

**PARKING DURING WINTER MONTHS  
ORDINANCE # OO-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 # OO-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 # OO-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

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 the 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, 1<sup>st</sup> offense or 2<sup>nd</sup> 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 # OO-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 # OO-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

## ORDINANCE # OO-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 preformed.

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, l(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 # OO-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 enure 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 # OO-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 Jacobs Square, Donati Field, Frazier Field and Lamberts Park and signs shall be posted in said areas indicating the same. Any violations of this ordinance and/or of violations 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: 09/06/73  
AMENDED: 07/17/85  
AMENDED: 06/23/10

**KNOX BOX  
ESTABLISHING REGULATIONS REGARDING ENTRY TO CERTAIN BUILDINGS  
ORDINANCE # OO-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 # OO-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 # OO-13**

To see if Town will adopt the following ordinance requiring a permit and bond as a precondition to excavating in public roadway.

### 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 Board of Selectmen or its designee (hereinafter called the Enforcement Authority) 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 Enforcement Authority.
- C. Upon application the applicant shall pay a fee of \$25.00 to the Town.
- D. The Enforcement Authority shall not issue such excavation permit unless:
  - 1. the applicant posts 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 Enforcement Authority and because of special conditions, a bond in a greater amount is required, such bond shall be in the sum of \$30.00 per linear foot of excavation.
  - 2. the applicant shall have obtained the written consent on the application from the superintendent or authority representative of any municipal utility which has mains or other underground structures in the vicinity to which the permit pertains.
  - 3. the applicant shall verify that it has given notice of intention to excavate to every other utility which has main or other underground structures in the vicinity to which the permit pertain.
  - 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 Enforcement Authority.
  - 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 Enforcement Authority 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

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

**SECTION 1  
PURPOSE**

In order to protect the environment and to insure the public health, safety, and welfare, this ordinance is hereby adopted a means to make the land useful after and eliminate hazardous conditions during earth removal operations.

**SECTION 2  
PERMIT REQUIRED**

No owner shall permit any removal of sod, loam, clay, sand, gravel or other natural or inorganic material from his premises without an excavation permit unless such removal is 1) incidental to the lawful construction or alteration of a building or structure, or the lawful construction of a parking lot or way (including driveway) on a portion of the premises where removal occurs; or 2) incidental to agricultural activities, normal landscaping or minor topographical adjustments. Otherwise, the removal of such materials or any of them from any premises in Hooksett is prohibited unless the owner is granted an excavation permit by the Board of Adjustment. When loam is being stripped from any area, a sufficient amount must be left on site to support vegetation at the end of the excavation period. This amount is to be determined by the Board of Adjustment.

### SECTION 3 APPLICATION OF PERMIT

An applicant for an excavation permit must be signed and dated by the owner of the premises wherein any excavation is proposed and must contain at least the following information.

- A. The name and address of the owner of the land to be excavated, the person who will actually do the excavating and all abutters to the premises on which the excavation is proposed.
- B. A plan and description of the location and boundaries of the proposed excavation and the number of acres to be involved in the project.
- C. A plan and description of the access to public highways to be utilized in the proposed excavation.
- D. The breadth, depth and slope (not to be greater than 3:1 except in quarry excavations or in excavation of soil types conducive to steeper slopes) of the proposed excavation and estimated duration of the project.
- E. A statement that no excavation will be made below the elevation of the lowest abutting highway.
- F. A mining plan (i.e., the order in which the pit will be excavated).
- G. The elevation of the highest annual groundwater table within or next to the proposed excavation.
- H. A plan including the final contours of the property for the restoration of the area affected by the excavation at least in compliance with SECTION 5 including a timetable therefore as to fully depleted sites within the excavation area during said project.
- I. Such other information as the Board of Adjustment may reasonably require.

### SECTION 4 PROHIBITED PROJECTS

The Board of Adjustment shall not issue an excavation permit:

- A. When the excavation would be unduly hazardous, injurious or unsightly to the public either during or after the pit operation.
- B. When the excavation is not permitted by zoning or other applicable ordinances except where the Board of Adjustment feels that a variance is warranted.
- C. For excavation within 50 feet of any public way or boundary of an objecting abutter unless a suitable screen, as determined by the Board of Adjustment, is erected so that the operation is not offensive to the public.
- D. Where existing visual barriers in the buffer strips referred to in paragraph C would be removed, except to provide access to the excavation.
- E. Where the excavation would substantially damage a known water bearing stratum so designated by the United States Soil Conservation Service or United States Geological Survey.
- F. When excavation is planned beneath or adjacent to inland surface water in such a matter that a permit is required from the Water Supply and Pollution Control commission, the Water Resources Board, the special board on Dredge and Fill, or other state and federal agencies with jurisdiction over the premises, but the Board of Adjustment may approve the application when all necessary permits have been obtained.
- G. Where the project cannot comply with the restoration provisions of the SECTION 5.

#### SECTION 5 RESTORATION

Within 12 months after the expiration date of the permit therefore or the completion of each section of the mining plan, whichever occurs first, the owner of the excavated land shall restore, or cause to be restored, the area affected by the excavation to meet each of the following minimum conditions:

- A. Restoration must be safe, and sightly and must not be in conflict with the natural state of the surrounding area.
- B. All slopes must be regraded to natural repose with the type of soil, which they are composed (except quarry operations).
- C. The site must be contoured to eliminate any standing bodies of water created by the excavation, which may constitute a hazard to health or safety.
- D. Except for exposed ledge, said area shall be covered with vegetation suitable to prevent erosion and covered with soil suitable to sustain vegetation.
- E. Debris resulting from the excavation, including stumps and boulders, shall be buried or removed.

## SECTION 6 PROJECT PERMIT

The Board of Adjustment may grant to the applicant conditional approval subject to a public hearing being held on the proposal as provided by SECTION 8. Following the public hearing, and excavation permit shall be issued if the Board of Adjustment determines that a permit is warranted. Said permit shall be valid for the duration of the project or until amended as specified in SECTION 7, or revoked as specified in SECTION 10. such permit may be issued subject to conditions established by the Board of Adjustment including the provision of visual barriers at the site. Upon disapproval of an application for an excavation permit, the Board of Adjustment shall state the reasons for denial, in writing, to the applicant.

## SECTION 7 APPLICATION FOR AMENDMENT

When the scope of a project for which an excavation permit has been issued is proposed to be altered so as to affect either the size or location of the excavation, the rate of removal, or the amendment of his excavation permit; which application shall be subject to approval in the addition that an inspection of the current site must be made by the Board of Adjustment.

## SECTION 8 HEARING

After the Board of Adjustment conditionally approves an application for an excavation permit or an application for an amended excavation permit, a public hearing shall be held on such decision or any matter determined thereby. A notice of said hearing shall be sent to all abutters, as well as the Conservation Commission, by the certified mail, return receipt requested and shall specify the grounds for the hearing as well as the date, time and place. All costs incurred for the public hearing shall be the responsibility of the owner or agent acting on behalf of the owner and payable to the hearing.

## SECTION 9 APPEAL

If the Board of Adjustment approves or disapproves an application for an excavation permit or an application for an amended permit, any person aggrieved by such decision may appeal to the Board of Adjustment for a re-hearing on such decision or any matter determined thereby. The motion for re-hearing shall fully specify every ground upon which it is alleged that the decision or order complained of is unlawful or unreasonable and said appeal shall be filed within ten (10) days of the date of the decision appealed from. The Board of Adjustment shall either grant or deny the request for a re-hearing within ten (10) days and if the request is granted a re-hearing shall be scheduled within 30 days. If the aggrieved party, in the case of a denial for re-hearing is issued, feels the reasons given are invalid, suit may be filed with the Superior Court. No excavation will be allowed until the issue is settled.

## SECTION 10 REVOCAION OF PERMIT

The Board of Adjustment shall have the power to revoke a permit if the permit holder allows a change in operation of the excavation site without obtaining an amendment to his permit, pursuant to SECTION 7, or fails to comply with any of the conditions subject to which his permit was issued, or is found to have made a material misstatement in or has failed to comply with the terms of the application on which the granting of the permit is based, or fails to remit the annual permit fee. Such revocation shall be subject to a motion for a hearing thereon and appeal in accordance with the provisions of SECTIONS 8 and 9.

When a permit is revoked, the permittee shall be required to immediately comply with the conditions of the permit regarding restoration. Failure to do so shall be considered a violation of this ordinance and SECTION 13 shall apply.

#### SECTION 11 PERMIT FEE

A fee not to exceed Fifty Dollars (\$50.00) per year shall be charges for an excavation permit or any amended permit.

#### SECTION 12 BOND REQUIRED

The permits shall post a bond or other negotiable securities with the Treasurer of the Town in an amount approved by the Board of Adjustment and sufficient to guarantee conformity with SECTION 5 of this ordinance.

#### SECTION 13 ENFORCEMENT AND PENALTY

Any owner of land violating any provision or provisions of this ordinance shall for each day of violation, upon condition thereof, be fined and apply a penalty of not more than Fifty Dollars (\$50.00) per day for each day of violation. In addition, the Board of Adjustment or any person aggrieved thereby may seek an order that the violator cease and desist from violation of any provision of this ordinance and take such action as may be necessary to be in compliance with his permit and this ordinance.

#### SECTION 14 HIGHWAY PROJECTS

Excavation sites operated by the New Hampshire Department of Public Works and Highways, or the Highway Department of the Town of Hooksett, shall be subject to regulation by State guidelines.

#### SECTION 15 EXISTING OPERATIONS

Any owner of an existing excavation site in use as of the effective date of this ordinance shall apply for an excavation permit as provided in SECTION 3. The Board of Adjustment may issue a temporary permit, which shall be valid for 90 days and shall be issued solely to allow the owner of an existing operation to comply with this ordinance. The

Board of Adjustment may grant an extension of time up to 12 months for operations considered to large to comply within the stated 90 day period.

**SECTION 16  
MANUFACTURING AND PROCESSING PLANTS**

Existing manufacturing and processing plants which use earth taken from areas contiguous to such plants may be exempted from SECTION 4 but shall submit, within 60 days after the taking of earth from a new excavation site on said areas, a plan for restoration thereof in compliance with SECTION 5 and shall subject to the other requirements of this ordinance insofar as their new excavation sites are concerned.

**SECTION 17  
REVIEW**

The Board of Adjustment or its agent shall conduct a site review of all outstanding excavation permits at least once every six (6) months to verify compliance with the permit as issued or amended.

**SECTION 18  
EFFECTIVE DATE**

This ordinance shall take effect thirty (30) days after passage.

ADOPTED: 03/08/77

**SKATEBOARD  
ORDINANCE # OO-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 # OO-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 # OO-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  
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- 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:

<b><u>AGENTS</u></b>	<b><u>PREPARATION</u></b>	<b><u>USES</u></b>
1. Hypochlorite metals (chlorox, Deomestos)	make up daily  5000 parts/million	corrodes  disinfection of needles before  disposal
2. Glutaraldehyde capsule (CIDEX) wiping	make up weekly using activator  DO NOT DILUTE	pigment motors, damp  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.

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Town Councilor District 1

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Town Councilor District 2

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Town Councilor District 3

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Town Councilor District 4

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Town Councilor District 5

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Town Councilor District 6

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Town Councilor At Large

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Town Councilor At Large

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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
- A. Floors - Proper materials & Kept clean\_\_\_\_\_
- 3-5 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

**TAXICAB  
ORDINANCE # 00-20**

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  
DEFINITION**

1.1 The word "taxicabs" as used in this section shall mean any rubber-tired motor vehicle, having a manufacturers rated capacity of not more than ten (10) passengers, used in the call and demand transportation of passengers for compensation to or from points chosen or designated by the passengers and not operated on a fixed schedule, between fixed termini, or any such vehicle leased or rented, or held for leasing or renting, with or without driver or operator.

## SECTION 2 APPLICATION

2.1 Applications for a Town of Hooksett Taxicab Permit for the purpose of engaging in the business of operating a taxicab or taxicabs shall be made to the Town of Hooksett upon a form to be determined by the Town of Hooksett.

2.2 Applications for a Town of Hooksett Taxicab permit shall include:

- (a) The applicants name
- (b) The applicants home address
- (c) The applicants home telephone number
- (d) The trade name under which the applicant proposes to do business
- (e) The business address
- (f) The business telephone number

2.3 Each motor vehicle to be used as a taxicab in the applicants Town of Hooksett Taxicab Permit will include:

- (a) The vehicle owners name
- (b) The vehicle owners address
- (c) The vehicle owners telephone number
- (d) A complete description of each vehicle to be used including proof of motor vehicle registration

2.4 Each taxicab operator to be used in the applicants Town of Hooksett Taxicab Permit for the purpose of engaging in the operation of a taxicab or taxicabs in the Town of Hooksett will include:

- (a) The operators full name
- (b) The operators home address
- (c) The operators home telephone number
- (d) Proof of a valid New Hampshire Operators License

2.5 Upon receipt of the Town of Hooksett Taxicab Permit Application, the Town of Hooksett shall submit the list of taxicab operators to the Hooksett Police Department for a motor vehicle record check and a criminal record check.

2.6 After a review of the Town of Hooksett Taxicab Permit Application to determine its compliance with this ordinance, and, within thirty working days of the receipt of the application, the Town shall either issue a Town of Hooksett Taxicab Permit or notify the applicant that the application information does not comply with the requirements of this ordinance, specifically identifying what information has not been furnished which is required before a Town of Hooksett Taxicab Permit can be issued.

## SECTION 3 OUT OF TOWN TAXICABS

3.1 Taxicab businesses located outside of the Town of Hooksett who operate taxicab services in the Town of Hooksett by picking up passengers, will be required to

apply for, submit and complete all of the requirements in the Town of Hooksett taxicab Ordinance.

#### SECTION 4 INSURANCE

4.1 Before a Town of Hooksett Taxicab Permit is issued by the Town of Hooksett, each applicant must submit to the Town of Hooksett:

A certificate of insurance shall be provided to the Town of Hooksett showing that the applicant has been issued an insurance policy by an insurance company licensed to do business in the State of New Hampshire, protecting the licensee and taxicab operators from all claims for damages to property and bodily injury, including death which may arise from operations under or in connection with the Town of Hooksett Taxicab Permit. Such insurance shall provide that the policy shall not terminate or be canceled prior to the expiration date except with thirty (30) days advance written notice to the Town of Hooksett. Such policy shall provide coverage in the amounts of at least one half million dollars (\$500,000.00) per single occurrence.

#### SECTION 5 PERMIT FEES

5.1 For each applicant applying as a trade name for a Town of Hooksett Taxicab Permit, a fee of fifty dollars (\$50.00) shall be submitted with the application.

5.2 For each vehicle to be utilized in the Town of Hooksett Taxicab Permit, the applicant shall submit with the application a fee of twenty-five dollars (\$25.00).

5.3 For each operator listed in the Town of Hooksett Taxicab permit, the applicant shall submit with the application a fee of ten dollars (\$10.00).

5.4 All fees are to be paid to the Town of Hooksett with the application when it is submitted to the Town of Hooksett.

#### SECTION 6 PERMIT EXPIRATIONS AND RENEWALS

6.1 The Town of Hooksett Taxicab Permit is an annual permit and all of the requirements in the permit will expire on December 31st at 11:59 pm of each year.

6.2 When original application or renewal application is made after July 1st of each year, one half of each required fee amount is paid rather than the full amount.

6.3 When renewing the Town of Hooksett Taxicab Permit, all fees are required with the submission of the renewal of the application with the exception of section 5.1 only.

#### SECTION 7 RECORD REQUIREMENTS

7.1 Each taxicab business with a Town of Hooksett Taxicab Permit shall be required to keep a log detailing, at the minimum on a daily basis the time and place of

each pickup, the time and place of each discharge and the fare charged therefore. The log shall be maintained in order by date at the principal place of business of each taxicab business for the current calendar year and for the calendar year immediately preceding the current calendar year and shall be made available, upon request for review by any law enforcement agency.

## SECTION 8 DISPLAY OF PERMIT

8.1 The Town may prescribe the form of permit for the Town of Hooksett Taxicab Permit. The Town of Hooksett Taxicab Permit shall bear the name of the applicant, the trade name and address of the taxicab business, each vehicle listed on the application to be used as a taxicab, each taxicab driver listed on the application and shall have printed permanently thereon: "This Town of Hooksett Taxicab Permit is not an endorsement by the Town of Hooksett or any of its officers or employees".

8.2 The Town of Hooksett Taxicab Permit shall at all times be conspicuously displayed in the cab of the taxicab so that it can be seen by a passenger in either day or night.

8.3 The applicant shall indicate the number of permit copies needed, as one is needed for each vehicle utilized.

8.4 Along with each permit and permit copy required, the Town may prescribe a colored sticker to be placed on the rear bumper of each taxicab utilized. The sticker shall be issued annually along with the application and/or renewal of the application. The color of the sticker shall change annually indicating the new year and the validity of the sticker.

## SECTION 9 TAXIMETERS

9.1 Every taxicab in the Town of Hooksett shall be equipped with a mechanical instrument or device commonly called a taximeter, approved by the Sealer of Weights and Measurers, by which the charge for hire of such taxicab is mechanically calculated and on which such charge is shown by clear and distinct figures under adequate light.

9.2 Each taximeter shall be inspected by the State Sealer of Weights and Measurers on an annual basis. Inspection shall also be required whenever the tire size changes during replacement of a tire or tires.

9.3 The taximeter utilized in each taxicab shall have an inspection expiration of September 30th of each year. Each taximeter must be inspected within ninety (90) days of September 30th of each year, but not after September 30th of each year. The inspection shall be conducted by the State of New Hampshire Division of Weights and Measures, Sealer of Weights and Measures. The only other time during the year when the taximeter shall be inspected is if the tire or tires are changed to a different size. If the tire or tires are changed, but remain the same size, it is not necessary to have the taximeter inspected.

9.4 Cars for hire used for conveying passengers for attendance at marriages, funerals, christenings, or for use in ceremonial parades need not be equipped with a taximeter.

#### SECTION 10 RATE CARDS

10.1 Upon the issuance of a Town of Hooksett Taxicab Permit, the trade name owner shall issue to each taxicab listed on his/her application a rate card which shall have the rates of the taxicab business.

10.2 The rate card shall be conspicuously displayed in every taxicab so that it can be seen by a passenger in either day or night.

#### SECTION 11 RATES

11.1 Taximeter rates shall be determined only by mileage and not by time with the exception of being required to wait for a period of time by the passenger employed.

11.2 Mileage rates shall remain the same from the origination point to the destination point even when crossing Hooksett boundary lines.

11.3 Surcharge rates shall remain at a reasonable rate.

11.4 The surcharge rate which is charged at the origination point shall be the only surcharge rate incurred. When entering Hooksett there will not be an additional surcharge added onto the mileage rate.

#### SECTION 12 CONSENT OF PASSENGER NEEDED FOR CARRYING OTHERS

12.1 No taxicab operator shall carry any person other than the passenger first employing the taxicab without the consent of the first passenger.

12.2 Any taxicab agent at any railroad station, bus terminal, or public place, before directing a second passenger to a taxicab employed, shall ask the person first employing the taxicab if they consent to another passenger or passengers.

#### SECTION 13 PROHIBITIONS

13.1 It shall be unlawful for any person, partnership, cooperation or association to engage in the business of operating a taxicab in the Town of Hooksett without first having secured the required Town of Hooksett Taxicab Permit.

13.2 It shall be unlawful for any taxicab, who has obtained a Town of Hooksett Taxicab Permit, to operate in the Town of Hooksett while violating any of the sections in this ordinance.

#### SECTION 14

PENALTY

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

ADOPTED: 12/8/93

AMENDED: 05/28/03

**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 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

**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

- A. THE PURPOSE of this Ordinance is to encourage security alarm users and alarm businesses (sales, installation, customer service and/or monitoring) to maintain the operational reliability and the proper emergency responses to false alarms.

- B. This Ordinance governs burglary, robbery and panic systems, requires permits, establishes fees, provides for penalties for violations, establishes a system of administration, and sets conditions for suspension or loss of permit.

## SECTION 2 DEFINITIONS

### IN THIS ORDINANCE:

**ALARM ADMINISTRATOR** means a person or persons designated by the Chief of Police to administer, control and review alarm application, permits and false alarm notifications.

**ALARM NOTIFICATION** means a notification intended to summon the police, which is designed either to be initiated purposely by a person or by an alarm system that responds to a stimulus characteristic of unauthorized intrusion. Multiple false alarm notifications in a 24 hour period of time shall be counted as only one false alarm notification, when documentation is provided by the permit holder's alarm maintenance company that the alarm notifications were not as a cause of operator error.

**ALARM SITE** means a single premise or location served by an alarm system or systems.

**ALARM SYSTEM** means a device or system that emits, transmits or relays a signal intended to summon, or that would reasonably be expected to summon police services of the town, including but not limited to local alarms. Alarm system does not include;

1. an alarm installed on a vehicle, unless the vehicle is permanently located at a site or is an occupied structure in accordance with RSA 635:1;
2. an alarm designed to alert only the inhabitants of a premises that does not have a local alarm;
3. an alarm installed in conveyances;
4. alarms installed in publicly owned property;
5. any alarm owned, operated or leased by any Federal, State, County or Local Government agency; and
6. fire alarms.

**AUTOMATIC TELEPHONE DIALING ALARM SYSTEM** means the automatic dialing device or an automatic telephone dialing alarm system shall include any system which, upon being activated, automatically transmits by telephone or telephone line to the police department a recorded message or code signal indicating a need for emergency response; or a system which, upon activation, connects to an answering service whose function it is to transmit to the police department dispatcher a need for emergency response. These types of alarms are not permitted.

**CHIEF** means the Chief of Police or an authorized representative.

**FALSE ALARM NOTIFICATION (F.A.N.)** means an alarm notification to the police department, when the responding officer finds no evidence of a criminal offense or attempted criminal offense. Excluded from this definition are:

1. alarms occurring during electrical storms, hurricane, tornado, blizzards and acts of God; or,

2. the intermittent disruption of disruption of the telephone circuits beyond the control of the alarm company and/or alarm user; or,
3. electrical power disruption or failure; or,
4. alarms caused by a failure of the equipment at the communications center,
5. other extraordinary circumstances not reasonably subject to control by the permit holder.

FISCAL YEAR shall mean the period of JULY 1 - JUNE 30.

LOCAL ALARM means an alarm system that emits a signal at an alarm site that is audible from the exterior of a structure.

PERMIT HOLDER means the person designated in the application as required in Section 3, subsection (B)(1) 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.

PERSON means an individual, corporation, partnership, association, organization or similar entity.

### SECTION 3

#### PERMIT REQUIRED; APPLICATION; FEE; TRANSFERABILITY; FALSE STATEMENTS

- A. A person commits an offense if he operates or causes to be operated an alarm system without a valid permit issued by the Chief. A separate permit is required for each alarm system. (Optional medical or duress (panic) activation devices whether stationary or portable will be considered as part of a burglary system, and will be covered under a burglary permit which is in good standing).
- B. Each permit applicant must include the following information:
  1. the name, address and telephone numbers of the person who will be the permit holder and be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed;
  2. the classification of the alarm site as residential, commercial or apartment;
  3. for each alarm system located at the alarm site, the purpose of the alarm system, i.e. burglary or robbery;
  4. the date of installation or maintenance of the alarm system, whichever is applicable; and
  5. any other information required by the Chief that is necessary for the enforcement of this Ordinance.
- C. Upon receipt of a completed application form, the Alarm Administrator will conduct the necessary checks to verify compliance with this Ordinance and will submit the application to the Chief for signature. An application form signed and approved by the Chief will serve as a permit.
- D. The Chief shall issue an alarm permit to an applicant who has met the requirements of subsections (B),(C),(D) unless the applicant has:

1. failed to pay fine(s) assessed under Section 13, or,
  2. had an alarm permit for the alarm site revoked, and the violation causing the revocation has not been corrected.
- E. Any false statement of a material matter made by an applicant for the purpose of obtaining an alarm permit shall be sufficient cause for refusal to issue or revocation of a permit.
- F. An alarm permit cannot be transferred to another person. A permit holder shall inform the Chief of any change that alters any information listed on the permit application within five business days.
- G. Any fine(s) owned by an applicant must be paid before any permit may be issued or renewed.

### SECTION 3.1

#### ALARM SYSTEMS IN APARTMENT COMPLEXES

- A. The owner or property manager of an apartment complex shall obtain a master alarm permit from the Chief if any alarm system is operated in any residential unit on the premises, when the alarm system is furnished by the apartment complex owner as an amenity.
- B. A tenant of an apartment complex shall obtain an alarm permit from the Chief before operating or causing the operation of an alarm system in the tenant's residential unit if the alarm system is not one or a part of one furnished by the property owner or manager as an amenity.

For master alarm systems provided by the apartment complex owner as an amenity, the master alarm permit holder is responsible for false alarm notifications emitted from all occupied or unoccupied residential units, and nonresidential areas including, but not limited to common tenant areas, office, storage, and equipment areas. Tenants shall be responsible for false alarm notifications emitted from an alarm system that is separate from or not provided by the apartment complex owner.

### SECTION 4

#### PERMIT DURATION AND RENEWAL

A permit expires annually on June 30, and must be renewed for a new year 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. Permits may be renewed anytime during the month of June for the upcoming year. Failure to renew will be classified as use of non-permitted alarm system and, though the police will continue to respond, citations and penalties shall be assessed without waiver. Original permits issued between April 1, - June 30 of each year will be valid until June 30 of the following year.

### SECTION 5

#### PROPER ALARM SYSTEMS OPERATION AND MAINTENANCE

- A. A permit holder or person in control of an alarm system shall:

1. maintain the premises and the alarm system in a manner that will minimize or eliminate false alarm notifications;
  2. respond or cause his representative to appear at the systems location within a reasonable period of time when notified by the town to deactivate a malfunctioning alarm system, to provide access to the premises, or to provide security for the premises; and
  3. not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.
- B. All alarm systems will have an automatic reset which silences the annunciation within 15 minutes after activation and which will not sound again as a result of the same event that resulted in the original activation.

## SECTION 6 REPORTING OF ALARM SIGNALS

A permit holder or person in control of an alarm system shall not contract or retain an alarm company who is not properly approved by the Chief.

## SECTION 7 INDIRECT ALARM REPORTING

A person who is engaged in the business of relaying alarm notifications to the town shall:

1. report alarms only over special trunk lines or other communication facilities designated by the Chief, and
2. communicate alarm notifications to the town in a manner and form determined by the Chief.

## SECTION 8 DIRECT ALARM REPORTING; AUTOMATIC ALARM NOTIFICATIONS

The Hooksett Police Department will only be accepting direct alarms into the communications center through alarm companies that have obtained approval from the Chief to install such direct monitoring equipment. Fees for use of such alarm services will be negotiated by permit applicants/holders and service providers, except that service providers will not charge fees to a local Government agency, which is in keeping with current practice. In turn, alarm companies will not be charged any fees by the Town of Hooksett for housing the necessary direct alarm reporting equipment in the communications center, which is in keeping with current practice.

## SECTION 9 AUTOMATIC TELEPHONE DIALING ALARM SYSTEMS PROHIBITED

- A. It shall be unlawful for any person, natural or corporate, to sell, offer for sale, install, maintain, lease, operate or assist in the operation of an automatic telephone

dialing alarm system over any telephone lines exclusively used by the public to directly request service from the police department.

- B. The Chief, when he has knowledge of the unlawful maintenance of an automatic telephone dialing alarm system, installed or operated in violation of this section, shall, in writing, order the owner, operator or lessee to disconnect and cease operation of the system within seventy-two (72) hours from receipt of the order.
- C. Any automatic telephone dialing system installed unlawfully, as set forth in this section prior to the effective date of this Ordinance, shall be removed within thirty (30) days of the effective date of this Ordinance.

#### SECTION 10 ALARM SYSTEM OPERATING INSTRUCTIONS

A person in control of an alarm system shall maintain at each alarm site a complete set of written operating instructions for each alarm system. Special codes, combinations, or passwords should not be included in these instructions.

#### SECTION 11 ALARM DISPATCH RECORDS

- A. The officer responding to a dispatch resulting from a burglary, robbery, panic or trouble alarm notification shall record, in the regular reporting format, such information as necessary to permit the Chief to maintain records, including but not limited to the following information:
  - 1. identification of the permit holder,
  - 2. identification of the alarm site,
  - 3. arrival time and dispatch received time,
  - 4. time of day, date,
  - 5. weather conditions,
  - 6. area and/or sub-area of premise involved,
  - 7. name of permit holder's representative on premises,
  - 8. if any permit holder's representative fails or refuses to respond the name(s) of the individuals contacted shall be noted in the departmental computer in the comment field under the call for service.
- B. The responding police officer shall indicate if the notification was caused by a criminal offense, an attempted criminal offense, or a false alarm.
- C. In the case of an assumed false alarm, (when a permit holder representative fails or refuses to respond) the responding police officer shall leave notice at the alarm site that the police department has responded to a false alarm notification. The Notice must include the following information:
  - 1. the date and time of police response to the false alarm notification,
  - 2. the identification number of the responding police officer,
  - 3. a statement urging the permit holder to ensure the alarm system is properly operated and maintained in order to avoid service fees.

SECTION 12  
SYSTEM PERFORMANCE REVIEWS

If there is reason to believe that an alarm system is not being used or maintained in a manner that insures proper operation and suppresses false alarms, the Chief may require a conference with an alarm permit holder and the individual or association responsible for maintenance of the alarm system to review the circumstances of each false alarm.

SECTION 13  
FALSE ALARM NOTIFICATION

- A. The holder of an alarm permit or the person in control of an alarm system shall be subject to warning, fines and suspension or loss of permit depending on the number of false alarm notifications emitted from an alarm system within a fiscal year. Any alarm owned, operated or leased by any Federal, State, County or Local Government agency will not be subject to fines, suspension or loss of permit. The type of action taken is based upon the following schedule of false alarm notifications:
1. 1st - No Action
  2. 2nd - Written notice of potential future fines
  3. 3rd - \$25.00 service charge
  4. The activation of 4 or more false alarms within a fiscal year shall be handled according to the following schedule:
    - a. The fourth false alarm shall result in a \$100.00 service charge/reinstatement fee which shall be considered a bill owned by the permit holder to the Town of Hooksett) and revocation of the permit holder's permit in the following manner:
      - 1) The permit holder shall be given ten (10) calendar days advance written notification that the permit holder's permit will be revoked. The written notice shall set forth the reasons for such revocation.
      - 2) The notice shall specify the specific date of revocation, and that any response by the Hooksett Police Department to alarms that occur at the premises described in the permit after the date of revocation will result in an assessment of an additional \$100.00, in addition to any other fees incurred under the Section 13 schedule.
      - 3) Reinstatement of the permit will be made upon receipt of a letter from an alarm company stating that the alarm system has been repaired, explaining what was done to correct the problem and that the alarm system is operating properly; and upon receipt of the \$100.00 service charge/reinstatement fee mentioned in Section 13, subsection (4)(a) above; and upon receipt of all fees owed to the Town of Hooksett under

Section 13, subsection (4)(a)(2) above and any other sections of this Ordinance.

- b. The fifth false alarm shall result in a written notification to the permit holder that upon activation of the next false alarm the permit holder's permit will be revoked. The fifth false alarm will be billed a \$150.00 service charge, which shall be considered a bill owned by the permit holder to the Town of Hooksett.
- c. The sixth false alarm shall result in revocation of the permit holder's permit in the manner described in Section 13, subsection (4)(a) above except that the false alarm will be billed a \$300.00 service charge (which includes a \$50.00 reinstatement fee) and shall be considered a bill owned by the permit holder to the Town of Hooksett.

Any false alarm notification above the sixth shall result in revocation of the permit holder's permit in the manner describe in Section 13, subsection (4)(a) above except that the false alarm will be billed a \$500.00 service charge which includes a \$50.00 reinstatement fee) and shall be considered a bill owned by the permit holder to the Town of Hooksett.

Additionally, the Chief may deny the renewal of a permit holder's permit, for a location which has received six or more false alarm notifications within the fiscal year, in the manner described in Section 14.

- B. Any person who operates a newly installed system will not be subject to False Alarm Notifications Action during the 30 days following the system completion provided a permit application is received by the Chief. The completion date shall be certified by a person where the system is professionally installed, or the date of the purchase receipt for self-installed systems.
- C. Any person operating a non-permitted alarm system will be subject to a citation and assessment of a \$100.00 fee for each alarm without benefit of the notifications provided for in Section 13. Subsequent submittal of an alarm permit application shall have all previously received alarms counted in accumulating the notification total.
- D. Alarm activations, caused by actual criminal offense or with evidence of a criminal attempt, shall not be counted, nor False Alarm Notifications accumulated.

#### SECTION 14 REVOCAION OR LOSS OF ALARM PERMIT

- A. The Chief shall revoke an alarm permit if it is determined that:
  - 1. there is a false statement of a material in the application for a permit;
  - 2. the permit holder has violated Section 5,6,7,8 or 9,12; or
  - 3. the permit holder has failed to make payment within 60 days of a fine(s) assessed under Section 13; or
  - 4. six or more false alarm notifications have been emitted from the alarm site within a twelve-month fiscal year period.

- B. A person commits an offense if he operates an alarm system during the period in which his alarm is revoked.

#### SECTION 15

##### APPEAL FROM DENIAL OR REVOCATION OF A PERMIT

- A. If the Chief denies the issuance or renewal of a permit or revokes a permit, he shall send written notice of his action and a statement of the right to an appeal by certified mail, return receipt requested, to both the applicant or permit holder and the applicable alarm installing or service company.
  - 1. The applicant or permit holder may appeal the decision of the Chief to the Hooksett Police Commission by filing a written request for a review, setting forth the reasons for the appeal, within ten calendar days after receipt of the notice from the Chief.
  - 2. Filing of a request for appeal shall stay the action by the Chief of revoking a permit until the Hooksett Police Commission has completed its review. If a request for appeal is not made within the ten calendar day period, the action of the Chief is final.
  - 3. Any review ordered under Section 12 requires the attendance of both permit holder and applicable alarm company.
  - 4. Any request for any waiver applicable under Section 2 (False Alarm Notifications, subsequent (5) or any request for waiver of fees, or any request for waiver of any False Alarm Notifications Action, must be made to the Hooksett Police Commission by the permit holder.
  - 5. The Hooksett Police Commission shall be the sole authority in the final determination of any waiver request of any kind not specifically exempted elsewhere within this Ordinance.
- B. Permit holders shall be entitled to a hearing, if requested within thirty days of receipt of notice of a sustained revocation of permit or False Alarm Notifications Action Taken. Hearing shall be conducted by the Hooksett Police Commission.
- C. The Hooksett Police Commission shall conduct a formal hearing and consider the evidence by any interested person(s). The Commission shall make its decision on the basis of a preponderance of the evidence presented at the hearing. The Commission must render a decision within ten (10) calendar days after the hearing. The Commission shall affirm, reverse or modify the action of the Chief. The decision of the Commission may be appealed to the Hooksett Town Council.

#### SECTION 16

##### 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, and 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 17

## PROTECTION OF CERTAIN BUSINESSES

Any business or any individual, partnership, corporation or other entity engaged in selling, leasing, maintaining servicing, repairing, altering, replacing, moving of any firearms, explosives, or ammunition (including but not limited to all Federal Licensed dealers), shall, prior to causing such items to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed in or on any building, structure or facility, be required to install and maintain Underwriters' Laboratory approved burglar alarm system covering all accessible access points or a combination of interior devices, including but not limited to photoelectric, ultrasonic, microwave, proximity and sound devices.

- A. The method of alarm transmission must be a direct wire or a supervised line to an underwriters' Laboratory approved central station or a method of transmission to an Underwriters' Laboratory approved central station approved by the Chief, and in keeping with industry standards.
- B. Any business who manufactures, sells, stores, or trades in any controlled substance which is defined under the classification of Schedules I-IV of the Controlled Substance Act (Title II, Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513), shall be required to install and maintain an Underwriters' Laboratory approved burglar alarm system covering all accessible access points or a combination of interior devices, including but not limited to photoelectric, ultrasonic, microwave, proximity and sound devices.
  - 1. The method of alarm transmission must be a direct wire or a supervised line to an Underwriters' Laboratory approved central station or a method of transmission to an Underwriters' Laboratory approved central station approved by the Chief, and in keeping with industry standards.
- C. All financial institutions who operate under the provisions of the Bank Protection Act of 1968 (12 U.S.C., Section 1882) operating within the town limits of Hooksett shall be required to at a minimum install and maintain Underwriters' Laboratory approved burglar alarm system covering all accessible access points or a combination of interior devices, including by not limited to photoelectric, ultrasonic, microwave, proximity and sound devices. The method of alarm transmission must be a direct wire or a supervised line to an Underwriters' Laboratory approved central station or a proprietary system approved by the Chief, and in keeping with industry standards.
- D. Any business operating under the definitions of Section 17 subsection (A), (B), (C), must be in compliance with ninety (90) days from the effective date of this Ordinance.

## SECTION 18 LIABILITY OF TOWN LIMITED

- A. The police department of the town shall take every reasonable precaution to assure that the alarm notification received by the police department are given appropriate attention and are acted upon with dispatch.

- B. Nevertheless, the police department, the Town of Hooksett or any of its officers or agents, shall not be liable for any defects in operation of alarm devices, for any failure or neglect to respond appropriately upon receipt of an alarm notification, 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, or the relaying of such signals and notifications. In the event the police department finds it necessary to disconnect an alarm device, the police department, the Town of Hooksett or any of its officers or agents, shall incur no liability by such action.

SECTION 19  
SEVERABILITY

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative for void, such holding shall not affect the remainder of the Ordinance.

ADOPTED: 01/24/96

**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

<b>Violation</b>	<b>Fine</b>	<b>Fine after 7 Days</b>
Expired Meter	\$3.00	\$6.00
Overtime Parking	\$10.00	\$20.00
Disability Place	\$50.00	\$75.00
No Parking Zone	\$10.00	\$20.00
Night Parking Prohibited	\$10.00	\$15.00
Snow Emergency	\$25.00	\$50.00
Fire Lane	\$15.00	\$30.00
Tow Zone	\$15.00	\$30.00

ADOPTED: 01/22/97

**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 sides 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

**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

**SOLID WASTE  
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 Center (Center), and setting 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 1  
DEFINITIONS AND WORD USAGE

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

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

COMMERCIAL. Any and all nonresidential activities.

COMMERCIAL VEHICLE. Any and all vehicles used in association with a commercial activity.

CONSTRUCTION DEBRIS. Nonputrescible waste building materials and rubble.

DEMOLITION WASTE. See Construction Debris.

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.

HAZARDOUS WASTE. Any material which has been identified as hazardous waste by the New Hampshire Department of Environmental Services. Such wastes include, but are not limited to, those which are ignitable, irritants, or strong sensitizers, or which generate pressure through decomposition, heat, or other means. Such term also encompasses any solid, semisolid, liquid or contained gaseous waste, or any combination of these wastes which, because of either quantity, concentration, or physical, chemical or infectious characteristics may: a) cause or contribute to an increase in mortality or an increase in irreversible or incapacitating reversible illness; and/or b) pose a present or potential threat to humans or the environment when improperly treated, stored, transported, disposed of, or otherwise mismanaged.

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.

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

METAL GOODS (METAL). Metal goods include household appliances, air conditioners, aluminum lawn chairs, aluminum windows, outside grills, hot water tanks, 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.

RECYCLABLE. 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 147A: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 a municipality to users of a service.

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

## SECTION II STATUTORY AND REGULATORY AUTHORITY

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 solid waste;
3. Control the disposal of authorized solid waste to facilitate compliance with operating standards, improve efficiency and productivity, encourage recycling and reuse of our resources, and maximize the life of the Center; and
4. Establish permit procedures.

The Superintendent 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:

1. Separation of solid wastes and other materials;
2. Inspection procedures;
3. Hours of operation; and
4. Establishing fees.

### SECTION III USE OF CENTER

#### A. Permit Required

No resident or commercial entity shall dispose of solid waste at the Center without having obtained a permit for such activity. Said solid waste must have been generated within the geographical boundaries of the Town.

#### B. Removal of Material

No material shall be removed from the Center without authorization.

#### C. Designated Areas

Solid waste shall be disposed of only in designated areas.

#### D. Unauthorized Entry

No person shall enter or attempt to enter the Center at times other than during posted operating hours.

### SECTION IV RECYCLING

The policy of the Center is to promote and encourage voluntary recycling within the Town. The recycling program is intended to facilitate the reuse of resources, reduce operating costs through avoidance of tipping fees, and provide additional income to the Town (when applicable).

Although not mandatory, recycling by both residents and commercial entities is strongly encouraged.

Those who recycle must bring their recyclables to the Center. Residents can also recycle at the mobile recycling trailer that is placed at various Town/School facilities during the week. Materials that are currently accepted for recycling are: glass bottles, newspapers, aluminum cans, magazines and phone books, plastic bottles, cardboard, waste oil, steel cans, and batteries.

SECTION V  
SOLID WASTE POLICIES

A. Acceptable Solid Waste

Solid waste which is allowed to be received at the Center includes refuse, construction debris and demolition waste, motor vehicle waste, yard waste, residential brush, appliances, and scrap metal. User fees may apply, see Section VIII.

Clean demolition will be accepted: for example, sheetrock, wood, asphalt shingles, and bricks.

Metal items and appliances will be accepted. Appliances with freon will be kept separately.

Yard waste (grass clippings, garden waste, and leaves) must be brought to the designated area (compost pile) and must be free from branches. Material brought in plastic bags must be emptied.

Some household hazardous wastes may be brought to the facility. Residents need to contact the facility to determine if it can be accepted.

B. Unacceptable Solid Waste

Materials which will not be accepted at the Center shall include, but not be limited to, the following:

1. Hazardous Waste. Hazardous waste or materials which the Town considers to be detrimental to the operation of the Center or which require special handling or disposal procedures.
2. 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 otherwise not normally be allowed for burial under New Hampshire Department of Environmental Services or U.S. Environmental Protection Agency regulations, or which would be likely to pose a threat to health or safety, or which may cause damage to or adversely affect the operation of the Center.
3. Tires on Rims. Also see Section VII, Fees.
4. Stumps; Logs. Stumps and logs greater than three inches in diameter or three feet in length.

SECTION VI  
PERMIT PROCEDURES

A. 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.

a. Any person applying for a permit must present a vehicle registration showing residence in the Town.

b. Permits are issued free of charge.

2. Commercial.

a. Any commercial entity applying for a permit or permits must present a vehicle registration showing an address in the Town.

b. Hooksett commercial entities, which possess a permit may use the Center only to bring in solid waste that is generated in Hooksett.

c. The charge, per permit, per vehicle, is \$20 per year.

B. Revocation of Permit

The Superintendent 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 Superintendent will provide written notice of the revocation to the holder of the permit by certified mail. Any person or commercial entity provided 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 Superintendent. The revocation of the permit will be stayed during the pendency of the appeal.

SECTION VII  
VIOLATIONS AND PENALTIES

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

a. 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;

b. be subject to revocation of permission to use the Center;

- c. be liable for all costs incurred by the Town resulting from the violation and enforcement of this Ordinance, including attorney's fees; and,
- d. 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 VIII  
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.

Demolition. \$100.00 per ton.

Furniture. \$100.00 per ton.

Carpet. \$100.00 per ton (must be cut into 4' lengths).

Metal. Fee assessed per unit.

Metal with refrigerants	Resident \$11.00	Commercial \$20
Appliances	\$5.00	
Other Metal	Resident \$0	Commercial \$5

Recycling

No fee

Solid Waste

Resident	\$0	Commercial	\$100 per ton
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Tires (not on rims)

Resident - No charge for the first four tires per year per registered Hooksett vehicle. Thereafter a charge of \$2 for each tire. Not accepted from commercial entities.

Yard Waste. Fee assessed per load, one-ton truck.

Resident	\$0	Commercial,	\$15
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ADOPTED: 6/11/97

AMENDED: 3/10/10

**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.

**PAIN 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