following more stringent standards, which the Board may waive under certain defined circumstances:
 - 1) All excavation operations, including trucking, shall be performed from 7:00 a.m. to 5:00 p.m., Monday through Friday with no operations on weekends or federal holidays. The Board may modify these hours during the permitting process.
 - 2) No excavation of an area shall exceed (5) acres at any one time without reclamation.
 - 3) A hauling plan shall be provided to the Board. This plan shall include, but is not limited to, hauling routes to be utilized, the type and weight of motor vehicles to be used, as well as the frequency and schedule of operations of said vehicles and shall be provided to the Board prior to the issuance of an excavation permit.

- 4) The Board reserves the right to conduct a traffic study, at the Applicant's expense, to ensure the public's safety, neighborhood compatibility and road capacity and conditions have been properly considered and are adequately addressed in the hauling plan.
- 5) Trucks operating on any roads with the Town of Hooksett will be limited to New Hampshire Department of Transportation statutory weights.
- 6) The Applicant shall be responsible for the restoration and repair of any existing Town road(s) which is damaged as a result of the hauling or excavation operation. This includes, but is not limited to, any roads which may access the excavation site.
- 7) A bond for road repair will be provided to the Town of Hooksett prior to excavation activity and after the appropriate amount is determined by Town staff.
- 8) All vehicles transporting excavated material shall have loads secured and covered at all times to prevent dust and spillage when loaded.
- 9) No fuels, lubricants or other toxic polluting chemicals or waste, building materials or rubble shall be stored or buried on-site unless in compliance with state and federal laws or rules pertaining to fuels and lubricants, or other toxic or polluting chemicals.
- 10) Prior to the removal of material at a new excavation site, topsoil material shall be stripped and stored for site restoration use when the excavation project is completed. This should be undertaken in a phased manner to minimize erosion potential. Topsoil shall be re-vegetated during the period of storage. In addition, prior to the removal of topsoil or other overburden material from any land area that has not yet been excavated, the excavator shall file a reclamation bond or other security as prescribed by the Board, sufficient to secure the reclamation of the land area to be excavated.
- 11) A visual barrier, no less than 6 feet in height, shall be maintained or provided within the buffer areas defined by Sections VI A 1), 2), and 3). Natural vegetation adjacent to neighboring properties on which excavation is not intended shall be maintained for the purposes of erosion control, dust control, screening, noise reduction, and property valuation. The Board shall have the authority to require additional screening (e.g. vegetation or fencing) where necessary. Where no effective barrier exists, planting or Board approved fencing may be required.
- 12) Where the depth of excavation will exceed fifteen (15) feet and temporary slopes will exceed 1.5:1 in grade a fence or other suitable barriers shall be erected to warn of danger or to limit access to the site.
- 13) Drainage shall be maintained so as to prevent the accumulation of free-standing water for prolonged period of time. Excavation practices which result in siltation in streams or degradation of any water supplies are prohibited.
- 14) Access roads leading to and/from the excavation site shall be paved a minimum of fifty (50) feet from the intersection of existing paved streets and roads at locations, that have been duly approved by state or local officials and in a manner that will not endanger the safety of highway users and local residents. The provisions of

RSA 236:13-14 ("Highway Access") shall be adhered to by the applicant and shall be shown on the excavation plan.

- 15) The provisions for access under the development regulations of the Town shall be adhered to by the Applicant and shall be shown on the reclamation plan. Access over Class VI roads, bridges, or other public ways to be utilized in the proposed excavation shall be clearly shown on the reclamation plan. The maintenance and final condition of said roads, bridges and ways shall be defined in writing and made part of said plan. All roads must be properly maintained and swept accordingly to maintain safe access. There shall be a water truck onsite at all times for dust control.

B. Processing of Earth Material

- 1) Processing machinery shall be erected or maintained on the lot as approved within the operational plan and such machinery shall be removed from the lot upon expiration of the permit or as otherwise provided in the permit.
- 2) No earth material shall be stock piled or located outside the permitted area without prior approval by the Board.
- 3) No blasting shall occur without receiving prior approval during the permitting process.
- 4) Crushing may not be introduced without prior approval from the Board during the permitting process.

C. Backhauling, Importing and Storage of Material

- 1) Waste, building materials and rubble (i.e. "demolition and construction debris" or "C&D waste") shall not be stored or buried on the site without written approval by the Board. If approved by the Board, the specific site location will be noted on the plan and performed in accordance with all local, state and federal regulations.
- 2) The site will not be used for storage of junk vehicles, machinery, etc. as defined in RSA 236:112.
- 3) Stumps and brush shall be allowed to be buried or stored on site so long as the stumps and tree parts are buried in a manner to preclude the development of sink hole and erosion of cover materials and will be protective of the environment, public health, and safety. Any burial or storage site must be at least 75 feet from any water supply, 25 feet from any property line, and at least 4 feet above the seasonal high water table. The burial or storage will be performed in accordance with all local, state and federal regulations. The site plan and property deed shall provide:
 - a. A statement that the property has been used for the disposal of stumps and tree parts.
 - b. The date the activity took place.
 - c. The location of the burial area(s) with sufficient specificity as to allow an independent third party to locate the area(s); and
 - d. The estimated quantity of waste disposed on the property.

- 4) Earth, concrete, and asphalt that did not originate from the site shall not be brought in, or stored upon, the site without prior approval by the Board.

D. Aquifers and Seasonal High Water Tables

- 1) Excavation over aquifers and seasonal high water tables shall be performed in accordance with the applicable Town of Hooksett Zoning Ordinance.
- 2) No excavation shall be permitted within eight (8) feet of the seasonal high water table. A waiver to such prohibition shall be granted if the applicant demonstrates that such excavation will not adversely affect water quality. Any written exception shall be recorded in the registry of deeds, one copy filed with the NH Department of Environmental Services (NHDES), and one copy filed with the Board.
- 3) The excavation shall 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.
- 4) The excavation shall not cause a significant reduction in the long-term volume of water contained in the aquifer or in the storage capacity of the aquifer.
- 5) The Board may require that the applicant provide data or reports prepared by a professional groundwater consultant to determine the seasonal high water table and to assess the potential aquifer damage caused by the proposed excavation project.

SECTION X: SITE RECLAMATION STANDARDS

- A. Within 12 months following the expiration date of a permit issued under these regulations, or of the completion of any excavation, whichever occurs first, the owner of the excavated area shall have completed the reclamation of the areas affected by the excavation to meet each of the minimum standards as detailed in RSA 155-E:5.
- B. For excavations requiring a permit, the standards contained in RSA 155-E:5 are the minimum standards, and the Board may require more stringent reclamation standards as deemed necessary by the nature and scope of the operation. The reclamation will be done in accordance with the approved plans and reclamation sequence.
 - 1) The Board, or its designee, shall periodically inspect the operations and shall perform a final reclamation inspection in order to ensure that the approved plans have been followed. Any costs associated with these inspections shall be the responsibility of the applicant.
 - 2) No slope in soil material shall be left steeper than 3:1 (three horizontal feet for each one foot of vertical drop) unless it can be demonstrated by the applicant that a steeper grade can be adequately vegetated and stabilized. In no case shall a soil material slope be left steeper than 2:1. Changes in slope shall not be abrupt but shall blend with the surrounding terrain.
 - 3) All debris, stumps, boulder, etc., shall be lawfully disposed of in a manner acceptable to the Board or its designee.

- 4) Ground levels and grades shall be established as shown on the approved reclamation plan as soon as practical during site excavation, but not later than one year after excavation has been completed.
 - 5) Stockpiled topsoil shall be spread over the disturbed area to a depth sufficient to allow establishment and maintenance of vegetation. Areas posing the most critical problems for revegetation shall be given first priority should available topsoil be limited. The disturbed area(s) shall be limed and fertilized, if necessary, and seeded with a grass or grass/legume mixture.
 - 6) If deemed necessary by the Board, suitable trees or shrubs may be planted in order to provide screening and natural beauty and to aid in erosion control. Such planted areas shall be protected from erosion during an appropriate establishment period by mulch and structural erosion control devices. All plantings must be successfully maintained for 2 years after planting.
 - 7) The character of the restored landscape shall blend with the surrounding natural features.
- C. Any excavation permit applicant that requires a RSA 485-A:17 Alteration of Terrain Permit (AOT) from the NHDES shall incorporate the requirements of these regulations, to the extent that they are more strictive, and not in conflict, with the AOT permit. Copies of all such AOT permits and update plans shall be filed with the Board.
- D. For any excavation plan not requiring an Alteration of Terrain permit, the applicant may, in conjunction with a Town employee or agent, design a reclamation plan acceptable to the Town. Such a plan shall meet all of the criteria established by Section XII(B).
- E. Incidental excavations that have received an exception from the Board to remove more than 1,000 cubic yards of earth shall reclaim the property in accordance with the specifications dictated by the Board.

F. Incremental Reclamation:

Except for excavation sites of operating stationary manufacturing plants, any excavated area of 5 contiguous acres or more which is depleted of commercial earth materials, excluded bedrock, or any excavation from which earth materials of sufficient weight or volume to be commercially useful have not been removed for a 2-year period, shall be reclaimed in accordance with RSA 155-E:5 within 12 months following such depletion of 2-year non-use, regardless of whether other excavation is occurring on adjacent land in contiguous ownership. A reclamation plan, including a reclamation timetable for the depleted areas with the reclamation site, shall be submitted to the Board for approval.

SECTION XI: PERFORMANCE GUARANTEE

- A. Prior to the granting of any permit, the applicant shall submit to the Hooksett Town Council a non-lapsing bond or other sufficient surety as determined by the Board in consultation with Town staff, or if the Board deems, a professional hired at the expense of the applicant. The purposes of the bond are to guarantee reclamation to the area, compliance with the permit and any inspections. Off-site improvements for potential damage of Town roads or facilities

caused by the transportation of earth materials shall be discussed at this stage and bonded as necessary. Surety will be reviewed at the time of periodic inspections.

- B. The surety may be phased to coincide with the phasing of work, in an amount sufficient to guarantee reclamation of the applicable section, to be released as sections are completed. Prior to a new section being opened, new securities shall be posted. The surety shall not be released until the Board is satisfied that all conditions of the site reclamation plan have been complied with and that no erosion or die off has occurred for at least two years after closure. Areas used for stockpiling and processing machinery and other non-excavation uses shall not be included in surety requirements.
- C. There are four major acceptable forms of surety: Option 1) bond issued by surety (insurance) company, Option 2) letter of credit issued by a financial institution (bank), Option 3) cash held under "escrow" agreement (cash bond), or Option 4) escrow payment per ton (or yard) removed or stockpiled (incrementally) each year with the payment to be paid annually to the Town and retained in a Town managed escrow account. Other forms of surety may be acceptable by the Board but may not create a real or potential liability for the Town other than as defined herein.
- D. Surety provided by Section XI-C; Option 4 above shall be calculated as follows: The amount of surety required shall be based on the total cost of the proposed reclamation plan (limited to the current phase where phasing is used) less the value of the material needed for back fill and final cover, and the manpower and equipment needed to complete the closure, to the extent that this material, manpower and equipment is available on site. The final amount of surety will be divided by the total tons (or yards) anticipated for removal during the life of the plan (limited to the current phase where phasing is used) to create a tonnage (or yardage) payment OR the Town may establish a minimum payment to be raised each year based on the total closure cost that is purchased from others divided by the total years (limited to the current phase where phasing is used) of approval for the plan if the contributions from this formula are greater than the contributions from the per ton (or yard) payment. The use of owner provided offsets will greatly reduce the amount needed for closure surety. To assure the availability of the material and equipment and manpower, a security interest to the benefit of the Town may be required in the stockpiled reclamation material and equipment needed. That security interested shall also provide resources for manpower to complete the closure. In the event that this agreement is entered into, and surety is provided by on-site material and equipment, the Town determined at a future date that the original agreement is insufficient for closures, the Town may reopen the amount of the performance guarantee. This option may be used in conjunction with other options.
- E. In the granting of an exception for an incidental excavation project that will remove more than 1,000 cubic yards of earth from the site, the Board may require a performance surety to ensure compliance with reclamation specifications.
- F. Other than as provided in Section XI-C, Option 4 above, the performance guarantee will be calculated as \$20,000 per acre of the phased excavation area, unless it can be demonstrated to Town staff that less is required due to stockpiled material already on site.
- G. Exceptions
 - 1) Due to the diverse nature of excavation operations which vary in scale and scope, and due to the varying conditions of the land to be excavated, the Board may, upon application and following a duly-noticed hearing, grant any exception in writing to the

standards contained in Section IX and X for good cause shown. The written decision shall state specifically what requirements are being waived and include any reasonable alternatives.

SECTION XII: APPLICATION SUBMISSION ITEMS

Unless exempted by RSA 155-E:2 or Section V, any owner or owner's designee shall, prior to excavation of the land, apply to the Board for a permit for excavation.

The applicant for an excavation permit shall submit to the Board a completed application form, including a current abutters list, an excavation plan and a reclamation plan, a completed checklist with written requests for waivers or written explanation for any item not provided, any other submission documents as requested and the filing fee. Twelve copies of the complete application, excavation plan and reclamation plan shall be filed. The plans shall be at a scale of 1"=100'.

Where a NHDES Alteration of Terrain permit is required, the applicant may submit a copy of that Alteration of Terrain application and/or permit to the Board. While the Alteration of Terrain contains most of the following, the applicant shall provide supplemental items to meet the requirements of the excavation plan and reclamation plan as described below.

A. EXCAVATION PLAN

- 1) A site plan prepared by a licensed surveyor or engineer shall, at a minimum, include all of the following:
 - a. Identifying title, date, bar scale, revision block, north arrow and location map, tax map lot number and zone.
 - b. Name and address of the owner and the excavator (if different from owner);
 - c. Name(s) and address of surveyor, and designer; name, license number and seal of the NH licensed land surveyor.
 - d. Names and tax map lot numbers of all abutters to the premises on which the excavation is proposed.
 - e. Location and boundaries of the proposed and any existing excavation, the area in square feet and acres to be involved in the project and the municipalities and counties in which the project lies.
 - f. Zoning district boundaries (including overlay districts) of the proposed area within 200 feet of the boundary of the project.
 - g. All areas that are in current use.
 - h. Location of existing buildings, structures, septic systems, wells and catch basins within 200 feet of the boundary of the project.
 - i. Public streets, lot lines, driveways, intersections within 200 feet of the boundary of the project.
 - j. Existing and proposed rights of way, easements, and deed restrictions within 200 feet of the boundary of the project.
 - k. Topography at contour intervals of two (2) feet or less.
 - l. All existing surface drainage patterns including wetlands and standing water.
 - m. Existing and proposed access roads, including width and surface materials.
 - n. Breadth, depth and slope of the proposed excavation and estimated duration of the project.
 - o. Elevation of the highest annual average ground water table within or next to the proposed excavation.
 - p. Estimate of the total volume of earth to be excavated.
 - q. Proposed fencing, buffers or other visual barriers, including height and materials.

- r. All measures to control erosion, sedimentation, water pollution, air pollution and any hazards to public safety.
- 2) The following items shall also be submitted with the application:
- a. Test pit data that extends to either the high-water table, ledge or a minimum of eight (8) feet below the maximum proposed excavation depth, including location and soils data in appropriate locations to adequately assess the highest annual average water table, to be submitted by a professional geologist or other qualified individual as determined by the Board. Boring logs may be submitted separately.
 - b. Plans for storm water management.
 - c. Plans for equipment maintenance.
 - d. Methods to prevent materials from the site from being tracked onto public roadways.
 - e. Copies of all necessary state and federal permits.
 - f. Specific actions to be taken on the site relative to fuel and chemical handling and storage, dust control, traffic, noise control and abatement, and comprehensive site safety or unauthorized persons.
 - g. Such other information or other special investigative studies as the Board may be reasonable deem necessary. The Board may request these after the application submittal and prior to permit approval.
 - h. Current photographs of access road(s) prior to the start of any excavation activity.
- 3) The board may also order a comprehensive environmental site assessment that may include onsite sampling at a cost to the applicant.

B. RECLAMATION PLAN

A plan for the reclamation of the area affected by the excavation at least in compliance with RSA 155-E:5 and RSA 155-E:5-a. Such plan shall address the effects of the proposed excavation on soil, surface water and groundwater, vegetation, overburden, topography and fill material and may address future land use consistent with the approved master plan and shall include a timetable for reclamation of fully depleted areas within the excavation site during said project. The Board may grant an exception to RSA 155-E:5 & RSA 155-E:5-a for good cause shown.

The reclamation plan shall also contain the following items:

- 1) Seal and signature of a licensed surveyor and engineer. The Board will accept copies of engineering drawings required by NHDES in lieu of additional drawings.
- 2) All boundaries of the area proposed for reclamation and the land within 200 feet of the boundary of the project area.
- 3) Existing topography of the project area proposed for excavation, at contour intervals of five feet or less.
- 4) Final surface drainage pattern, including the location and physical characteristics of all artificial and/or modified drainage facilities.
- 5) Timetable as to reclamation of fully depleted sites within the excavation area.
- 6) Schedule of final reclamation activities including seeding mixtures, cover vegetation, fertilizer types and application rates.

- 7) Final reclaimed topography of the excavation area at contour intervals of five feet or less.

C. OTHER INFORMATION

The Board reserves the right, per RSA 155-E:3, VII to request any other information it deems necessary to make an informed decision, or to have plans reviewed by an outside agency or other expert. According to the authority vested in the Board by RSA 155-E:11, III and RSA 675:5, IV, any reasonable expenses incurred for such information or reviews shall be charged to the applicant. Failure to pay such costs constitutes valid grounds for the Board to deny the application.

SECTION XIII: NOTICE OF EXCAVATION APPLICATION & HEARING

- A. Prior to the Board rendering a decision for an excavation permit, a public hearing shall be held, with due notifications of all abutters and the public. The procedure for holding these public hearings will be in compliance with the Rules of Procedure of the Board and in addition:
 - 1) Applications for excavation permits shall be filed with the Board no later than 21 days before the next regularly scheduled Board meeting. A completed application shall consist of a completed application page, the required submission items, a completed abutters list, and the appropriate fees as required.
 - 2) A public hearing will be scheduled within 30 days after a completeness review has been completed by Town staff.
 - 3) All abutters will be notified by certified mail, not less than 10 days prior to the meeting, which the application will be submitted for acceptance. Names and address of abutters must be taken from Town records not more than five (5) days before filing the application.
 - 4) Public notice will appear in a newspaper of general circulation and in at least three public places not less than 5 days prior to the meeting.
 - 5) The notice must include the location and general description of the proposal, as well as the date, time and place of the meeting.
 - 6) If the Board determines, during the scheduled hearing, that a proposed excavation has a potential for regional impact, the Board shall not close the public hearing until after the Town has provided a copy of the application and proposed plans to the regional planning commission and all affected municipalities. All copies shall be provided by the applicant.
 - 7) Within 30 days of the close of the hearing on the application, or any continuation thereof, the Board shall make a decision approving or disapproving the application, with reasons given for disapproval. Notice of this decision shall be recorded in the minutes of the meeting and placed on file in the Town Office within 5 days.
 - 8) An applicant shall receive a copy of the decision. If the application was approved with special conditions, these conditions shall also be stated. In the event the application is disapproved, the reasons for the disapproval shall be given.
- B. Fees
A filing fee to cover all administrative costs enumerated on the application shall be paid upon submission of an application for an excavation permit. Failure to pay such cost shall

constitute grounds for the Board to not accept the application.

SECTION XIV: ADMINISTRATION AND ENFORCEMENT

A. Permits

- 1) Permits shall be issued only to the Applicant and shall not be transferable without the prior written consent of the Board. A copy of the permit shall be prominently displayed at the site or the principal access to the site.
- 2) A permit shall be valid for up to five years and the expiration date shall be specified. Permits may be amended in accordance with RSA 155-E: 6. A permit is automatically withdrawn if no substantial work is done on the site for a period of two years from the date of the issuance of the permit.
- 3) Excavation of earth without a valid permit is a violation of RSA 155-E and these regulations. Violators may be issued a cease-and-desist order for non-compliance.
- 4) The Board may include in the decision, permit and plan, any such reasonable conditions as are consistent with the purpose of these regulations.
- 5) The Board may establish a schedule by which all permitted sites are inspected at least annually or more frequently. Incidental excavation exceptions that will remove more than 1,000 cubic yards will have an inspection schedule as determined by the Board.
- 6) Town administration may audit the records and measure stockpiles to assure compliance with the collection of payments due under Section XI-C, option 4.

B. Conflicts

Where the provisions of this ordinance are in conflict with state or federal law or with other local regulations or ordinances, the more stringent shall apply.

C. Right of Entry & Inspections

Any permit issued hereunder or other order issued, the Board or its designee may enter upon the land and make periodic inspections of all excavation sites, or incidental excavations, to determine if the operations are in conformance with these regulations, the approved plans, or the exception criteria. The owner or operator will be contacted to arrange a mutually acceptable time for each inspection. A site inspection review letter will be sent to the owner citing any deficiencies and providing a timeline for correction of the deficiency.

D. Written Notice of Violation

A written notice of violation shall be issued to the landowner by mail from Town staff should it be determined that conditions at the site are in violation of any of the standards or requirements of this ordinance or plans approved and that the violation is not an immediate threat to the public health, safety or welfare. The notice of violation shall:

- a. Specify the actions or conditions which violate the requirements of this ordinance or plans approved by the Board;
 - b. Identify all corrective actions to be taken by the landowner;
 - c. Specify a reasonable timeframe within which the violation(s) must be corrected;
- and,

- d. Be provided to the landowner with a copy to be kept in the official property file with the original permit.

E. Cease & Desist Order

A temporary cease & desist order may be issued to the landowner by Town staff if it is determined that conditions at the Excavation Site are in violation of any of the standards of this ordinance and the violation is:

- a. An immediate threat to public health, safety or welfare; or
- b. The landowner has failed to take corrective action as outlined in Section D above.

F. Suspensions and Revocations

The Board may suspend or revoke a permit if the Board determines that any provision of the permit has been violated, or a material misstatement made in the application upon which a permit was granted. The Board may suspend or revoke the exception for incidental excavation if the Board determines that any provision of the exception has been violated, or a material misstatement made in the exception application upon which an exception was granted. Such suspension or revocation shall be subject to a motion for rehearing thereon and appeal in accordance with these regulations.

G. Appeals

Any person affected by the Board's decision to approve or disapprove an application or any amendment thereto or any suspension or revocation of a permit, may appeal to the Board for a rehearing on such decision or any matter determined thereby. The motion for rehearing shall be filed within ten (10) days of such decision and shall fully specify every ground upon which it is alleged with that the decision or order complained of is unlawful or unreasonable. The Board shall either grant or deny the request for rehearing within ten (10) days, and if the request is granted, a rehearing shall be scheduled within thirty (30) days. Any person affected by the Board's decision on a motion or rehearing may appeal in accordance with RSA 155-E:9 and RSA 677:4.

H. Penalties

Fines, penalties and remedies for violations of this regulation shall be as stated in RSA 155-E:10, II.

SECTION XV: SEPERABILITY

The invalidity of any provision, sentence, paragraph, etc. of this regulation shall not affect the validity of any other provision, sentence, paragraph, etc.

SECTION XVI: EFFECTIVE DATE

These regulations shall take effect upon adoption by the Board and as amended.

PUBLIC HEARING DATE: 9/14/22

AMENDED BY THE HOOKSETT TOWN COUNCIL: 9/28/22

ORIGINALLY ADOPTED: 03/08/77

**SKATEBOARD
ORDINANCE # 00-15**

The Town of Hooksett ordains that:

WHEREAS, it is in the interest of the citizens of the Town to ensure the safe use of its highways:

WHEREAS, it is in the interest of the citizens of the Town of Hooksett to protect its children from safety hazards;

WHEREAS, while it has been determined that the use of skateboards is a healthy activity for the town's children, it has also been determined that the misuse of skateboards on the highways, streets and sidewalks of the Town of Hooksett presents a danger to the traveling public and the children of the Town;

NOW THEREFORE, in accordance with RSA 41:11, RSA 31:39, RSA 169:D:17 and the Charter of the Town of Hooksett, the Town Council adopts the following ordinance regulating the use of skateboards within the Town:

**SECTION 1
DEFINITIONS**

For the purpose of this ordinance, the following definitions apply:

Skateboard: shall mean any wheeled vehicle intended and designed to be propelled by one foot with one foot on the vehicle at the moment of initial propulsion;

Nuisance: shall mean an activity, which results in substantial and unreasonable interference with the use and enjoyment of another's property and is to be further defined by reference to the New Hampshire Supreme Court's definition of private nuisance;

Trespass: shall mean an unauthorized, intentional invasion of the real property or personal property of another;

"Threat To Public Safety": shall mean the imminent threat of physical harm. The term specifically includes the threat of physical harm to the person or persons using the skateboard as well as to those persons whose physical health may be endangered by being in close proximity, defined as less than 100 yards, to the person or persons using the skateboards.

**SECTION 2
SKATEBOARDS ON PUBLIC HIGHWAYS AND PLACES**

- A. Although the use of skateboards will be permitted in the Town of Hooksett, no person shall operate, attempt to operate or cause to be operated by a person for whose conduct he or she is legally liable, a skateboard upon any highways or sidewalks of the Town of Hooksett in a manner which constitutes a nuisance, a trespass, or a threat to public safety.
- B. No person shall operate, attempt to operate or cause to be operated by a person for whose conduct he or she is legally liable a skateboard upon any public or private parking lot which is maintained primarily for the benefit of paying customers and which is properly posted, prohibited the use of skateboards.

**SECTION 3
PENALTY**

Any person convicted of violation of this ordinance shall be liable for a penalty of One Hundred Dollars (\$100.00) and may suffer, in the sound discretion of the court, forfeiture of his interest in the skateboard in question to the Town of Hooksett for disposition in such a manner as the court may direct.

**SECTION 4
SEVERABILITY**

Should any provision of this ordinance be held to be invalid by any court of authority or competent jurisdiction, such holding shall not affect, impair or invalidate any provisions of this ordinance.

ADOPTED: 11/08/89

**NEW HAMPSHIRE RULES FOR THE SANITARY PRODUCTION
AND DISTRIBUTION OF FOOD
HEP 2300 - STATE HEALTH ORDINANCE
ORDINANCE # 00-17**

Due to the length of this ordinance a copy is available in the Town of Hooksett Health Officers files and in the Town Clerk's Office.

ADOPTED: 03/28/91

**TATTOO PARLOR
ORDINANCE # 00-19**

The Town of Hooksett ordains that, pursuant to the authority granted under Section 3.6 of the Hooksett Town Charter, the following ordinance is hereby enacted in the Town of Hooksett:

**SECTION 1
STATUTORY AUTHORITY AND INTERPRETATION OF TERMS**

- 1-1 Interpretation of Certain Terms
- 1-2 Statutory Authority

**SECTION 2
PERMIT & LICENSING OF TATTOO PARLORS**

- 2-1 Permit Required
- 2-2 Terms of permit; Renewal of permit; Fees
- 2-3 Inspection Schedule
- 2-4 Tattooing of Minors
- 2-5 Records Required
- 2-6 Removal of Tattoos

**SECTION 3
OPERATING ROOM FACILITIES**

- 3-1 Separate Operating Room
- 3-2 Personal Cleanliness of Tattoo Artist;
Required Equipment
- 3-3 Storage of Tattooing Equipment and Materials
- 3-4 Floors, Walls and Ceilings
- 3-5 Disposition of Waste Material

**SECTION 4
TATTOOING PROCEDURE**

- 4-1 Preparation of area to be Tattooed
- 4-2 Stencil for Transferring Design
- 4-3 Tattooing Process
- 4-4 Instruction to Patrons or Customers as to
Care of Skin After Tattooing
- 4-5 Penalty for Non-compliance

**SECTION 1
STATUTORY AUTHORITY AND INTERPRETATION OF TERMS**

- 1-1 Statutory Authority

This ordinance has been enacted pursuant to the authority granted to the Town by RSA 31:39m and Section 3.6 of the Hooksett Town Charter.

- 1-2 Interpretation of Certain Terms

For the purpose of this ordinance, the following words and phrases when used herein shall be construed as follows:

A) Tattoo - Shall mean to mark or color the skin by pricking in coloring matter so as to form indelible marks or figures or by the production of scars.

B) Tattoo Establishment - Shall mean any room or space where tattooing is practiced or where the business of tattooing is conducted or any part thereof.

C) Tattoo Operator - Shall mean any person who controls, operates, conducts, or manages any tattoo establishment, whether actually performing the work of tattooing or not.

D) Tattoo Artist - Shall mean any person who actually performs the work of tattooing.

**SECTION 2
PERMIT & LICENSING PROCEDURE**

2-1 Permit Required

A) No person shall operate a tattoo establishment, or engage in the practice or business of tattooing as a tattoo operator or as a tattoo artist unless such person shall first obtain a permit from the Health Officer or the Health Officer's duly authorized agent. Applications for such permits shall be made in writing on a form prescribed by the Town of Hooksett, wherein the applicant shall agree to conform to all rules and regulations governing such places now in effect or as subsequently enacted, and to authorize and permit such examination and inspection as may be deemed necessary by the Health Officer.

B) No person shall be granted a permit to operate a tattoo establishment or engage in the practice or business of tattooing in the Town of Hooksett without site plan approval from the Planning Department and/or Planning Board.

C) No person shall operate a mobile tattoo establishment without a permitted and inspected base of operation within the Town of Hooksett.

2-2 Terms of Permit; Renewal of Permit; Fees

A) All permits issued pursuant to this Chapter shall, unless revoked as set forth here after, expire on March 31st following their date of issue. The requirements for the renewal thereof shall be the same as for new permits. A fee of \$500.00 per year shall be charged for the issuance of permits to operate a tattoo establishment.

B) Form and Transfer of Permits. All permits shall be issued in the name of the individual person applying therefore, shall give the location of the tattoo establishment where said applicant will operate and shall not be transferable.

C) Public Display of Permit. It shall be the duty of the operator or owner of a tattoo establishment to display the current permit in a conspicuous place where it may be readily observed by the public.

2-3 Inspection Schedule

It shall be the duty of the Health Officer/or designee to cause inspections to be made on a recurring basis at least twice per year of all tattoo establishments and the equipment thereof. If said place of business is not maintained, conducted or operated in conformity with the requirements of this ordinance as now enacted or as subsequently amended, then the Health

Officer may suspend or revoke the permit of the operator or artist until the said tattoo establishment and the operation thereof is made to conform to the requirements of this Chapter.

2-4 Tattooing of Minors

Pursuant to NH RSA 639:3, II, the tattooing of any person under the age of eighteen (18) is prohibited. As delineated in RSA 639:3, any person who violates this ordinance shall be charged with a misdemeanor and prosecuted by the Hooksett Police Department upon a complaint filed in the Hooksett District Court.

2-5 Records Required

A) Records for each patron or customer shall be kept and maintained by the operator of each tattoo establishment, which record shall contain the name, address and signature of each patron or customer. All records shall be available for inspection upon request of the Health Officer or authorized representative. Records shall be maintained a minimum of two years.

B) The operator shall inquire if the patron has at any time experienced a jaundiced condition or been infected with hepatitis. Those indicating a history of jaundice or hepatitis shall not be tattooed.

2-6 Removal of Tattoo

A) No tattoo operator or artist shall remove or attempt to remove any tattoo.

B) No tattoo operator or artist shall tattoo over any previous scar tissue.

SECTION 3 OPERATING ROOM FACILITIES

3-1 Separate Operating Room

A) Each tattoo establishment shall have an operating room which shall be separate and apart from a waiting room, a public room or rooms that may be used for other than tattooing purposes. Patrons or customers shall be tattooed only in the said operating room.

B) The operating room shall be equipped with hot and cold running, potable water, together with such sinks and basins as may be necessary.

C) Furniture and furnishings used within the operating room shall be constructed of such material as to permit proper cleansing with hot or cold disinfecting solutions.

There shall be no overhead or otherwise exposed sewerage lines so as to create a potential hazard to the sanitary environment of the establishment.

E) All operating tables shall be constructed of easily cleanable material, with a smooth washable finish and at least six feet from any observer or waiting customers and/or separated by a panel at least four feet high.

F) The operating room shall have proper and sufficient lighting as needed to perform the tattooing process.

3-2 Personal Cleanliness of Tattoo Artist; Required Equipment

A) There shall be available within said tattoo establishment adequate hot and cold, potable running water, soap, germicidal solution, individual hand scrub brushes and fingernail files or orange sticks for each tattoo artist.

B) Each tattoo artist shall scrub his hands and forearms with soap and hot water using individual hand brush, clean his fingernails with an individual file or orange stick and thoroughly rinse his hands in a germicidal solution before working on each patron or customer. An individual disposable towel or napkin shall be used for drying the tattoo artist's hands and arms after rinsing.

C) Each tattoo artist shall wear clean clothes or a lab coat. Surgical gloves shall be worn during the tattooing process.

D) The following table summarizes the use of disinfectants in the Tattooing procedure:

<u>AGENTS</u>	<u>PREPARATION</u>	<u>USES</u>
1. Hypochlorite (chlorox, Deomestos)	make up daily 5000 parts/million	corrodes metals disinfection of needles before disposal
2. Glutaraldehyde (CIDEX)	make up weekly using activator DO NOT DILUTE	pigment capsule motors, damp wiping motors
3. 70% spirit/alcohol	DO NOT DILUTE	Skin, table tops, metals
4. Clear phenolics (Hycolin)	make up daily. dilute per instructions	table tops, damp wiping motors.

Solutions of proven equivalence may be approved by the local Health Officer.

3-3 Storage of Tattooing Equipment & Materials

A) A steam sterilizer approved by the Health Officer shall be on site at each establishment. Tattoo instruments and accessories, dyes, stencils and other materials used in tattooing that come in contact with the patron or customer shall be stored in closed cabinets which shall be maintained in a sanitary condition.

Instruments used in tattooing such as needle bars, grips and tubes, shall be sterilized before using on each customer either by boiling for at least 30 minutes or by autoclaving under 15 pounds of pressure for 15 minutes. The temperature in autoclaving shall not be less than 121 C or 250 F.

C) If autoclaving is the method of sterilization, all tubes, grips and needle bars shall be left in the wrappers used during the autoclaving process.

D) If boiling is the method of sterilization, the hands shall be washed in accordance with section 3-2 prior to removing the tubes, grips and needle bars from the basket. The tubes, grips and needle bars shall then be stored in a closed glass case and be maintained in a sanitary manner at all times.

3-4 Floors, Walls & Ceilings

A) The floor of the operating room of the tattoo establishment shall be of impervious material and shall be, at all times, maintained in a clean condition. The walls and ceiling of the operating room shall be a light color, shall be maintained in good repair without flaking or chipping and shall be of such material as to permit cleansing.

3-5 Disposition of Waste Material

A) The tattoo establishment shall have proper facilities for the disposition of biomedical waste materials as now defined by State and Federal regulations and as subsequently defined. A contract with an approved, licensed bio-medical waste company is required.

B) Sufficient toilet, urinal and hand-washing facilities shall be accessible to customers, operators and artists within the tattoo establishment or the building in which said tattoo establishment is located.

SECTION 4 TATTOOING PROCEDURE

4-1 Preparation of area to be tattooed

A) When it is necessary to shave the area to be tattooed, a new blade for each patron shall be used. When a safety razor is employed, and the permanent parts of the said razor shall be treated as hereinafter set forth for the care of a straight razor.

B) If a straight razor is used, it shall be cleaned with soap and water, rinsed in clean water, and then sterilized by being immersed for fifteen minutes in a germicidal solution approved by the local health department or by boiling for at least five minutes before the razor is used again on another patron.

C) After shaving the area to be tattooed, or if the area does not need to be shaved, the site of the tattoo shall be cleaned with soap and hot water, rinsed with clean water and germicidal solution applied in a sanitary manner before the design is placed on the skin. Only sterile, individual towels and gauze shall be used in preparing the site to be tattooed and properly disposed of after use on each patron.

D) If vaseline is applied, it shall be done with a sterile swab or sterile syringe.

4-2 Stencil for transferring design

The stencil for transferring the design to the skin shall be thoroughly cleaned and rinsed in a germicidal solution approved by the local health department following each use and shall be maintained in a clean, sanitary condition.

4-3 Tattooing Process

A) A sterile set of needles shall be used for each patron or customer. Needles used in tattooing shall be sterilized by a sterilization method approved by the local health department after each use and, if not immediately used, stored in sterile containers. The open end of the needle tube of the tattooing machine shall be cleaned and sterilized in a similar method after each use. The use of disinfectants does not constitute an approved sterilization method.

B) Excess dye applied to the skin shall be removed with individual sterile gauze pads or sterile cotton only. The area tattooed shall then be allowed to dry and the entire site covered

with a piece of sterile gauze only which may then be covered with a piece of tissue and fastened with adhesive. Only approved surgical dressings and tapes shall be used on patrons. The use of paper napkins, other materials and mastic tape for dressing is prohibited.

C) Single service or individual containers of dye or ink shall be used for each patron and any remaining ink or dye in the container following procedure shall be discarded.

D) Single use containers shall be disinfected prior to use.

E) Tattooing including the changing or repairing of previous tattoos shall not be performed on the hands below the wrist line, on the feet below the ankle, the head or face above the collar line or on the genitalia. Nor shall such tattooing be undertaken at the site of an obviously recent hypodermic injection.

4-4 Instruction to patrons or customers as to care of skin after tattooing.

A) Written instructions, approved by the Health Officer shall be given to each patron or customer on the care of the tattooed site to prevent infection after each tattooing. A copy of these instructions shall also be posted in a conspicuous place in the tattoo establishment, clearly visible to the person being tattooed.

B) All infections resulting from the practice of tattooing which become known to the operator shall be reported to the Health Officer by the owner of the tattoo establishment.

4-5 Penalty for Non-compliance

Anyone operating an unlicensed tattoo establishment, or an establishment that has had its license revoked or an establishment in an unapproved site shall face court action and fines up to \$1,000 per offense. (NH RSA 31:39 III, effective August 9, 1983.)

Approved by the Hooksett Town Council, December 8, 1993 and to become effective December 8, 1993.

Town Councilor District 1

Town Councilor District 2

Town Councilor District 3

Town Councilor District 4

Town Councilor District 5

Town Councilor District 6

Town Councilor At Large

Town Councilor At Large

Town Councilor At Large

TATTOO REGULATIONS

Definitions:

- A) Tattoo shall mean an indelible figure fixed upon an individual by insertion of pigment under the skin.
- B) Tattoo artist shall mean an individual who applies a tattoo.
- C) Tattoo operator shall mean an individual or entity which operates a tattoo establishment.

Inspection Schedule:

- It shall be the duty of the Health Officer or designee to cause inspections to be made on a recurring basis twice per year of all tattooing establishments upon reasonable prior notice to the tattoo operator.

Tattooing of Minors:

- Applying a tattoo to any person under the age of eighteen (18) is prohibited.

Removal of Tattoos:

- Only tattoo artists may remove a tattoo. No tattoo operator shall remove or attempt to remove any tattoo.

Tattoo Room:

- A) Tattoo room shall be equipped with hot and cold running water together with sinks and basins.
- B) Furniture and furnishings used within tattoo room shall be constructed of such materials as to permit proper cleansing with hot and cold disinfecting solutions.
- C) There shall be no overhead or exposed sewer lines as to create a potential hazard to the sanitary environment.
- D) All operating tables shall be constructed of easily cleanable material with a washable finish.
- E) The tattoo room shall have proper and sufficient lighting as needed to perform the tattooing process.

Personal Cleanliness of Tattoo Artist:

- A) Each tattoo artist shall wear clean clothes.
- B) Surgical gloves shall always be worn during the tattooing process.
- C) There Shall be adequate hot and cold running water and germicidal solution available.

Storing of Tattooing Equipment:

-

A) A sterilizer shall be on site at each establishment.

B) Instruments used in tattooing such as needle bars, tubes, etc., shall be sterilized in sterilizing bags and stored in a sanitary manner until their use.

Tattooing Procedure:

- A) When necessary to shave the area to be tattooed, a disposable razor shall be used and discarded.

B) After shaving the area to be tattooed, the area shall be cleaned with surgical soap and alcohol.

Tattooing Process:

- A) A sterile set of needles shall be used for each patron. Needles used in tattooing shall be sterilized after each use and if not immediately used shall be stored in a sanitary manner. The open end of a needle tube of the machine shall be cleaned and sterilized in a similar manner.

B) Single service of individual containers of dye or ink shall be used for each patron and any remaining dye or ink in the container following the procedure shall be discarded.

Instructions for Care of Skin After Tattooing:

- A) Written instructions shall be given to each patron on care of tattooed site to prevent infection after each tattooing.

B) Instructions shall be posted in a conspicuous place in the establishment, clearly visible to the person being tattooed.

TATOO PARLOR INSPECTION

OWNER NAME: _____ DATE: _____

ESTABLISHMENT NAME: _____

ESTABLISHMENT LOCATION: _____

TYPE OF INVESTIGATION:

() ROUTINE () NEW () SPECIAL INVESTIGATION () FOLLOW-UP

ALL CIRCLED ITEMS INDICATE NONCOMPLIANCE & REQUIRE IMMEDIATE ATTENTION

- 2-1 Permit Required
A. Permit _____
B. Site Approval _____
C. Mobile Unit _____
- 2-2 Terms of Permit
A. Permit transferred _____
- 2-4 Tattooing of minors _____
- 2-5 Records Required
A. Adequate records for two (2) years _____
B. Inquiry RE: Hepatitis _____
- 2-6 Removal of Tattoo
A. Remove old tattoo _____
B. Tattooing over scar tissue _____
- 3-1 Separate Operating Room
A. Separate operating room _____
B. Hot/cold running water/sink in operation room _____
C. Furnishings easily cleaned _____
D. No overhead sewer lines _____
E. Proper distance from patrons _____
F. Sufficient lighting _____
- 3-2 Personal Cleanliness
A. Proper hot/cold running water for hand washing _____
B. Proper handwash proceed _____
C. Clean clothes and surgical gloves worn _____
D. Proper sanitizing solutions on site _____
List _____
- 3-3 Storage of Tattooing Equipment
A. Proper sterilization equipment _____
B. Proper sterilization technician _____
C. Proper storage of sterilized equipment _____
- 3-4 Floors/Walls and Ceilings

- 3-5 A. Floors - Proper materials & Kept clean_____
 - Disposition of Waste Material

- A. Contract for bio waste with approved company_____
 - B. Sufficient toilets/hand wash facilities_____

- 4-1 Tattooing Procedure
 - A/B. Shaving of site with proper technique_____
 - C. Proper preparation of site_____
 - D. Sterile swabs used for vaseline_____

- 4-2 Stencil Care
 - A. Stencil Properly sanitized prior to use_____

- 4-3 Tattooing Process
 - A. Sterile set of needles used_____
 - B. Excess dye removed properly_____
 - C. Individual dye containers used_____
 - D. Disinfect dye containers prior to use_____
 - E. Tattooing on prohibited body areas_____

- 4-4 Instructions to Patrons
 - A. Written instruction for site care given to patrons_____
 - B. All complaints of infections reported to Health Officer_____

- 4-5 Penalty for Noncompliance
 - A. Operating unlicensed tattoo establishment shall face court action with fines up to \$1,000 per offense.

Comments: _____

THIS ESTABLISHMENT IS:

- () Approved for License at this time.
- () Disapproved for License at this time.

Health Officer: _____ Date: _____
 (signature)

Establishment Owner: _____ Date: _____
 (signature)

Carbon copy of Inspection Report left on site? () yes or () no
 TOWN OF HOOKSETT, NEW HAMPSHIRE

TATTOO PARLOR LICENSE

ESTABLISHMENT: _____

ADDRESS: _____

LICENSE: _____

The above named License is hereby authorized to operate the above named TATTOO PARLOR as permitted in the Town of Hooksett, Tattoo Parlor Ordinance #_____.

The license shall conform to all such rules and regulations as have been or may be issued by the Board of Health concerning the use of this permit. This License may be revoked or suspended if Licensee fails to conform to such rules and regulations. This permit is not to be sold or transferred. Notification of change of Licensee shall be made in writing to the Town of Hooksett Health Department.

This permit shall expire: _____

Annual Fee: \$_____

Date of Issue: _____

Health Officer or designee

TO BE DISPLAYED IN A PROMINENT PLACE

ADOPTED: 12/08/93

AMENDED: 6/23/10

**YARD SALES AND ALL SIMILAR SALES
ORDINANCE # 00-22**

The Town of Hooksett ordains that, pursuant to the authority granted under section 3.6 of the Hooksett Town Charter, the following ordinance is hereby enacted in the Town of Hooksett:

SECTION 1

The purpose of barn sales, garage sales, moving sales, yard sales and all similar sales is to sell unwanted, used household type items. Under no circumstances are barn sales, garage sales, moving sales, yard sales and all similar sales meant to be a home based business or a "flea market" or any other activity for the purpose of selling new merchandise or goods unrelated to homeowner's personal property.

SECTION 2

A permit must be obtained prior to the date of the sale in the Building Department at the Municipal Building and will be valid for only the date(s) specified on the permit.

SECTION 3

Barn sales, garage sales, moving sales, yard sales and all similar sales by residents or town organizations are limited to six (6) days per calendar year.

SECTION 4

The Code Enforcement Officer will perform his right to enforce Section H.2.d of the Hooksett Zoning Ordinance relative to the posting of temporary signs.

SECTION 5

The permit will bear the permit number, name, address of the sale sponsor, date(s), location of the sale, signature of the sale sponsor and Town Official. A courtesy copy will be forwarded to the Police Department.

SECTION 6

Hours of operation will be 7:00 am to 6:00 pm.

SECTION 7

The price of each barn sale, garage sale, moving sale, yard sale and all similar sale/temporary sign permits will be one dollar (\$1.00).

SECTION 8

Violations of the terms of this ordinance shall be punishable by a fine of fifty dollars (\$50.00) for each day that such violation is found to continue.

ADOPTED: 12/08/93

**DRUG-FREE SCHOOL ZONE MAP
ORDINANCE # 00-23**

By the authority granted under section 3.6 of the Hooksett Town Charter, the Town of Hooksett ordains the following:

SECTION 1

In accordance with and pursuant to the authority of L. 1988, c. 44 (C. 2C:35-7), the Drug-Free School Zone Map produced on or about January 12, 1994 by the municipal engineer is hereby approved and adopted as an official finding and record of the location and areas within the municipality of property which is used for school purposes and which is owned by or leased to any elementary or secondary school or school board, and of the areas on or within one thousand feet of such school property.

SECTION 2

The Drug-Free School Zone Map approved and adopted pursuant to Section 1 of this ordinance shall continue to constitute an official finding and record as to the location and boundaries of areas on or within one thousand feet of property owned by or leased to any elementary or secondary school or school board which is used for school purposes until such time if any that this ordinance shall be amended to reflect any additions or deletions with respect to the location and boundaries of school property and Drug-Free School Zones.

SECTION 3

The school board, or the chief administrative officer in the case of any private or parochial school, is hereby directed and shall have the continuing obligation to promptly notify the (municipal) engineer and the (municipal) attorney of any changes or contemplated changes in the location and boundaries of any property owned by or leased to any elementary or secondary school or school board and which is use for school purposes.

SECTION 4

The clerk of the municipality is hereby directed to receive and to keep on file the original of the map approved and adopted pursuant to Section 1. of this ordinance, and to provide at a reasonable cost a true copy thereof to any person, agency or court which may from time to time request such a copy, along with a certification that such copy is a true copy of the map approved and adopted herein and kept on file. It is hereby further directed that a true copy of such map and of this ordinance shall be provided without cost to the county clerk and to the office of the Merrimack County Prosecutor.

SECTION 5

The following additional matters are hereby determined, declared, recited and stated:

- A. It is understood that the map approved and adopted pursuant to Section 1. of this ordinance was prepared and is intended to be used as evidence in prosecutions arising under the criminal laws of this State, and that pursuant to State law, such map shall constitute prima facie evidence of the following:
 - 1. the location of elementary and secondary schools within the municipality;
 - 2. the boundaries of the real property which is owned by or leased to such schools or a school board;

3. that such school property is and continues to be used for school purposes, and
 4. the location and boundaries of areas which are on or within one thousand feet of such school property.
- B. (Except as is otherwise expressly noted on the face of the approved and adopted map,) All of the property depicted on the map approved and adopted herein as school property was owned by (or leased to) a school or school board and was being used for school purposes as of July 9, 1987, that being that effective date of L. 1987, c. 101 (C. 2C;35-7).
- C. Pursuant to the provision of L. 1988, c. 44, a prosecutor is not precluded from introducing or relying upon any other evidence or testimony to establish a violation of the offense defined in that statute, including use of a map or diagram other than the one approved and adopted pursuant to Section 1, of this ordinance. The failure of the map approved herein to depict the location and boundaries of any property which is, in fact, used for school purposes and which is owned by or leased to any elementary or secondary school or school board, whether the absence of such depiction is the result of inadvertent omission or the result of any changes in the location and boundaries of such property which have not yet been incorporated into a revised approved map, shall not be deemed to be an official finding and record that such property is not owned by or leased to a school or school board, or that such property is not used for school purposes.
- D. All of the requirements set forth in L. 1988, c. 44 concerning the preparation, approval and adoption of a Drug-Free School Zone Map have been complied with.

SECTION 6

This ordinance shall take effect 20 days after final passage and publication according to law.

ADOPTED: 02/23/94

**MODEL PUBLIC NUDITY
ORDINANCE # 00-24**

AN ORDINANCE OF THE TOWN OF HOOKSETT, NEW HAMPSHIRE, RELATING TO PUBLIC NUDITY; CREATING A NEW SECTION 00-24 TO PROHIBIT PUBLIC NUDITY; DEFINING TERMS; ESTABLISHING EXEMPTIONS TO THE PROHIBITION AGAINST PUBLIC NUDITY; PROVIDING AN EFFECTIVE DATE.

Whereas, the Town of Hooksett, New Hampshire (the "Town") has considered the following reports, studies, and judicial opinions concerning the adverse secondary effects of adult uses on a community:

- a) Findings of the City Planning Commission for the City of New York, dated January 26, 1977.
- b) Report On Zoning and Other Methods of Regulating Adult Entertainment in Amarillo (Texas), dated September 13, 1977.
- c) Northend Cinema Inc. v. Seattle, 90 Wash. 2d 709, 585 P. 2d 1153 (1978).
- d) Regulation of Criminal Activity and Adult Businesses, City of Phoenix, Arizona, May 1979.
- e) Report to the City Planning Commission and City Council from the Planning Department of the City of Beaumont, Texas, dated September 14, 1982.
- f) Legislative Report on an Ordinance Amending Section 28-73 of the Code of Ordinances of the City of Houston, Texas; Providing for the Regulation of Sexually Oriented Commercial Enterprises, Adult Bookstores, Adult Movie Theaters and Massage Establishments; and Making Various Provisions and Findings Relating to the Subject, a report prepared by the Committee on the Proposed Regulation of Sexually Oriented Businesses, dated 1983.
- g) Adult Entertainment Businesses in Indianapolis, an analysis prepared by the Department of Metropolitan Development, dated February, 1984.
- h) Adult Entertainment Business in Oklahoma City, A survey of Real Estate Appraisers, a report prepared by the Community Development Department of the City of Oklahoma City, Oklahoma, dated March 3, 1986.
- i) Summary of land use studies on secondary effects of adult uses conducted by Garden Grove, California; Whittier, California; Cleveland, Ohio; and Los Angeles, California.
- j) California v. LaRue, 409 U.S. 109 (1972).

Whereas, Hooksett is a community known for its wholesome civic and recreational activities and its traditional family-oriented lifestyle; and

Whereas, it is in the public interest to maintain the social order, morality, health, welfare, and safety of the citizens of Hooksett; and

Whereas, the Town finds that the prohibitions contained herein are the most reasonable and minimal restrictions required so as to regulate conduct that is adverse to the public health, safety, welfare and morality within Hooksett when nudity occurs at locations where the public is

present or likely to be present, or where such conduct would be readily visible to the public; now therefore

BE IT ORDAINED BY THE TOWN OF HOOKSETT:

A. As used in this section:

1. "Adult use establishment" means an establishment as defined in article 21 of the Town Zoning Ordinance
2. "Entity" means any proprietorship, partnership, corporation, association, business trust, joint venture, joint-stock company, or other for profit or not for profit organization.
3. "Nude" means the showing of:
 - a) Human male or female genitals or pubic area with less than a fully opaque covering; or
 - b) Any portion of the anal cleft or cleavage of the male or female buttocks. Attire that is insufficient to comply with this requirement includes, but is not limited to, G-strings, T-backs, thongs, and any other clothing or covering that does not completely and opaquely cover the anal cleft or cleavage of the male or female buttocks; or
 - c) The portion of the human female breast directly or laterally below a point immediately above the top of the areola with less than a fully opaque covering; this definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided the areola is not exposed; or
 - d) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
4. "Person" means any live human being aged ten years of age or older.
5. "Place Provided or Set Apart for Nudity" means enclosed single sex public restrooms, enclosed single sex functional shower, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctor's offices, portions of hospitals, and similar places in which nudity or exposure is necessarily and customarily expected outside of the home and sphere of privacy constitutionally protected therein. This term shall not be deemed to include places where a person's conduct of being nude is used for his or her profit or where being nude is used for the promotion of business or is otherwise commercially exploited.
6. "Public Place" means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public Places include, but are not limited to, streets, sidewalks, parks, beaches, business and commercial establishments (whether for profit or not for profit, whether open to the public at large, or whether entrance is limited by a cover charge or membership requirement), hotels, motels, restaurants, night clubs, country clubs, cabarets, and meeting facilities utilized by any religious, social, fraternal or similar organization. Premises, or portions thereof,

such as hotel rooms, used solely as a private residence, whether permanent or temporary in nature, shall not be deemed to be a public place.

- B. It shall be unlawful for any person to knowingly or intentionally appear nude in a public place or in any other place that is readily visible to the public, except a place provided or set apart for nudity. It shall also be unlawful for any person or entity maintaining, owning, or operating any public place to operate and to knowingly, or with reason to know, permit or allow any person to appear nude in such public place, except a place provided or set apart for nudity.
- C. A person violating subsection (3) of this section is guilty of a misdemeanor and, on conviction, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00).
- D. This section shall not be deemed to address photographs, movies, video presentation, or any other non-live performances.
- E. This ordinance may be prosecuted by a Town prosecutor or a Town or State attorney or by private action brought by an aggrieved party in a court of competent jurisdiction.

ADOPTED: 06/29/94

AMENDED: 06/23/10

**REGULATE AND CONTROL THE KINDLING, GUARDING
AND SAFEKEEPING OF FIRES
ORDINANCE # 00-25**

The Town of Hooksett ordains that in accordance with RSA 31:39 I (e):

No person, firm or corporation shall kindle or cause to be kindled any fire or shall burn or cause to be burned any material within the Town of Hooksett irrespective of whether the ground is covered with snow, without first obtaining a written permit from the Town Fire Chief or his designee.

The Fire Chief or his designee may prohibit any and all outdoor fires and bonfires including but not limited to camp or cooking fires when atmospheric conditions or local circumstances make such fires hazardous.

Nothing in this ordinance shall be deemed to prohibit the use of wood in inside fireplaces and stoves used for cooking, the use of wood in fireplaces for decorative fires or the use of wood in fireplaces or stoves designated for heating.

Any person, firm or corporation causing or kindling a fire without a permit, when a permit is required, and also any person by whose negligence or the negligence of his agents any fire shall be caused, is liable to the Town for all expenses incurred in attending or extinguishing such fire.

Any person, firm or corporation violating any provision of this ordinance shall be fined not more than \$1,000.00 and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

ADOPTED: 12/14/94

AMENDED: 6/23/10

**SIGNAGE REGULATION OF TOWN ROADS
ORDINANCE # 00-26**

The Town of Hooksett ordains that, pursuant to RSA 41:11 of the New Hampshire State Statutes and Section 3.6 of the Hooksett Town Charter, the following ordinance is hereby enacted in the Town of Hooksett:

SECTION 1

NO PARKING - Parking is prohibited at designated areas as indicated by posted signs. An inventory list of all approved "No Parking" signs is maintained at the Town Clerk's office and at the Highway Department for public inspection.

SECTION 1.1

PARKING PROHIBITIONS –

- A. A person shall not park a vehicle upon any street, highway, or town parking facility for the principal purpose of displaying it for sale, washing, maintenance or repairs; repairs of an emergency nature will be excluded.
- B. A person shall not park a commercial vehicle (as defined below) upon any residential street, or town parking facility at any time, unless the actual loading or unloading of materials is occurring thereof.
- C. A person in violation of this provision shall be subject to fines and penalties as set forth in Administrative Enforcement of Parking Violations Ordinance #00-28, under "NO PARKING ZONE". Violators can be removed under the direction of the Hooksett Police Department. Charges for towing and storage shall be paid by the owner for release of the vehicle.

Commercial Vehicle: A motor vehicle or trailer, not including a resident's personal vehicle that has been modified to accommodate a disability, or a vehicle used exclusively for agriculture or farming when located on and accessory to a permitted agricultural use, that exhibits one or more of the following characteristics:

- 1. Has more than two (2) axles.
- 2. Has a height greater than seven (7) feet.
- 3. Has a length greater than (19) feet.
- 4. Has a Gross Vehicle Weight Rating (GVWR) of greater than ten thousand (10,000) pounds.
- 5. Is registered as other than "passenger", "antique" or "street rod" vehicle, and is designed, maintained, or used primarily for the transportation of passengers, property or freight for hire, compensation, or profit.
- 6. Has special ramps, hoists, buckets, cranes, arms, platforms, or similar features designed primarily to lift, tow or carry motor vehicles, equipment, trailers, materials or workers.

SECTION 2

NO TRUCKING - Trucks exceeding three ton GVW are prohibited on roads with signage marked "No Through Trucking". Exclusions shall be trucks making a delivery to a home or business on the prohibited road. An inventory list of all approved "No Through Trucks" signs and designated "No Through Truck" streets are maintained at the Town Clerk's office and at the Highway Department for public inspection.

SECTION 3

STOP SIGNS - All stop signs approved by the Town Council shall be posted by the Hooksett Highway Department and deemed legal and enforceable. An inventory list of all legal stop signs is maintained at the Town Clerk's office and at the Highway Department for public inspection.

SECTION 4

All other regulatory and advisory signs approved by the Town Council are authorized to be posted by the Highway Department and deemed legal and enforceable.

SECTION 5

PENALTY - Any person, persons, firm, partnership or corporation, found violating any provision of this ordinance, shall be fined no more than \$1,000.00 for each day such violation continues.

SECTION 6

This ordinance shall become effective upon passage.

ADOPTED: 12/14/94

AMENDED: 1/18/23

**RESIDENTIAL AND BUSINESS BURGLARY, ROBBERY AND PANIC ALARMS
ORDINANCE # 00-27**

The Town of Hooksett ordains that, pursuant to the authority granted under Section 3.6 of the Hooksett Town Charter, the following Ordinance is hereby enacted in the Town of Hooksett:

SECTION 1: Purpose.

THE PURPOSE of this Ordinance is to encourage security alarm users and alarm businesses to assume increased responsibility for maintaining the mechanical reliability and the proper use of alarm systems, to prevent unnecessary police emergency response to false alarms and thereby to protect the emergency response capability of the Town from misuse.

- A. This Ordinance governs burglary, robbery, medical alarm systems, requires permits, establishes fees, provides for discontinuation of police response to alarms and provides for punishment of violations.

SECTION 2: Definitions.

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

ALARM BUSINESS

The business by any individual partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.

ALARM SYSTEM

Any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry, fire, medical emergency or other activity requiring urgent attention and to which police, fire, or medical personnel are expected to respond.

ALARM USERS

The person, firm, partnership, association, corporation, company or organization of any kind which owns, controls or occupies any building, structure or facility wherein an alarm system is maintained.

AUTOMATIC DIALING SERVICE

A device, which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by code signal an emergency message indicating a need for emergency response. Such a device is an alarm system.

BURGLARY ALARM SYSTEM

An alarm system signaling an entry, or attempted entry into the area protected by the system.

CENTRAL ALARM COMPANY

An alarm business that interconnects an alarm system to its own trunk lines and then calls the Hooksett Emergency Dispatch using a human being instead of an automatic dialing service.

FALSE ALARMS

An alarm signal, eliciting a response by police, fire or medical personnel when a situation requiring a response does not in fact exist, but does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user.

HOOKESETT POLICE DISPATCH

The Town facility used to receive emergency and general information from the public to be dispatched by the Police and or emergency services.

INTERCONNECT

To connect an alarm system including an automatic dialing device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.

MEDICAL ALARM SYSTEM

An alarm system signaling a medical condition needing immediate emergency response for an occupant of the area protected by the system.

PERMIT HOLDER

The person designated in the application who is responsible for responding to alarms and giving access to the site, and who is responsible for proper maintenance and operation of the alarm system and payment of fees.

POLICE CHIEF

The head of the Hooksett Police Department or his/her designee.

PRIMARY TRUNK LINE

A telephone line serving the Hooksett Emergency Dispatch that is designated to receive emergency calls.

ROBBERY ALARM SYSTEM

An alarm system signaling a robbery or attempted robbery.

SOUND EMISSION CUTOFF FEATURE

A feature of an alarm system which will cause an audible alarm to stop emitting sound.

SYSTEM RECOVER OPERATIVE

When the alarm system is capable of eliciting a response by police, fire or medical personnel.

SECTION 3: Permit required.

- A. Every alarm user interconnecting an automatic dialing device to the Hooksett Police Dispatch shall have an alarm user’s permit for each system from the Police Chief.
- B. A permit fee of \$25.00, established by the Town Council, shall be charged for an initial alarm permit registration. The \$25.00 fee will not be charged for the yearly alarm permit renewals.
- C. An application form signed and approved by the Chief will serve as a permit.

SECTION 4: Permit Duration and Renewal

A permit expires annually on and must be renewed for a new period by submitting an updated application to the Chief. It is the responsibility of the permit holder to submit an application prior to the permit expiration date. Failure to renew will be classified as use of non-permitted alarm system, citations and penalties shall be assessed without waiver.

SECTION 5: Fines for excessive false alarms.

A. Fines will be assessed by the Police Chief to the alarm user for excessive false alarms during any twelve-month period beginning January 01 of each year as follows:

- (1) Third false alarm: \$75.
- (2) Fourth false alarm: \$100.
- (3) Fifth false alarm: \$150.
- (4) Sixth false alarm: \$200.
- (5) Any additional false alarms: \$300

B. The alarm owner or occupant of a building serviced by an alarm will be notified of a false alarm either in person by responding police personnel, written notice, or regular mail. If the fine has not been received within 30 days of notice and there is no appeal pending on the validity of the alarm, the Police Chief may initiate the no-response or disconnect process and may also initiate the enforcement of penalties.

C. The Police Chief has the right to waive any or all false alarm assessments if he or she determines it to be in the best interest of the Town of Hooksett.

SECTION 6: No-response or disconnect order for excessive false alarms.

A. The Police Chief or his/her designee may order no-response and/or disconnect after six false alarms in a calendar year or failure to pay a fine within 30 days. The Police Chief will advise the alarm user that there may be no emergency response, if serviced by a central alarm company or the Town of Hooksett may disconnect the alarm system if interconnected to the Hooksett Police Dispatch. If a disconnect or no-response is initiated, reinstatement can be made by the Police Chief or his/her designee upon payment of fines or penalties and/or a finding that a reasonable effort has been made to correct the false alarms.

B. The police Chief or his/her designee may also order an alarm disconnect or no emergency response for any other reason deemed in the best interest of the Town and public safety.

SECTION 7: Hearing.

1. The alarm user has the right to a hearing before any disconnect or no-response order goes into effect. A hearing must be requested within 10 days of a notice to disconnect, notice of no response, or notice of a false alarm. Failure to contest the determination in the required time period results in a conclusive presumption that the alarm was false and/or the notice to disconnect or no-response is valid.
2. The hearing shall be before the Chief of Police. The alarm user shall have the right to present written and oral evidence subject to the right of cross-examination. The Chief will arbitrate whether or not the alarms are false and take appropriate action.

SECTION 8: Reinstatement of Permit.

A person whose alarm permit has been revoked may be issued a new permit if the person pays or otherwise resolves, all fees assessed against the permit holder under this Ordinance, an submits certification from a professional alarm company, stating that the alarm system has been inspected and maintained by, or with the direct supervision and approval of the alarm company.

SECTION 9: Use of Revenues.

A. All revenues generated from this chapter will go to the general fund of the Town of Hooksett.

SECTION 10: Violations and penalties. Violation of this chapter shall be punishable upon conviction by a fine of not more than \$500, plus any fines due by the Town.

ADOPTED: 01/24/96
AMENDED: 6/25/2014

James Sullivan
Town Council Chair

Todd Rainier
Town Clerk

**ADMINISTRATIVE ENFORCEMENT OF PARKING VIOLATIONS
ORDINANCE # 00-28**

The Town of Hooksett ordains that, pursuant to the authority granted under Chapter 231:132-a of the New Hampshire Revised Statutes annotated, and sections 3.6 of the Hooksett Town Charter, the following ordinance is hereby enacted in the Town of Hooksett:

SECTION 1

The purpose of this ordinance is to utilize a system for the administrative enforcement of parking violations and collection of penalties, to be utilized prior to the service of a formal summons and complaint. This system will be administered by the police department. The system will include opportunities for persons who do not wish to contest parking violations to pay such penalties by mail. The system may also provide for a schedule of enhanced penalties the longer such penalties remain unpaid; provided, however, that the penalty for any separate parking offense shall in no case exceed the maximum penalty for a violation in accordance with State Statutes.

SECTION 2

The administrative system shall include a written notice of violation containing a description of the parking offense and any applicable schedule of penalties. Affixed to the vehicle at the time of offense, the notice shall be deemed adequate service of process on the vehicle owner.

SECTION 3

If this administrative enforcement system is unsuccessful at resolving alleged parking violations, a summons shall be issued as in the case of other violations of the Motor Vehicle Code, Title XXI, of the New Hampshire Revised Statutes Annotated, to include the use of the procedure for plea by mail set forth in Chapter 502-A:19b of the State Statutes.

SECTION 4

This ordinance shall become effective upon passage.

**ADMINISTRATIVE ENFORCEMENT
OF PARKING VIOLATIONS**

SCHEDULE OF PENALTIES

Violation	Fine	Fine after 7 Days
Expired Meter	\$3.00	\$6.00
Overtime Parking	\$10.00	\$20.00
Disability Place	\$100.00	\$200.00
No Parking Zone	\$10.00	\$20.00
Night Parking Prohibited	\$10.00	\$20.00
Snow Emergency	\$25.00	\$50.00
Fire Lane	\$15.00	\$30.00
Tow Zone	\$15.00	\$30.00

ADOPTED: 01/22/97
AMENDED: 01/22/14

James Sullivan
Town Council Chair

Todd Rainier
Town Clerk

FIRE LANE ORDINANCE ORDINANCE # 00-29

SECTION 1

Abbreviations and Standards:

AASHTO - American Association of State Highway and Transportation Officials

NFPA - National Fire Protection Association

HFD - Hooksett Fire Department

When a standard is referred to herein, it shall be the latest published standard. Regulations adopted by HFD pursuant to this Ordinance shall be distributed to the Town Clerk, Town Planner, Code Enforcement Officer and Town Engineer and shall take effect one week after the required distribution.

SECTION 2

Purpose

The purpose of this Ordinance is to assure reasonable fire safety and to facilitate provision of fire extinguishment and rescue services from premises in the Town of Hooksett. Fire suppression and alarm systems that meet nationally recognized standards are recognized as one of the most effective means to provide fire safety. Accordingly, a degree of flexibility for certain premises with such systems is provided in this Ordinance.

SECTION 3

Restrictions on Parking and Other Obstructions

It shall be unlawful to park, stop or stand a motor vehicle on or to otherwise obstruct at any time, a designated fire lane or the access path to a Fire Lane, as described below, by any means, including but not limited to, snow, trash, boxes, furniture, debris, etc. It shall be unlawful to park, stop or stand a motor vehicle on a traveled roadway within fifteen feet of, or in front of, or to otherwise obstruct access to any fire hydrant, by any means including, but not limited to, snow, trash, boxes, furniture, debris, etc.

SECTION 4

General Requirements for Fire Lanes and Access Paths

Fire Lanes shall be provided for all new premises, with the exception of one and two family dwellings as defined by NFPA and HFD and townhouses that have a two hour separation between units and automatic fire suppression systems as long as they do not exceed twelve (12) units per structure. Such Fire Lanes shall be in accordance with this Ordinance and such additional regulations as may be adopted by the HFD.

Fire Lanes shall include an access path, which connects the Fire Lane to a public highway. Such access path shall meet the same standards as the Fire Lane travel surface with respect to construction details, geometry and clearance, and maintenance, and is subject to the same restrictions on obstruction.

Fire Lanes and the access to Fire Lanes shall consist of a travel surface a minimum of twenty (20) feet in width, plus an area between the travel surface and the structure to be protected, referred to herein as the "building band".

Access path and Fire Lane travel surfaces shall support an AASHTO H20 loading in all seasons, and shall be surfaced with materials acceptable to the HFD. Access path and Fire Lane travel surfaces shall have a height clearance of at least 13'6". Access path and Fire Lane travel surface geometry, including intersections with highways and turnaround areas, shall be designed and constructed to allow for turning of fire apparatus with adequate clearances for wheels and overhangs.

As a minimum, geometry shall conform to "Minimum Turning Path for SU Design Vehicle" as established by AASHTO, figure II-2 in A Policy on Geometric Design of Highways and Streets. Any dead end access path shall be provided with a turn around acceptable to the HFD. Slope of travel surface and access path shall not exceed ten percent (10%) and shall be designed and constructed with adequate smooth transitions to assure that vehicle overhangs do not contact surfaces.

Fire Lanes travel surface and access path shall be marked with signs erected in plain view and not more than 100 feet apart, stating "Fire Lane No Parking" and shall be clearly marked with continuously repeated yellow lettering on the surface with the legend "Fire Lane No Parking". Where surfaces adjacent to an access path or Fire Lane travel surface are not designed to the same standard outlined herein, the limits of the access path or Fire Lane travel surface shall also be physically marked, with curbing, raised markers, or other means to distinguish them from adjacent surfaces which are not designed to support fire apparatus.

SECTION 5

Fire Lanes for Premises that have a Complete Monitored Suppression System

Premises that have a complete, monitored suppression system as defined by NFPA and HFD are required to have "two side access" to the building, except that the following shall have "two and a half side" access:

1. Industrial occupancies over 12,000 square feet.
2. Multi family dwellings with more than 12 units.
3. Detention and correctional with occupancy of more than 6.
4. Assembly occupancies over 5,000 square feet, except a house of worship shall only require "two sides" access.

"Two side access" shall consist of Fire Lanes along two sides of the structure, and at least one Fire Lane shall include the primary access to the structure. The Fire Department connection shall be accessed from one of these Fire Lanes.

"Two and a half side" access shall consist of Fire Lanes along two and one half sides of the structure, and at least one Fire Lane shall include the primary access to the structure. The Fire Department connection shall be accessed from one of these Fire Lanes.

The two descriptions immediately above contemplate rectangular, uniform structures. In the case of non-rectangular structures, or other unusual configurations, the intent as outlined above shall be followed by the HFD in determining the Fire Lane requirements.

A turnaround for fire apparatus shall be provided for any Fire Lane travel surface in excess of one hundred (100) feet. Only one access can end in a turnaround requiring a reversing maneuver, any other turnaround must allow for circular traffic flow, i.e. without any reversing maneuver.

The "building band" shall not be less than ten (10) feet and not more than thirty (30) feet in width. For premises that have a complete, monitored suppression system as defined by NFPA and HFD, the building band may be occupied by parked vehicles and landscaping, and may be reasonably sloped, provided however that building fire equipment and certain windows as selected by the HFD shall not be obstructed.

SECTION 6

Fire Lanes for other Premises

Fire Lanes shall access all but 1 side of the building and allow for apparatus to drive completely around the building.

The edge of the Fire Lane travel surface shall be ten (10) feet from the building, and the "building band" shall be clear of all obstructions except for minor landscaping which shall not be placed in front of windows or building fire equipment, and shall be maintained at a height of less than four (4) feet. The building band shall be level or sloped not greater than twenty percent (20%).

SECTION 7

Maintenance Responsibilities for Fire Lanes and Access Paths

Fire Lane travel surfaces and access paths shall be maintained accessible and usable in all weather conditions in accordance with regulations of the HFD. The owner and any tenant occupant of the premises shall be jointly and severally responsible for maintenance of the Fire Lane travel surfaces and access paths.

SECTION 8

Additions to Existing Premises

This Ordinance shall apply in full to existing structures which are expanded, provided however, that the HFD may allow exceptions to any portion of the Ordinance which in its sole discretion cannot reasonably be met due to unique circumstances at the site of such an existing structure. Any such exception, including the reason it was granted, shall be documented by the HFD and such documentation shall be distributed to the Town Clerk, Town Planner, Code Enforcement

Officer and Town Engineer, and shall be maintained with the permanent Building Department file for the structure.

SECTION 9

Enforcement and Penalties

Administrative Enforcement of Parking Violations, Ordinance #00-28, shall apply for violations of this Ordinance relating to parking of vehicles. The Police Department shall enforce such violations.

Enforcement of other terms of this Ordinance shall be in accordance with the regulations of the HFD and the State Fire Code enforced by the HFD.

ADOPTED: 06/23/99

AMENDED: 03/22/06 and 11/7/2018

**EMERGENCY MANAGEMENT
ORDINANCE # 00-30**

The Town of Hooksett ordains that, pursuant to the authority granted under Section 3.6 of the Hooksett Town Charter, the following ordinance is hereby enacted in the Town of Hooksett:

ARTICLE 1 - EMERGENCY MANAGEMENT OFFICE

**SECTION 1
SHORT TITLE**

This Ordinance # 00-30 shall be known and may be cited and referred to as the "Emergency Management Ordinance of the Town of Hooksett NH."

**SECTION 2
INTENT AND PURPOSE**

1- It is the intent and purpose of this Ordinance to establish an office that will insure the complete and efficient utilization of all Hooksett facilities to combat disaster, natural or man-made, enemy attack or other disasters as defined herein.

2- The Hooksett Office of Emergency Management will be the coordinating agency for all activity in connection with emergency planning. It will be the instrument through which the community officials may exercise the authority and discharge the responsibilities vested in them in RSA, Chapter 107-C, State of New Hampshire, Emergency Management Act, as amended, and this Ordinance.

3- This Ordinance does not relieve any town department of the responsibility or authority given to it in the Town Charter or by local ordinance, nor does it adversely affect the work of any volunteer agency organized for relief in disaster emergencies, subject to the directions of the Director of the Office of Emergency Management.

**SECTION 3
107-C:2 III DEFINITIONS**

1- The following definitions shall apply in the interpretation of this Article:

(a) "Emergency Management" means the preparation for and the carrying out of all emergency functions, including but not limited to emergency response and training functions, to prevent, minimize, and repair injury or damage resulting from the occurrence or threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, earthquake, windstorm, wave actions, technological incidents, oil or chemical spill, or water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, drought, infestation, explosion, or riot.

(b) "Emergency Response Resources" shall mean the employees, equipment and facilities of all town departments, boards, institutions and commissions; and, in addition, it shall include all volunteer personnel, equipment and facilities contributed by, or obtained from, volunteer persons or agencies.

(c) "Volunteer" shall mean contributing a service, equipment or facilities, to the civil defense organization without remuneration.

(d) "Emergency Volunteer" shall mean any person duly registered, identified and appointed by the Director of the Office of Emergency Management and assigned to participate in the Emergency Management activity.

(e) "Director" shall mean the Director of the Hooksett Office of Emergency Management as prescribed in this Ordinance.

(f) "Regulations" shall include plans, programs and other emergency procedures deemed essential to Emergency Management.

SECTION 4 ORGANIZATION AND APPOINTMENTS

1- The Town Administrator is hereby authorized and directed to create an organization for Emergency Management utilizing to the fullest extent the existing agencies within the community. The Town Administrator, as executive head of the municipal government, shall be responsible for the organization, administration and operation of emergency forces.

2- The organization shall consist of the following:

(a) An Office of Emergency Management within the executive department of the town government and under the direction of the Town Administrator. There shall be an executive head of the Office of Emergency Management who shall be known as the Director of the Office of Emergency Management, an Assistant Director, such assistants and other employees as are deemed necessary for the proper functioning of the organization.

(b) The employees, equipment and facilities of all town departments, boards, institutions and commissions, will participate in the Emergency Management activity. Duties assigned to a town department shall be the same or similar to the normal duties of the department, as far as possible.

(c) Volunteer persons and agencies offering service to, and accepted by, the town.

3- The Town Administrator, shall appoint a Director of the Hooksett Office of Emergency Management who shall be a person well versed and trained in planning operations involving the activities of many different agencies which will operate to protect the public health, safety and welfare in the event of danger from disaster.

4- The Town Administrator, shall designate and appoint an Assistant Director to assume the emergency duties of the Director in the event of his/her absence or inability to act. (This designation to be compatible with the provisions of Section 3.11 of the Town Charter).

SECTION 5 EMERGENCY POWERS AND DUTIES

1- Town Administrator.

(a) The Town Administrator may exercise the emergency power and authority necessary to fulfill his general powers and duties as defined in Section 3.7 of the Town Charter. In the event of a disaster, as defined herein, which uniquely affects the Town, the Town Administrator may declare a local emergency and may request the assistance of the State and Federal Government. The judgment of the Town Administrator shall be the sole criteria necessary to invoke emergency powers provided in the Town Charter, the Ordinance Code and other appropriate authorities.

(b) During any period when disaster threatens or when the town has been struck by disaster, within the definition of this Ordinance, the Town Administrator may promulgate such regulations as he deems necessary to protect life and property and preserve critical resources. Such regulations may include, but shall not be limited to, the following:

1- Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of Emergency Management forces, or to facilitate the mass movement of persons from critical areas within or without the Town of Hooksett NH.

2- Regulations pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to disaster.

3- Such other regulations necessary to preserve public peace.

4- Regulations promulgated in accordance with the authority above will be given widespread circulation by proclamations published and uttered by newspaper and radio. These regulations will have the force of Ordinance when duly filed with the Town Clerk and violations will be subject to the penalties provided in Section 10.10 of the Town Charter.

(c) The Town Administrator shall order Emergency Management forces to the aid of other communities when required in accordance with the statutes of the State, and he/she may request the State, or a political subdivision of the State, to send aid to the Town of Hooksett in case of disaster when conditions in the Town are beyond the control of the local Emergency Management Forces.

(d) The Town Administrator may obtain vital supplies, equipment and other properties found lacking and needed for the protection of health, life and property of the people, and bind the Town for the fair market value thereof.

(e) The Town Administrator may require emergency services of any town office or employee. If regular town forces are determined inadequate, the Town Administrator may require the services of such other personnel as he can obtain that are available. All duly authorized persons rendering emergency services shall be entitled to the privileges and immunities as are provided by state law, the Town Charter and ordinances for regular town employees and other registered and identified Emergency Management and disaster workers, persons ordered by the Town Administrator to provide services may upon demand, receive appropriate compensation for their emergency employment.

(f) The Town Administrator will cause to be prepared the Basic Plan herein referred to and to exercise his ordinary powers as Town Administrator, all of the special powers conferred upon him by any statute, or any other lawful authority.

2- Director of the Office of Emergency Management.

(a) The Director of the Office of Emergency Management shall be responsible to the Town Administrator in regard to all phases of the Emergency Management activity. Under the supervision of the Town Administrator, he/she shall be responsible for the planning, coordination and operation of the Emergency Management activity in the Town. Under the supervision of the Town Administrator, he/she shall maintain liaison with the state and federal authorities and the authorities of other nearby political subdivisions as to insure the most effective operation of the Emergency Management Plan. The duties shall include, but not limited to, the following:

1- Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of Hooksett for Emergency Management.

2- Development and coordination of plans for the immediate use of all the facilities, equipment, manpower and other resources of Hooksett for the purpose of minimizing or preventing damage to persons and property; and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety and welfare.

3- Negotiating and concluding agreement with owners or persons in control of buildings or other property for the use of such buildings or other property for Emergency Management purposes and designating suitable buildings as public shelters.

4- Through public informational programs, educating the civilian population as to actions necessary and required for the protection of their persons and property in case of disaster, as defined herein, either impending or present.

5- Conducting public practice alerts to insure the efficient operation of the Emergency Management forces and to familiarize residents with emergency management regulations, procedures and operations.

6- Coordinating the activity of all other public and private agencies engaged in any emergency management activity.

7- Assuming such authority and conducting such activity as the Town Administrator may direct to promote and execute the Emergency Management Plan.

SECTION 6 EMERGENCY MANAGEMENT BASIC PLAN

1- A comprehensive Emergency Management Basic Plan shall be adopted and maintained by resolution of the Town Council upon the recommendation of the Town Administrator. In the preparation of the Plan as it pertains to the Hooksett organization, it is the intent that the services, equipment, facilities, and personnel of all existing departments and agencies shall be utilized to the fullest extent. When approved, it shall be the duty of all municipal departments and agencies to perform the functions assigned by the Plan and to maintain their portion of the Plan in a current state of readiness at all times.

The Basic Plan shall be considered supplementary to this Chapter and have the effect of law whenever a disaster, as defined in this Chapter, has been proclaimed.

2- The Town Administrator shall prescribe in the Basic Plan those positions within the disaster organization, in addition to his own, for which lines of succession are necessary. In each instance, the responsible person will designate and keep on file with the Town Administrator a current list of three persons as successors to his position. The list will be in order of succession and will as nearly as possible designate the person best capable of carrying out all assigned duties and functions.

3- Each service chief and department head assigned responsibility in the Basic Plan shall be responsible for carrying out all duties and functions assigned therein. Duties will include the organization and training of assigned employees and volunteers. Each chief shall formulate the operational plan for his service which, when approved, shall be an annex to and part of the Basic Plan.

4- Amendments to the Basic Plan shall be submitted to the Town Administrator. If approved, such amendment shall take effect 30 days from the date of approval. In the event that an amendment is pending at the time that a disaster is proclaimed under provisions of this Chapter, the amendment will be considered approved immediately and will remain effective unless specifically revoked.

5- When a required competency or skill for a disaster function is not available within the town government, the Town Administrator is authorized to seek assistance from persons outside of government. The assignment of duties, when of a supervisory nature, shall also grant authority for the persons so assigned to carry out such duties prior to, during, and after the occurrence of a disaster. Such services from persons outside of government may be accepted by the Town on a volunteer basis. Such citizens shall be enrolled as emergency volunteers in cooperation with the heads of town departments affected.

6- Some of the duties ascribed to the Town Administrator in this section will ordinarily be handled as a matter of routine by the Emergency Management Director, but the responsibility and authority stem from and remain with the Town Administrator.

SECTION 7 NO MUNICIPAL OR PRIVATE LIABILITY

1- This Ordinance is an exercise by the Town of Hooksett of its governmental functions for the protection of the public peace, health, and safety, and neither Hooksett nor agents and representatives of said Town, or any individual, receiver, firm, partnership, corporation, association, or trustee, or any of the agents thereof, in good faith carrying out, complying with or attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of this Ordinance, shall be liable for any damage sustained to persons or property as the result of said activity.

2- Any person owing or controlling real estate or other premises who voluntarily and without compensation grants the Town the rights to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice disaster or an enemy attack shall not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under license, privilege or permission, or for loss of, or damage to, the property of such person.

SECTION 8 VIOLATION OF REGULATIONS

It shall be unlawful for any person to violate any of the provisions this Ordinance or of the regulations or plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the Emergency Management Organization as herein defined in the enforcement of the provisions of this Ordinance or any regulation or plan issued thereunder.

SECTION 9 PENALTY

If any person violates or attempts to violate any order, rule or regulation made pursuant to RSA 107-C:16 shall be guilty of a misdemeanor.

SECTION 10 SEVERABILITY

Should any provision of this Ordinance be declared invalid for any reason such declaration shall not affect the validity of other provisions, or of this Ordinance, as a whole, it being the legislative intent that the provisions of this Ordinance shall be severable and remain valid notwithstanding such declaration.

**SECTION 11
CONFLICTING ORDINANCES, ORDERS, RULES AND REGULATIONS SUSPENDED**

At all times when the orders, rules and regulations made and promulgated pursuant to this Article shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

**SECTION 12
EFFECTIVE DATE**

This Ordinance shall take effect on the 9th day of April, 1997, in accordance with the provisions of Section 3.7 of the Town Charter.

ADOPTED: 04/09/97

**RECYCLING & TRANSFER
ORDINANCE# 00-31**

The Town of Hooksett ordains that, pursuant to the authority granted under Section 3.6 of the Hooksett Town Charter, the following ordinance is hereby enacted in the Town of Hooksett:

INTRODUCTION

An Ordinance is hereby created establishing control of solid waste in the Town of Hooksett (Town), implementing rules and regulations for the operation of the Transfer and Recycling and Transfer Center (Center), curbside collection of trash and collection and setting of fees for the use of the facilities thereof.

Whereas, the control and regulation of solid waste will serve the public interest, protect the health and safety of Town residents, and conserve our natural resources, and,

Whereas the Town has authority pursuant to State law and the Town Charter to establish rules and regulations for the control of solid waste, to establish permit regulations, and to prescribe penalties for the violations thereof, and,

Whereas it is necessary to establish the rules and regulations for the acceptance of solid waste, therefore be it ordained by the Town of Hooksett, the County of Merrimack, and the State of New Hampshire, that a solid waste ordinance is hereby established setting forth regulations governing the use of the Center and requiring that permits be obtained and fees paid.

**SECTION I
DEFINITIONS AND WORD USAGE**

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

ATTENDANTS – Those persons employed by the Town of Hooksett at the Center who shall have the authority to enforce the term of this Ordinance and require compliance with all the rules and regulations pertaining to disposal of solid waste at the Recycling and Transfer Center and collection of fees.

ACCEPTABLE WASTE - Household garbage, trash, rubbish and refuse originating within the boundaries of the Town, normally collected or disposed of as a result of residential pickups or deliveries.

APPLIANCES – Large household items to include washing machines, clothes dryers, hot water heaters, dishwashers, and stoves.

AUTOMATED COLLECTION - Shall mean a method of collecting refuse and recycling through the use of mechanical collection equipment and special carts issued for the storage and collection of bagged rubbish and recyclables.

AUTOMATED COLLECTION CART - Shall mean a specially designed cart with wheels and town seal, issued by the town of Hooksett to be used for the storage of acceptable refuse or recyclables in the automated collection operation.

BULKY WASTE – Items to include furniture.

CENTER - The Town of Hooksett Recycling Center situated off Route 3A.

COMMERCIAL - Any and all nonresidential activities.

COMMERCIAL RESIDENTS - Residential abode with more than 3 units.

CONDOMINIUM - A multiple unit dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of Hooksett Town Ordinances.

COMMERCIAL WASTE – Solid waste generated from commercial facilities within the Town of Hooksett.

CONSTRUCTION DEBRIS - Non-putrescible waste building materials and rubble generated from construction renovation or demolition activities. Construction debris and demolition waste also includes building components such as doors, windows and plumbing debris.

CURB LINE - shall mean the area directly behind or adjacent to the curb; in the absence of a curb, the area adjacent to the edge of pavement or road within 5 feet traveled portion of roadway.

CURBSIDE COLLECTION - Shall mean the pickup of acceptable bagged trash and recyclables at certain residences in the Town.

CUSTOMER - Shall mean any resident who delivers waste to the facility or receives trash and or recycling service from the Town.

DEMOLITION WASTE - See Construction Debris.

DESIGNATED COLLECTION POINT - Shall mean the place where the automated cart shall be placed for service, as determined by the Recycling and Transfer Department.

DISPOSAL - The discharge, deposit, injection, dumping, spilling, leaking, or placement of any solid waste into or onto any land or water so that such solid waste or any constituent of it may enter the environment, be emitted into the air, or be discharged into any water, including groundwater.

EXTRA REFUSE - Shall mean any refuse placed on, or around automated collection cart in excess capacity of the automated cart.

FREON BEARING ITEMS - Any appliance containing freon such as refrigerators, air conditioners, dehumidifiers, wine/beverage coolers etc. Commercial items will be charged at the commercial rate.

HAZARDOUS WASTE – As defined by RSA 147-A:2, VII. Means a solid, semi-solid, liquid or contained gaseous waste, or any combination of these wastes: (a) Which, because of either quantity, concentration, or physical, chemical, or infectious characteristics may: (1) Cause or contribute to an increase in mortality or an increase in irreversible or incapacitating reversible illness; or (2) Pose a present or potential threat to human health or the environment when improperly treated, stored, transported, disposed of or otherwise mismanaged. (b) Or which has been identified as a hazardous waste by the department using the criteria established under RSA 147-A:3, I or as listed under RSA 147-A:3, II. Such wastes include, but are not limited to, those which are reactive, toxic, corrosive, ignitable, irritants, strong sensitizers or which generate pressure through decomposition, heat or other means. Such wastes do not include radioactive substances that are regulated by the Atomic Energy Act of 1954, as amended.

HOUSEHOLD HAZARDOUS WASTE - Hazardous waste generated from non-commercial usage by persons in their living abodes.

INFECTIOUS WASTE - Any waste which, because of its infectious nature, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

MANDATORY - Officially required.

METAL GOODS (METAL) - Metal goods include aluminum lawn chairs, aluminum windows, outside grills, residential yard tools drained of fluids and other metallic items that can be readily recycled and marketed.

MOTOR VEHICLE WASTE - Used motor oil, motor vehicle batteries, antifreeze, and tires from motorized vehicles.

MULTI-FAMILY RESIDENTIAL PROPERTY - Shall mean more than one (1) but not more than three (3) dwelling units in a building.

PUTRESCIBLE - Capable of decaying or rotting.

RECYCLABLE MATERIALS - Any item within the Town recycling program which can be recycled with the intent of reusing that item.

RECYCLING - The collection, storage, processing, and redistribution of separated solid waste so as to return material to the marketplace.

REFUSE - Any solid waste product which is composed wholly or partly of such materials as garbage, swill, sweepings, cleanings, trash, rubbish, litter, industrial solid wastes, organic wastes, and domestic solid wastes.

RESIDENT - A person who is domiciled or has a place of abode in the Town of Hooksett and who has, through all of his or her actions, demonstrated a current intent to designate that place of abode as his or her principal place of physical presence for the indefinite future to the exclusion of all others.

SOLID WASTE - Any matter consisting of putrescible material, refuse, 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 the purposes of this Ordinance, it does not include hazardous waste as defined in RSA 147-A:2, infectious waste as defined in this Section, solid or dissolved materials and irrigation return flows, or municipal and industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended, or source special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended. Solid waste includes municipal solid waste (MSW) as defined in State Solid Waste Rule ENV-Wm 103.23.

USER FEE - A charge usually by the municipality to users of the Center.

YARD WASTE - Leaves, grass clippings, weeds, hedge clippings, garden waste, and twigs.

SECTION II CURBSIDE AUTOMATED COLLECTION

Currently any recyclable materials (see current list at hooksett.org) that can be removed from the waste stream at the curb and recycled at the CENTER, will help in waste and cost avoidance. The reason for separation is to help control the costs associated with the disposal

and management of solid waste by diverting as many recyclables from the solid waste stream as possible. The listing of acceptable materials will be available at the Recycling and Transfer Center, or online at www.hooksett.org under the Recycling and Transfer Department. (The Town has suspended automated curbside recycle collection as of October 2019. Both barrels are being treated as solid waste)

1. The purpose of this section is to establish minimum standards for the storage, collection, transportation and disposal of solid waste and recycling, utilizing an automated collection program to promote the health, safety, and welfare of the Town's residents, employees, and environment, and to minimize the amount of trash generated in the Town.
2. The Crew Chief shall have the direct responsibility for the administration of this section subject to the direction and control of the Director of Public Works, Town Administrator, and the Town Council.
3. The Town will provide curbside collection of residential solid waste from municipal buildings, single family dwellings, detached dwellings, multi-family dwellings (3 units or less) situated on separate lots per the policy adopted by September 10, 2003 Town Council.
4. Two automated collection carts, one for trash, one for recycling, and instructions for use will be distributed for residents who receive collection services from the Town. Currently the town does not do curbside recycling, the recycling cart may be used for normal trash until curbside recycling is resumed.
5. It will be the resident's responsibility to assure that automated collection carts are placed in the appropriate location designated by the Town, by 7:00 am on collection day. The Crew Chief or his/her designee shall have the authority to review and approve or disapprove placement of the collection carts. Alternative sites may be necessary to safeguard public safety and minimize risk of damage to public or private property during the collection process.
6. It is the resident's responsibility to remove the automated cart from the curb line by the end of the collection day.
7. It is prohibited to overload automated carts in a manner that is likely to cause damage to the collection vehicle, the automated cart or to create a litter condition or to impede collection. It shall be an infraction to place or deposit any refuse whatsoever in or around an automated cart owned or provided for the use of another customer without that customer's approval.
8. The Town shall not be responsible for collection if there are any infractions of any section of this policy, or if there are any circumstances that are beyond the control of the Town. Infractions or circumstances include, but are not limited to, automated cart overload, unacceptable materials, improperly loaded automated cart, blocked access, automated cart inaccessibility, improper carts or dangerous situations.
9. Automated Carts:
 - a. All automated carts are the property of the Town of Hooksett and are not to be removed from the property even in the event of a change in ownership or resident status. All automated carts will be assigned to a street address and have an imprinted number for identification purposes. One cart shall be used for trash and one cart for mixed recyclables.
 - b. Any repairs to the containers will be performed by the Town. The property owner/customer shall contact the Recycling and Transfer office to report damage and request a repair. Containers damaged beyond repair will be replaced by the

Town. If the containers are subject to neglect or other preventable damage as determined by the Crew Chief, the Crew Chief will require a charge for the replacement. The property owners are the ultimate party responsible for all damages or removed containers by tenants. The owner shall pay the cost of **\$80.00** for any replacement containers. The owner should work to educate the household members on the proper use and maintenance of the containers.

- c. All trash and recyclables shall be placed into the appropriate containers so that the lid can be securely shut. No trash placed on the ground or in any unapproved containers shall be picked-up by the town. The containers shall not be overfilled or arranged in any manner that will prevent the lid from remaining closed at all times to prevent water from filling the container, and access by animals. In the event of overflow, residents may bring the extra material to the facility or must wait till the next scheduled collection day.
10. Placement of Carts - It shall be the duty of each customer to place the carts as follows:
 - a. Within two (2) feet of the curb line not more than 5 feet from traveled portion of roadway or where directed by the Town.
 - b. At least five (5) feet away from all objects such as fences, mailboxes, and utility poles, and clear of overhanging vegetation, utility wires, etc. to allow for the unimpeded operation of collection vehicles.
 - c. So that the automated cart handle is facing the dwelling unit.
 - d. At least two (2) feet from the other cart.
 - e. At least ten (10) feet away from parked vehicles.
 11. Approved Materials for Automated Curbside Collection
 - a. All household trash must be bagged before placing into the trash container for the automated curbside program.
 - b. ONLY household trash will be collected at the curb. All other material for disposal must be brought to the Recycling and Transfer Center at 210 West River Rd.
 12. Enforcement - Collection

It is the intention of the Department to educate residents as to the value of recycling and the appropriate procedures for doing so. If, however, a resident or tenant violates any provision of this section (Section 11) it may result in the issuance of notices, warnings and possible loss of services.

First Violation - A white sticker will be placed on the barrel noting the discrepancy. If the violation is the disposal of any unacceptable material, the cost of disposal (user fee) may be incurred.

Second Violation - A pink sticker will be placed on the barrel noting the discrepancy and if the violation is the disposal of any unacceptable material the cost of the disposal (user fee) may be incurred.

Third Violation - A third violation will result in the loss of collection privileges, for an amount of time determined by the Crew Chief, with approval by the Town Administrator. The violator shall have the right to appeal to the Town Council.

SECTION III CONDOMINIUMS

Condominiums will be required to provide for the collection and disposal of domestic trash within their communities. The Town will reimburse tonnage at a maximum of 21 pounds per unit per week at the Town budgeted rate (for trash disposal), paid semi-annually, upon submission and verification of paid invoices by the condominium association. The Town Council may rescind or amend this section at any time, with the advice of the Recycle and Transfer Advisory Committee, subject to a Public Hearing.

SECTION IV RECYCLING AND TRANSFER CENTER

The Center is operated and maintained in accordance with RSA 149-M:17 solely to receive, transport, and dispose of authorized solid waste generated within the geographical boundaries of the Town.

These regulations have been recommended by the Recycling and Transfer Advisory Committee and adopted by the Town Council pursuant to the authority granted the Council by RSA 149-M:17, II and 31:39, I (f). These regulations are intended to:

1. Prevent unauthorized entrance into and/or use of the Center;
2. Prohibit the disposal of illegal and/or unacceptable waste;
3. Control the disposal of authorized solid waste to facilitate compliance with operating standards, improve efficiency and productivity, require recycling and reuse of our resources, and maximize the life of the Center; and
4. Establish permit procedures.
5. The Crew Chief of the Center is authorized to promulgate additional regulations subject to the approval of the Town Council which may include, but are not limited to, the following subjects:
 - a) Separation of solid wastes and other materials;
 - b) Inspection procedures;
 - c) Hours of operation; and,
 - d) Establishing fees.

SECTION V USE OF CENTER

It is mandatory, that residents, who use the facility to drop off material, will separate all designated recyclable materials from the solid waste stream and dispose of them in the approved recycling containers. The reason for separation is to help control the costs associated with the disposal and management of solid waste by diverting as many recyclables from the solid waste stream as possible. The listing of acceptable materials will be available at the Recycling and Transfer Center, or online at www.hooksett.org under the Recycling and Transfer Department.

1. Permit Required.
 - a) Permits will be issued for all residents who use the facility if the non-commercial vehicle is registered in Hooksett.
 - b) Permits will not be issued to residents who do not have a registered vehicle. Access will be granted with proof of residency in the way of a bill or license with Hooksett address.
 - c) Contractors working for Hooksett residences or businesses, must present letter documentation from property/business owners they are working for. Documentation must contain name, address, phone number, signature and

current date for each trip to the CENTER. Commercial Charges and all rules will apply.

2. Removal of material: No material shall be removed from the Center without authorization
3. Designated Areas: Solid Waste shall be disposed of only in the designated areas.
4. Unauthorized Entry: No person shall enter or attempt to enter the Center at times other than during the posted operating hours.
5. Acceptable Solid Waste: Solid waste which is allowed to be received at the Center includes refuse, recycling, construction debris and demolition waste, motor vehicle waste, yard waste, appliances, and scrap metal. Not all Commercial solid waste is acceptable, please call ahead for approval. User fees may apply. See website at www.hooksett.org or call facility at 603- 669-5198.
 - a) Clean demolition, wood, sheetrock (kept separate), asphalt shingles (kept separate and free of trash)
 - b) Furniture
 - c) Metal items and appliances will be accepted. Appliances with freon will be kept separately
 - d) Yard Waste (grass clippings, garden waste, leaves must be brought to the designated area (compost pile). Yard waste brought in plastic bags must be emptied. No brush clearing will be accepted. Invasive species to be separated and put into contractor bags and staged separately. See Attendant.
 - e) Some household hazardous wastes may be brought to the facility. Residents need to contact the facility to determine if it can be accepted.
6. Unacceptable Solid Waste: Materials which will not be accepted at the Center shall include, but not be limited to, the following:
 - a) Hazardous waste. Hazardous waste or material which the Town considers to be detrimental to the operation of the Center or which require special handling or disposal procedures.
 - b) Other. Infectious, pathological and biological waste, radioactive materials, oil sludges, hazardous refuse of any kind, or other substances which are now or are hereafter considered harmful, inflammable, hazardous, or toxic, or which would pose a threat to health or safety, or which may cause damage to or adversely affect the operation of the Center.
 - c) Tires on rims.
 - d) Stumps, logs, and branches.
7. ENFORCEMENT
Use of Recycling and Transfer Facility
It is the intention of the Department to educate residents as to the value of recycling and the appropriate procedures for doing so. If, however, a resident, tenant or Hooksett Commercial Business violates any provision of this section it may result in the issuance of notices, warnings and possible loss of privileges at the facility.

SECTION VI RECYCLING

The policy of the Center is to promote and encourage recycling within the Town. The recycling program is intended to facilitate the reuse of resources, reduce operating costs through avoidance of tipping fee rates, and provide additional income to the Town (when applicable). Residents, who use the facility, will be required to recycle cardboard. Cardboard is easily accepted in an area clearly marked. The recycling of other materials is strongly encouraged.

SECTION VII PERMIT PROCEDURES

In General, Permits may be obtained during normal business hours at the Center, 210 West River Road, Hooksett, New Hampshire. All permits shall be nontransferable. Each vehicle intended for transport of solid waste to the Center must be permitted. Permits must be prominently displayed on the window of the passenger side of the vehicle, which is bearing solid waste to be disposed of at the Center.

1. Residential.
 - i. Any person applying for a permit must present a current vehicle registration showing residence in the Town
 - ii. Permits are issued free of charge.
2. Commercial
 - i. Any commercial entity must call the office for permission to enter the premises and has proper identification of legal Hooksett address.
 - ii. Permits will not be issued.
 - iii. Hooksett commercial entities may use the facility only to bring in solid waste that is generated in Hooksett.
3. Revocation of Permit:

The Crew Chief may revoke the permit of any holder when a written finding is made that the holder of the permit or the holder's agent has violated any provisions of these regulations or any regulations promulgated hereunder. The Crew Chief will provide written notice of the revocation to the holder of the permit by certified mail. Any person with such notice of revocation may request a hearing before the Town Administrator within fifteen (15) days of the receipt of such notice. The Town Administrator will affirm, reverse, or modify the action of the Crew Chief. The revocation of the permit will be stayed during the pendency of the appeal.

SECTION VIII VIOLATIONS AND PENALTIES

Any person or commercial entity violating any provision of this ordinance or any regulation adopted pursuant to this Ordinance shall:

1. Be subject to a civil penalty not to exceed \$3, 000 for each act constituting a violation of this Ordinance or the regulations adopted pursuant hereto;
2. Be subject to revocation of permission to use the Center;
3. Be liable for all costs incurred by the Town resulting from the violation and enforcement of this Ordinance, including attorney's fees; and,
4. Be liable for all costs of removal of solid waste improperly disposed of and all costs incurred by the Town resulting from the improper disposal of waste at the Center.

SECTION IX FEES

The following disposal fees (user fees) are designed to defray some of the expense incurred by the Town in administering and operating the Center. The Town reserves the right to update these fees. Current Disposal Fees can be obtained by calling the office at 603-669-5198 or checking the website at www.hooksett.org, Recycling and Transfer Division page. Fees will be reviewed by the Recycle and Transfer Advisory Committee at minimum yearly and will make recommendations to the Director of Public Works. Fees to be established and approved by the Director of Public Works with the approval of the Town Administrator, and Town Council per NH RSA 41:9-a Establishment of Fees.

Adopted: 6/11/1997
Amended: 3/10/2010
Amended: 10/8/2014
Amended: 5/27/2020
Amended: 11/02/2022

James Sullivan Town Council Chair

Pamela Sullivan Town Clerk

NOISE REGULATION ORDINANCE # 00-32

In accord with RSA 49-B:8, the Town of Hooksett hereby adopts the following Ordinance to regulate noise and to provide for the promotion of public health, comfort, convenience, safety, welfare, prosperity and the peace and quiet of the Town and its citizens.

SECTION 1 PURPOSE AND INTENT

Because the creation and/or maintenance of loud, unnecessary or unusual noises, within the Town of Hooksett, which are prolonged, unusual and unnatural in their time, place and use, detrimentally affect public health, comfort, convenience, safety, welfare and prosperity of Town citizens, the Town ordains it necessary and appropriate to enact the following provisions and prohibitions.

SECTION 2 PROHIBITED SOUNDS AND EXEMPTIONS

It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others, within the Town's limits. In addition, this prohibition shall include, but is not limited to, any such loud, unnecessary or unusual noises made during the hours of 10:00 p.m. and 7:00 a.m., seven days per week, unless such noise is exempt below.

This prohibition specifically exempts persons operating vehicles, machinery, or equipment while engaged in snow clearance or snow removal operations, *so long as* such operations are performed within 3 days of the cessation of a winter storm resulting in the accumulation of at least three (3) inches of snow within the Town's limits.

This prohibition also exempts municipal maintenance work where the abutters to the work site have been given prior notice of the project.

This prohibition further exempts noise resulting from activities of a temporary duration permitted by law and for which a special permit therefore has been granted in advance by the Town.

SECTION 3 SPECIFIC VIOLATIONS

The following specific violations, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this Ordinance. The following are not intended to be an exclusive delineation of acts which violate this Ordinance. Where an act or continuing conduct is not specifically prohibited below, the enforcing authority should revert back to the general prohibition set forth in Section 2 of this provision, as it is the intent of the Town to maintain the public health, and the comfort, safety, welfare and prosperity of the Town's citizens.

- A. *Horns, signaling devices, and the like.* The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of the Town, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and/or unreasonable period of time; the use of any signaling device, such as

a horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when vehicular traffic is held up for any reason.

- B. *Radio, loudspeakers, phonographs, amplifiers, and the like.* The use and operation of, or permission to be played, used or operated of any radio, receiver, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the production or reproduction of sound in such a manner as to disturb the peace, quiet, and comfort of neighboring inhabitants or any time with louder volume than is necessary for the reasonable hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such receiver, instrument, phonographs, machine or device by a commercial establishment between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible within a residential area, at a distance of 50 feet from the lot line, structure or vehicle in which it is located, shall be *prima facie* evidence of a violation of this section.
- C. *Yelling, shouting and the like.* Yelling, shouting, hooting, whistling, singing on the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m., or any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity.
- D. *Animals, birds and the like.* The keeping of any animal, bird or pet which by causing frequent and/or long continued noise shall disturb the comfort or repose of any person in the vicinity.
- E. *Whistles.* The blowing of any locomotive steam whistle or other whistle attached to any stationary boiler, except to give notice of the time to begin or to stop work, or as a warning of fire or danger, or upon the request of proper Town authorities;
- F. *Vehicular exhaust.* The discharge into the open air of exhaust from any steam engine, internal combustion engine, motorboat, or motor vehicle, except through a muffler or other device which will effectively prevent loud, unreasonable or explosive noises therefrom.
- G. *Defect in vehicle or load.* The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- H. *Loading, unloading and the like.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle, or the opening and destruction of bales, boxes, crates, and containers.
- I. *Construction, repair of buildings, excavation, and repair of streets and highways.*
 - 1. *Construction or repair of buildings.* The erection, demolition, excavation, alteration or repair of any building other than between the hours of 7:00 a.m. and 9:00 p.m., Monday through Saturday, except in cases of emergency or urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector or Code Enforcement Officer, which permit may be granted for a limited time only while the emergency continues or urgent necessity warrants. If the Building Inspector or Code Enforcement Officer should determine that public health and safety will not be impaired and that loss or substantial inconvenience would result to any interested party if the erection, demolition, alteration or repair of any building were not allowed at a time other than between the hours of 7:00 a.m. and 9:00 p.m., Monday through Saturday, he may grant permission for such work to be performed at a time specified by special permit, upon application being made in accord with Section 4 of this Ordinance.

2. *Excavation and repair of streets and highways.* Excavation of streets and highways may be done only with the permission granted by the Director of Public Works under the same restrictions and powers delegated to the Building Inspector or Code Enforcement Officer in section I (1) above.

J. *Schools, courts, churches, and medical facilities.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in use, or adjacent to any medical facility, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys medical patients, provided conspicuous signs are displayed in such streets indicating that the same is a school, court, or medical facility street.

K. *Pile drivers, hammers and the like.* The operation between the hours of 9:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other appliance, the use of which is attended by loud or unusual noise.

L. *Blowers.* The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

SECTION 4 APPLICATION FOR SPECIAL PERMIT

Application for a permit for relief from the noise prohibition set forth in Sections 2 and 3 of this Ordinance, for a special circumstance of temporary duration, may be made to the Building Inspector, Code Enforcement Officer or Town Administrator. Any permit granted by an authorized Town official shall set forth all conditions pertaining to the specified noise and circumstance, and shall specify a reasonable time limit for its abatement. Application for a special permit as contemplated in Section 3, I (1) of this Ordinance, shall under no circumstances be granted for a Sunday, at any time.

SECTION 5 ENFORCEMENT AND PENALTIES

Upon receipt of a noise complaint, the Hooksett Police Department, the Town's Code Enforcement Officer and/or other enforcement authorities, shall investigate, record their finding(s), and take appropriate action, in the officer's discretion. Any person convicted of a violation of this Ordinance shall be subject to the following penalties as permitted by RSA 676:17, with a maximum penalty not to exceed \$1,000.00:

- A. *First offense* : \$100.00
- B. *Second offense* : \$200.00
- C. *Third or subsequent offense within a 12 month period* : \$500.00.

SECTION 6 SEVERABILITY

Should any provision of this Ordinance be held invalid by any court of authority or competent jurisdiction, such holding shall not affect, impair or invalidate any remaining provisions which shall remain in full force and effect. To this end, the provisions of this Ordinance are severable.

ADOPTED: 12/03/03

**LITTERING
ORDINANCE # 00-33**

The Town of Hooksett ordains that, pursuant to the authority granted under section 3.6 of the Hooksett Town Charter, The following ordinance is hereby enacted in the Town of Hooksett:

INTRODUCTION

An ordinance is hereby created establishing control of litter in the Town of Hooksett in accordance with RSA 163-B. The purpose of this ordinance is to prohibit waste and litter from being discarded improperly within the limits of the Town of Hooksett in order to protect the public health, safety and welfare.

DEFINITION

- a. The word litter means all rubbish, refuse, garbage, trash, debris, dead animals or other discarded materials of every kind and description, as per RSA 163-B:2
- b. The word "Person" means an individual, organization or entity.

PROHIBITIONS

It shall be unlawful for any person or persons to dump, deposit, throw or leave or cause or permit the dumping, depositing, throwing or leaving of litter on any public or private property, or in or on ice or in any waters unless:

- a. Such property is designated by the State or by any of its agencies or political subdivisions for the disposal of such litter, and such person is authorized by the proper public authority to use such property;
- b. Such litter is placed into a litter receptacle or container installed on such property;
- c. Such person(s) is the owner or tenant in lawful possession of such property, or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of said owner or tenant, all in the manner consistent with public welfare.

PRESUMPTION OF VIOLATION

There shall be a presumption that the operator any motor vehicle, boat or other conveyance is guilty of violating this Ordinance if there is evidence that litter is thrown, deposited, dropped or dumped from that conveyance.

PENALTY

Any person(s) violating any provision of this ordinance, shall be guilty of a violation and shall be subject to a minimum fine of \$250 for the first offense and not to exceed \$1000 for subsequent offenses. A separate offense shall be deemed committed upon each day, or part thereof, during or in which a violation occurs or continues.

ADOPTED: September 13, 2006

**PLACING SNOW, ICE AND PUMPED WATER ON STREETS AND SIDEWALKS
ORDINANCE # 00-34**

- (a) No person shall place or cause to be placed any snow, ice or pumped water on the traveled portion of any public way or sidewalk in the town, unless specific written permission is obtained for special events from the town administrator or designee of the office of the town administrator
- (b) Any person who violates this section shall be subject to a fine not less than \$30.00 and not more than \$300.00 and the offender may be subject to reimburse the town for any expense incurred by the cleanup of said violation

ADOPTED: January 27, 2010

GRAFFITI ORDINANCE ORDINANCE # 00-35

SECTION 1 PURPOSE AND INTENT

The purpose and intent of this chapter is to establish means to prevent, prohibit and remove from structures and surfaces on public and private property in the town.

SECTION 2 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AEROSOL PAINT CONTAINER. Any aerosol container which is adapted or made for the purpose of applying spray paint, or other substances capable of defacing property.

FELT TIP MARKER. Any indelible marker or similar implement with a tip which, at its broadest width, is greater than of an inch, containing ink or other pigmented liquid which is not water soluble.

GRAFFITI. Any inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, engraved on or otherwise affixed to or on any surface or structure on public or private property within the town, to the extent such is not authorized by the owner or occupant thereof.

GRAFFITI IMPLEMENT. Any aerosol paint container, a felt tip marker, gum label, paint or graffiti stick, etching tool or any other device capable of scarring or leaving a visible mark on glass, metal, concrete, wood, or any other surface.

PAINT OR GRAFFITI STICK. Any device containing a solid form of paint, chalk, wax, epoxy or other similar substance capable of being applied to a surface by pressure and upon application, of leaving a mark at least of an inch in width.

SECTION 3 GRAFFITI DECLARED PUBLIC NUISANCE

The Town Council hereby declares and finds graffiti to be a public nuisance subject to abatement according to the provisions and procedures established herein. Graffiti defaces and damages both public and private property. Moreover, graffiti, whether on public or private property, is often visible to the general public and thereby detracts from the aesthetics of the town.

SECTION 4 PROHIBITED CONDUCT

- (A) No person may apply graffiti to any surface or structure on public or private property within the town.
- (B) No person shall possess any graffiti implement with the intent to violate the provisions of division (A).

**SECTION 5
PENALTY**

Any person violating any provision of this chapter shall be guilty of a violation per RSA 634:2 and may be subject to a fine up to \$1,000. A separate offense shall be deemed committed each day during or on which the violation occurs or continues.

ADOPTED: February 17, 2010

**HAWKERS & PEDDLERS
ORDINANCE # 2010-1**

**SECTION 1
AUTHORITY**

This ordinance is adopted pursuant to the authority granted under RSA 31:102-a.

**SECTION 2
PURPOSE**

The purpose of this ordinance is to protect the safety, health, and welfare of the general public.

**SECTION 3
DEFINITIONS**

The terms “hawker” and “peddler” shall include any person or organization defined in RSA 320, as amended.

The term “itinerant vendor” shall include any person or organization defined in RSA 321, as amended.

**SECTION 4
EXCEPTIONS**

The provisions of this ordinance shall not apply to:

- A. Any person selling the produce of the person’s own farm or one that the person or the person’s own family tills;
- B. Official events organized by the Town of Hooksett, or groups working with town-related events such as Old Home Day and the Farmers’ Market;
- C. “Casual sales” (e.g. lemonade stands) operated solely by children under the age of 16 for a period of two consecutive days or less per week;
- D. The sale of personal household goods on one’s own property (e.g. yard sales);
- E. Any political activity that consists of soliciting signatures, door to door canvassing, or the distribution of free handouts by any individual or group; or
- F. 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.

**SECTION 5
LICENSE REQUIREMENT**

Any person or organization intending to engage in hawking, peddling, or itinerant vending activities shall not do so until the person or organization has first been issued a valid license by the Town of Hooksett’s Town Administrator or his/her designee. All applications must be submitted at least fifteen (15) business days prior to selling any goods or services.

All Hooksett and State of NH licenses must be publicly displayed at all times so as to be in plain view of all customers.

SECTION 6 APPLICATION

Complete applications will consist of:

- A. A completed and signed Hooksett application form;
- B. A notarized criminal history records release form (Criminal Records Release Authorization Form available online at nh.gov);
- C. A copy of the applicant's valid New Hampshire Hawkers and Peddlers license;
- D. The application fee in the form of cash or as a bank, cashiers, or certified check made payable to the Town of Hooksett;
- E. A copy of the principal's and any agent's drivers license or other State issued picture identification card;
- F. For food vendors only, a copy of a State Food License and a statement of inspection from the Code Enforcement Officer;
- G. For any sales or services regulated under NH Law, a Permit from the NH Department of Health;
- H. For those utilizing a motor vehicle, a copy of the vehicle registration, proof of insurance and an Official Motor Vehicle Record Check (Release of Motor Vehicle Records Form available online at nh.gov).

Incomplete applications will be returned to the applicant.

SECTION 7 APPLICATION REVIEW AND APPEAL

The Town Administrator, Police Chief, Fire Chief, and Code Enforcement Officer shall review all completed applications. Additional review will be performed on an as needed basis. Any activity that poses a threat to the safety, health, or welfare of the general public shall result in the application being denied.

Examples include:

- A. Certain criminal offences;
- B. Dishonest, fraudulent, or deceptive practices; and
- C. Applications containing false or misleading information.

Denied applicants may appeal the decision before the town council. Applicants must contact the Town Administrator at least five (5) business days prior to a council meeting to be included in the agenda.

SECTION 8 HAWKERS & PEDDLERS CONDUCT

All hawkers & peddlers must conduct themselves as follows:

- A. No person or organization shall engage in door to door canvassing from 8:00 pm to 10:00 am;
- B. No person or organization may sound or permit the sounding of any device that produces a loud and/or raucous noise or use or operate any loudspeaker, public address system, amplifier, or similar device to attract public attention, with the exception of ice cream trucks when moving;
- C. The erection or construction of temporary structures or signs shall require a building permit issued by the Hooksett Code Enforcement Officer and shall comply with all

applicable provisions of the Town of Hooksett Zoning Ordinance and Town of Hooksett Building Code.

- D. All persons and organizations issued a license under this ordinance shall be responsible for the legal disposal of all trash generated from their sales activity;
- E. No person or organization may solicit or conduct business with persons in motor vehicles within the traveled way;
- F. No person or organization may sell or distribute anything other than what is described and permitted by the license or application.

SECTION 9 LICENSE TERM AND FEE

Licenses issued under this ordinance shall be valid until December 31st of the calendar year in which the license was granted.

The application fee is \$100.

The Town of Hooksett reserves the right to charge additional fees or require the deposit of funds in escrow to cover the cost incurred in maintaining public safety, crowd control, traffic control, or other services that may be required due to the activities provided for under this ordinance.

The Town Administrator reserves the right to waive the application fee.

SECTION 10 REVOCAION

Upon a determination that public safety, health, or welfare has been compromised; the Town Administrator or a designee may revoke a person or organization's license. Upon a determination that public health or welfare has been compromised, the Code Enforcement Officer or a designee may revoke a person or organization's license. Any person or organization whose license has been revoked under this section shall be ineligible for future licenses. The Town Administrator shall notify the New Hampshire Secretary of State of any person or organization whose license has been revoked.

SECTION 11 VIOLATION OF THIS ORDINANCE

Any person who violates any provision of this ordinance shall be guilty of a class B misdemeanor, and each continuing day of violation after notice shall constitute a separate offense.

Any person convicted of a class B misdemeanor may be sentenced to conditional or unconditional discharge, a fine, or other sanctions, which shall not include incarceration or probation but may include monitoring by the department of corrections if deemed necessary and appropriate.

SECTION 12 SEVERANCE

In the event that any word, sentence, or section of this ordinance is found to be invalid as a result of judicial or legislative action, the remainder of this ordinance shall remain in full force and effect.

SECTION 13
EFFECTIVE DATE

This ordinance shall take effect upon its passage.

ADOPTED 09/08/2010

William Gahara
Town Council Chair

Linda T. Pischetola
Town Clerk

**DESIGNATION OF GOFFSTOWN ROAD AS A SCENIC ROAD
ORDINANCE # 2012-1**

SECTION 1

PURPOSE AND INTENT

The purpose and intent of this ordinance is to designate the entire length of Goffstown Road as a Scenic Road. The effects of this designation can be found in NH RSA 231: 158. The Town Council is enacting this ordinance under the authority given to it by the Town Charter in section 3.11.

SECTION 2

DESIGNATED LOCAL IMPLEMENTING BODY

The Town Council hereby designated the Conservation Commission as the board responsible for the implementation of the provisions of this ordinance.

SECTION 3

PUBLIC SAFETY AND OTHER EMERGENCIES

Provisions of RSA 231:158 II outline procedures for emergencies:

1. The Director of the Department of Public Works or his designee may, without hearing, but only with the prior written permission of the council, remove trees declared a public nuisance when they pose an imminent threat to safety or property; and
2. A public utility may cut or remove a tree without a hearing or advance municipal permission when restoring service in an emergency situation but should inform the council of its actions and rationale afterward. Said notification shall be in writing within seven (7) days of the emergency; it should describe the nature of the emergency and the work performed to resolve it. If the scope of the emergency makes notification within seven (7) days impossible, the public utility may request a reasonable extension from the town administrator.

In each of these instances, a copy of correspondence with council shall be sent to the chair of the Conservation Commission.

SECTION 4

PUBLIC INFORMATION

The Town Clerk shall maintain and update annually the list of Scenic Roads in Town as required by RSA 231:157. A copy of said update shall be forwarded to the chair of the Conservation Commission.

Signs recognizing the Scenic Road status shall be posted at the beginning and end of the designated portion of the road.

SECTION 5

ENFORCEMENT AND PENALTIES

Enforcement and penalties shall be those allowed by NH RSA 158 related to Scenic Roads.

SECTION 6

EFFECTIVE DATE

This ordinance shall become effective upon passage.

ADOPTED: February 8, 2012

**AN ORDINANCE RELATIVE TO QUALIFYING HISTORIC BUILDINGS
ORDINANCE # 2013-1**

The Town of Hooksett ordains the following:

**SECTION 1
AUTHORITY**

This ordinance is adopted pursuant to the authority granted under NH RSA 79-G.

**SECTION 2
PURPOSE**

The purpose of this ordinance is the preservation of certain qualifying historic buildings to protect and maintain the knowledge of Hooksett's history, architecture and culture.

**SECTION 3
DEFINITIONS**

"Qualifying historic building" means a building meeting all of the following criteria, as outlined in NH RSA 79-G:3 IV.:

- (a) The building is 100 years or greater in age;
- (b) The building is listed on either or both of the National Register of Historic Places or the New Hampshire state register of historic places maintained by the division of historical resources, department of cultural resources;
- (c) The original core structure of the building must have retained a minimum of 75 percent of its original external features and be free of major external alterations or additions;
- (d) The building and appurtenant land are owned by an entity that is not organized for profit; and
- (e) The historical purpose of the building was the retail sale of merchandise, and the building is maintained and actively used for substantially the same historical purpose, which may include the public display of historic artifacts. Further, the building shall not exceed 3,000 square feet of gross finished building area.

**SECTION 4
APPLICATION**

Any building meeting the above definition will be assessed in accordance with, and using the process outlined in, NH RSA 79-G: 4 – 8.

**SECTION 5
SEVERANCE**

In the event that any word, sentence, or section of this ordinance is found to be invalid as a result of judicial or legislative action, the remainder of this ordinance shall remain in full force and effect.

**SECTION 6
EFFECTIVE DATE**

This ordinance shall take effect upon its passage.

ADOPTED 10/09/2013

Town Council Chair

Town Clerk

**PAWNBROKERS AND SECONDHAND DEALERS
ORDINANCE # 2014-1**

The Town of Hooksett ordains that, pursuant to the authority granted under Section 3.6 of the Hooksett Town Charter, the following Ordinance is hereby enacted in the Town of Hooksett.

SECTION 1

LEGISLATIVE AUTHORITY; PURPOSE.

By authority of New Hampshire Revised Statutes Annotated Chapters 322 and 398, all as amended, the Hooksett Town Council adopts the following provision for the purpose of regulating the transaction of items which have commonly been subject to theft and illicit transfer. The purpose of this chapter is to discourage the transaction of stolen goods, assist in the investigation of any illicit transfer and associated criminal activity, and the recovery of stolen property to the rightful owner.

SECTION 2

LICENSE REQUIRED.

No person, firm or corporation shall engage in the business of a secondhand dealer or pawnbroker as herein defined within the Town of Hooksett without first being licensed pursuant to this chapter as adopted by the Town Council.

SECTION 3

DEFINITIONS.

As used in this chapter, the following words or phrases shall have the meanings set forth below unless expressly indicated.

PAWNBROKER

Any person, firm, partnership or corporation engaged in the lending of money secured by taking possession of jewelry, apparel, tools, electronics, household goods, or any other personal property, with interest charged thereon, with the right to sell the personal property if it is not redeemed. A person, firm, partnership, or corporation shall be deemed 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 amount of time.

SECONDHAND DEALER

Any person, firm, partnership or corporation whose business is in the retail buying, selling, buyback, exchanging, dealing in or dealing with secondhand articles, including, but not limited to, jewelry, watches, diamonds, precious stones, gems, gold, silver, platinum, precious metals, coins, stamps, musical instruments and equipment, cameras, furs, home and audio stereo equipment, televisions, VCRs, DVD players, multimedia devices, digital equipment, video game systems, equipment and accessories, tools, computers and computer equipment, firearms, electronic navigation systems, automobile accessories and collectables, excepting furniture and books. "Secondhand dealer" does not mean purchases made from private residences by citizens not engaged in a secondhand-dealer-type business.

SECTION 4

LICENSING AUTHORITY.

The Town of Hooksett may license such persons as it deems 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 chapter as it may be from time to time amended.

SECTION 5

LICENSE REQUIRED; APPLICATION REQUIREMENTS.

No person, firm, partnership or corporation shall operate, conduct or engage in business as a pawnbroker or secondhand dealer unless such person, firm, partnership or corporation obtains a license from the Town of Hooksett, in accordance with New Hampshire Revised Statutes Annotated Chapters 47, 322 and 398, respectively.

- A. Application for such licenses and \$250 fee shall be made to the Town Clerk who shall submit them to the Chief of Police who may cause an investigation to be made into the fitness of the applicant to engage in the business of a pawnbroker or secondhand dealer, and report their findings to the Town Clerk before such license is acted upon.
- B. The license shall be issued for a specific location and is not transferable to any other person, firm, partnership or corporation.
- C. Upon approval by the Town Council Town Clerk shall issue the license. License shall be effective upon date of approval. Annually on January 1 thereafter, a fee of \$250 shall be made to the Town Clerk for each license renewal. Said license shall expire on December 31, unless sooner revoked or expired and shall neither be assigned nor transferred.
- D. Prior to issuance of a license, a criminal record check shall be completed upon every owner, manager, and/or employee of a pawnshop or secondhand dealer. The applicant shall be required to provide a certified copy of a complete criminal record of each individual with the license application. The certified copy shall be obtained from the Criminal Records Division of the State Police, Department of Safety of the State of New Hampshire, and/or from the appropriate out-of-state agency or agencies if not a resident of New Hampshire for the ten years preceding the application. No license shall be issued to any firm, corporation, owner or person, to include employees, directly or indirectly involved in the purchase of secondhand articles, who or which has been previously convicted within the preceding ten years of any theft related offenses to include but not limited to: theft, burglary, receiving stolen property, or fraud in this state or any state or territory in the United States.
- E. Licensees shall display their current license in a conspicuous place within the business where it may readily be viewed by the general public.
- F. A numbered license shall be issued and continue in full force until December 31 of each year unless revoked prior to this date by the Town Council at any time after notice to the licensee and hearing on the charges preferred.

Any person, firm or partnership or corporation whose business is the retail buying, selling, buy-back, exchanging, dealing in or dealing with furs, fur coats, books, magazines, used furniture, used clothing, or used motor vehicles/motorcycles by legally recognized vehicle dealerships, shall be exempt from the requirements of provisions (C) and (D) above.

SECTION 6

EXCLUSIONS.

Specifically excluded from the provisions of this chapter are the following:

- (A) Purchases from private residences by citizens not engaged in a secondhand dealer type business.

- (B) An organization that purchases secondhand goods, whether directly or indirectly, from a not-for-profit organization and does not purchase any secondhand goods from the general public.
- (C) Transactions which take place at yard or garage sales or otherwise on residential property (but not more frequently than 12 days per year).

**SECTION 7
TRANSACTION RECORDS.**

Every pawnbroker or secondhand dealer shall, upon the acquisition or sale of any aforementioned article, either by purchase, or exchange or pawn or other method shall prepare transaction records electronically as directed by the Chief of Police or their designee, and submit records electronically, detailing the proven identity of the seller or the pledger including their name, date of birth, address, type of identification and identification number if there is one. A digital photo of said person shall accompany the electronic filing of the transaction. Only government issued forms of photographic identification will be accepted. No transaction shall occur if the identity of the seller cannot be proven. The record of the transaction shall also contain the month, day, and year when the transaction occurred as well as a full, accurate, and detailed description of each article purchased including brand name and serial number, if any, with the price paid therefor, and cause the record to be signed by the seller in person along with a digital color photograph of the property pursuant to the following requirements:

- (1) **Individually identifiable articles.** Articles which are individually identifiable by a serial number or other applied numbers, letters, characters or markings or other unique features that serve to distinguish it from any other similar article and can be used to establish ownership.
 - a. Each individually identifiable article brought into a second hand/pawn dealer for pawn, sale, barter, trade or other method during a single transaction shall be itemized separately. Articles shall not be grouped together (i.e., five gold rings), but must provide a complete and thorough description of each item to include the following:
 - i. Type of article;
 - ii. Brand name/make/manufacture (if applicable);
 - iii. Model number (if applicable);
 - iv. Serial number (if applicable);
 - v. Color/finish;
 - vi. Any other identifying marks, writing, engraving, etc.
 - b. A digital photograph(s) shall be taken of each individually identifiable article, sufficiently detailed to allow reasonable identification of the article. The photograph(s) shall capture any identifying numbers, marks, writing, engraving, etc., or any other distinguishing characteristics.
- (2) **Non-individually identifiable articles.** Articles that cannot be distinguished from any other similar articles may be described in groups of similar types of articles, but only within the same transaction.
 - a. Non-individually identifiable article brought into a second hand/pawn dealer for pawn, sale, barter, trade or other method during a single transaction may be grouped and shall include reasonable descriptions of the number and types of items within each group to enable the Police Department to determine if they may have been stolen during a particular crime. (For example, the licensee receives a video game controller, five video game discs, and numerous items of jewelry. The licensee would have to individually itemize and photograph the video game controller as outlined in division (1) (a) above, as it would be a serially-numbered item. The remaining items shall not be listed as "miscellaneous video games and jewelry." Instead, the licensee shall describe them as follows: "five video game discs to include the following titles..." and "miscellaneous jewelry to include two

yellow gold necklaces, one silver necklace, two pairs of silver earrings, one women's yellow gold ring, etc...")

- b. A digital photograph(s) shall be taken of each group of similar types of articles within the same transaction. The articles may be photographed together but each article shall be visible in the photograph. (For example, given the circumstances outline in division (2)(a) above, the five video game discs would be photographed together, side-by-side, and the jewelry items would be photographed together with each item laid out so as to be individually viewable.

- (3) Pawnbrokers or secondhand dealers shall retain original records of each transaction for a minimum of three years from initial transaction date.

SECTION 8

IDENTIFICATION OF SELLERS REQUIRED; AGE RESTRICTION.

Every pawnbroker and secondhand dealer shall require every seller or pledger of items to produce a positive government issued photographic identification, and the type of identification used shall be noted on the transaction records. At no time shall a pawnbroker or secondhand dealer accept another person's photographic identification for any transaction. The pawnbroker or secondhand dealer shall attach a photocopy of the identification shown to the transaction record. No pawnbroker or secondhand dealer shall transact business with anyone under 18 years of age, except when said minor is accompanied by a parent or legal guardian who shall sign the transaction record with an accompanying copy of his or her positive photographic identification.

SECTION 9

REPORTING OF TRANSACTIONS.

Pawnbrokers or secondhand dealers shall provide proof of subscription to an authorized electronic filing software. They shall be required to post pictures and a description of all transactions records to this electronic filing software within 48 hours of said dealer's business day on which the transaction occurred.

SECTION 10

INSPECTION OF RECORDS AND PREMISES.

Pawnbrokers or secondhand dealers shall retain the original transaction records in their 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.

SECTION 11

TIME RESTRICTIONS.

Pawnbrokers or secondhand dealers will not sell, encumber by sales contract, or otherwise dispose of or alter an article in its appearance within 14 days of purchase, unless granted permission, in writing, from the Chief of Police, but in any case not within 24 hours of time of purchase. Pawnbrokers or secondhand dealers shall retain on premises all items purchased or pawned during the waiting period and not place such items on the sales floor until the waiting period has expired unless the item is clearly marked as to the sales release date based on the time frames outlined in this section. Pawnbrokers or secondhand dealers shall clearly mark the transaction records of any pawn item repurchased by the original seller and shall submit a copy of the record to the Chief of Police, or their designee, within 48 hours of the transaction

SECTION 12

REMOVAL OF ARTICLES BY POLICE OFFICERS.

If the Chief of Police, or their designee, determines that an article is needed for evidence in a criminal investigation, the Police Department shall seize the evidence pursuant to applicable criminal procedures. The pawnbroker or secondhand dealer shall be issued a receipt for the

article. Pursuant to RSA 595-A:6, the 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 Police Department shall notify the original owner, the pawnbroker/secondhand dealer, and any 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.

**SECTION 13
VIOLATIONS AND PENALTIES; REVOCATION OR SUSPENSION OF LICENSE; NOTICE;
SEVERABILITY.**

- A. Any violation of this chapter shall be punishable by a fine not exceeding \$100 per day.
- B. The Town Council may, independently or upon recommendation from the Chief of Police, suspend or revoke said license for any violation of this chapter, or reasons it deems to be in the best interest of the Town of Hooksett, following 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 chapter; 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.
- C. Notice of the suspension or revocation will be made, in writing, to the owner(s) of the business within five business days of said hearing.
- D. The provisions of this chapter shall be severable, and if any phrase, clause, sentence or provision of these regulations shall, for any reason, be held invalid or unconstitutional, the validity of the remainder of these regulations shall not be affected thereby.

Revised July 7, 2021

**James Sullivan
Town Council Chair**

**Todd Rainier
Town Clerk**

ORDINANCE # 2015-1

An Ordinance to Authorize the Hooksett Trustees of Trust Funds to Pay Fees for Banks, Brokerage Firms, Portfolio Management Firms, and /or Investment Advisors Related to the Management of Capital Reserve Fund Income.

WHEREAS, the State of New Hampshire amended RSA 34 by inserting Section 34:16 effective July 26, 2014, which allows the governing body, which is the Town Council, to authorize the Trustees of Trust Funds to charge fees for banks, brokerage firms, portfolio management departments, and/or investment advisors against the capital reserve funds involved; and

WHEREAS, such authority shall remain in effect until rescinded, and no vote by the governing body to rescind shall occur within 5 (five) years of the original adoption of this article; and

WHEREAS, the Trustees of Trust Funds held a meeting on October 14, 2014, and agreed to support the adoption of this article,

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF HOOKSETT ORDAINS THAT the Hooksett Trustees of Trust Funds brokerage are hereby authorized to pay fees for banks, brokerage firms, portfolio management departments, and/or investment advisors from capital reserve income.

Adopted February 11, 2015

James Sullivan

Town Council Chair

Todd Rainier

Town Clerk

**STORM WATER MANAGEMENT PROGRAM
ORDINANCE # 2020-1**

SECTION I: PURPOSE

The purpose of this Ordinance is to mandate a storm water management program to reduce the discharge of pollutants from municipal storm water collection systems within the urbanized area of the Town of Hooksett, NH as mandated by the U.S. EPA Phase II National Pollutant Discharge Elimination System (NPDES) Storm Water Program.

SECTION II: AUTHORITY

This Ordinance has been enacted pursuant to the statutory authority granted to the Town of Hooksett by provisions of the Clean Water Act, 33 USC 1251, under 40 CFR part 122 EPA Administered Permit Programs: The National Pollutant Discharge Elimination System.

SECTION III: DEFINITIONS

Regulated Storm Water - Water from rain and /or melting snow or ice, which flows over paved or unpaved surfaces to a Town of Hooksett storm water collection system and migrates to a State of New Hampshire water resource.

Storm Water Conveyance System - A storm water collection mechanism and discharge point for storm water runoff.

Impaired Waters - Waters of the State of New Hampshire that are adversely affected by non-natural impacts of contamination and have been designated as such by the State.

Illicit Discharge - Non-storm water discharge or contaminated storm water, which is not authorized for discharge to a Hooksett storm water collection system.

Ms4 Plan - Municipal separate storm water sewer systems plan to control storm water pollution.

Control Measures - Required elements within the MS4 Plan.

SECTION IV: PROGRAM CONTROL MEASURES:

Each of the six mandated Control Measures, listed below have associated goals or "Best Management Practices (BMPs)", which shall be implemented during the term of the NPDES Permit and presented in detail in the Town's mandated MS4 Plan.

- A. Public Education and Outreach.
- B. Public Participation/Involvement.
- C. Illicit Discharge Detection and Elimination.
- D. Construction Site Runoff Control.
- E. Post-Construction Runoff Control.
- F. Pollution Prevention/Good Housekeeping.

SECTION V: RECORD KEEPING

Records will be kept public for period of 5 years. Records will be only submitted when requested by the permitting authority.

SECTION VI: ENFORCEMENT

The Town Council is hereby charged to carry out the enforcement of the provisions within this Ordinance and the provisions within the MS4 Plan this Ordinance represents by statute. The Town Council may delegate such powers to one or more designees with authority to bring actions to force compliance with this Ordinance and the MS4 Plan.

SECTION VII: PENALTIES

Any person(s) (including individuals, corporations, associations, etc.) who knowingly violate(s) the provisions of this Ordinance and its referenced MS4 Plan shall be subject to imposition of the following:

- A. Hooksett procedural rules regulating planning & development, construction, post-construction, and road maintenance are used in conjunction with the MS4 Plan. These rules include, but not limited to, Site Plan Regulations, Subdivision Regulations, and Zoning & Land Use Ordinance. Violations and penalties of the above regulations are levied through designated Town authorities.

- B. Penalties relating to illicit discharges or improper run-off controls as referenced in the Storm Water Plan and not under the jurisdiction of Hooksett Community Development Department or other regulating authority shall be levied by an agent of the Town Council. Penalties are as follows:
 - 1. Aforesaid persons shall receive a written notification to cease and desist discharging into Hooksett's storm water conveyance system and shall be required to take corrective measures to permanently eliminate the illicit discharge from entering Hooksett's storm water conveyance system and for correct the run-off controls within 10 days of the notification.
 - 2. Upon non-compliance of the cease and desist notification aforesaid persons shall be fined \$1000/day until illicit discharge is eliminated from the Hooksett storm water conveyance system.
 - 3. Upon 30 days of non-compliance, the New Hampshire Department of Environmental Services (NH DES) and the US EPA shall be notified for further enforcement actions.
 - 4. In addition to the monetary fines established by this policy, the Town further reserves the right to require with the assistance of NH DES and US EPA, aforesaid persons to remediate any infrastructure and/or environmental damages caused by the illicit discharge.

SECTION VIII: WAIVERS

The Hooksett Town Council reserves the right, for good cause shown, to make special exceptions and/or waive any portion of the regulations.

SECTION IX: SEVERABILITY

If any provision of these Regulations is held to be invalid, other provisions and sections shall not be affected, and to this end, the provisions and sections hereof are declared to be severable.

SECTION X - AMENDMENTS

These Regulations shall be adopted, and subsequent amendments shall be adopted from time to time by the Town Council, following a public hearing. notice of which shall be posted pursuant to State and local laws in two (2) or more public places or published in a newspaper of general circulation not less than ten (10) days prior to the public hearing.

SECTION XII -ADOPTION:

These Regulations shall take effect immediately upon adoption of the Town Council.

Adopted: May 13, 2020

James Sullivan, Town Council Chair

Todd Rainier, Town Clerk

**PARKS AND RECREATION
ORDINANCE # 2021-1**

I. PARK OPERATING POLICY

1. **Curfew Hours** - Town parks shall be open daily to the public between the hours of 7:00 am and 9:00 pm. No person shall occupy or be present in any park during the **curfew hours, 9:00 pm until 7:00 am**, provided that Town personnel, police officers on official duty, or other Town officers, or employees on park duty, or other persons with special permits from Department of Public Works, Parks and Recreation Division who are conducting Town business.
2. **Closed Areas** - Any section or part of any park may be declared closed to the public by the Town at any time, and for any interval of time, either temporarily, or at regular and stated intervals, and either entirely, or merely to certain uses, as the Town shall find reasonably necessary.
3. **Authority for Use of Facilities** - Any organized club, school, association, or recognized group desiring the use of specific areas of any park, such as picnic areas and athletic fields, shall file an application with the Department of Public Works, Parks and Recreation Division, and shall not use said park or area until said permit is granted.

II. PARK RULES AND REGULATIONS

1. Permit from the Department of Public Works, Parks & Recreation Division must be obtained prior to any park or field usage.
2. Permit must accompany organization while on park or field.
3. No alcoholic beverages allowed.
4. No smoking allowed.
5. Area must be left clean from garbage, debris, and general litter.
6. Curfew time of 9:00 pm must be adhered to.
7. Parking in designated parking areas only.
8. The Department of Public Works, Parks & Recreation Division has the right to cancel usage of all parks and fields due to weather conditions, park and field conditions, or any unforeseen circumstances.
9. No tents that require staking may be installed by the Town or outside contractors on fields. Portable pop-up tents are allowed without stakes.
10. An event with more than 100 people will be at the discretion of the Public Works Director and may require fire and police details; the cost of such details will be assumed by the organization.
11. Any violation of these rules and regulations, or any state or local laws, will result in the immediate cease and desist of the park and/or field usage, per the Department of Public Works, Parks & Recreation Division or a Town official. Cancellation of future permits may be considered.

ADOPTED: 09/22/2021

Town Council Chair

Town Clerk

AMENDMENTS

Date	Ordinance Amended
July 17, 1985 & June 23, 2010 & September 22, 2021	00-9 Intoxicating Beverages
April 13, 1994 & March 10, 2010	00-7 Floodplain Development
May 24, 2000 & October 26, 2005	00-5 Fireworks
May 14, 2002	00-2 Building Code
May 28, 2003	00-20 Taxicab repealed 11/2019
March 22, 2006 & November 7, 2018	00-29 Fire Lane Ordinance
March 10, 2010 & October 8, 2014 & May 27, 2020	00-31 Solid Waste Ordinance
June 23, 2010	00-4 Dogs
June 23, 2010	00-19 Tattoo Parlor
June 23, 2010	00-25 Regulate and Control the Kindling Guarding and Safekeeping of Fires
June 23, 2010	00-24 Model Public Nudity
January 22, 2014	00-28 Administrative Enforcement of Parking Violations
June 25, 2014	00-27 Residential and Business Burglary, Robbery and Panic Alarms Ordinance
July 7, 2021	2014-1 Pawnbroker and Secondhand Dealers
September 28, 2022	00-14 Sand and Gravel
November 2, 2022	00-31 Recycling and Transfer
January 18, 2023	00-26 Signage Regulation of Town Road
May 24, 2023	00-13 Roadway Excavation Ordinance