

Code of the Town of Jaffrey

COUNTY OF CHESHIRE

STATE OF NEW HAMPSHIRE

2013

**OFFICIALS
OF THE
TOWN OF JAFFREY**

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2013

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DONALD MACISAAC (Chairman)
KATHLEEN BATCHELDER
*THOMAS ROTHERMEL***

**Clerk
*KELLY ROLLINS***

***PLEASE NOTE THAT ALL LAND USE ORDINANCES ARE INCLUDED IN THIS CODE
BY REFERENCE ONLY; THE CURRENT TEXT OF LAND USE ORDINANCES IS
PUBLISHED ANNUALLY BY THE PLANNING BOARD IN A SEPARATE DOCUMENT.***

REVISIONS/AMENDMENTS TO CODE

2014

2703	Police Detail Revolving Fund	Ch. 27, Art. II
2703	Land Use Change Tax Allocation (2003 Town Meeting)	Ch. 27, Art. II
2703	Municipal Buildings Maintenance Capital Reserve – Designated Selectmen as Agents to Expend	Ch. 27, Art. II
2203	Editor’s Note on Economic Development Dir. Compensation	Ch. 22
2203	Editor’s Note on Main Street/Team Jaffrey Compensation	Ch. 22
5101	Editor’s Note on DPW Director Compensation	Ch. 51
13101	Select Board voted to prohibit issuance of licenses for sale of permissible fireworks.	Ch. 131

2015

2703	Establish Recreation Tractor Capital Reserve Fund	Ch. 27, Art. II
9001	Capital Reserve Investment Services	Ch. 90, Art. II
10301	Alcoholic Beverages	Ch. 103, Art. II
12501	Dogs and Other Animals Amended by Select Board	Ch. 125, Art. I
18109	Veterans’ Tax Credit (increase to \$400)	Ch. 181, Art. IV
18202	Lease Land at the Jaffrey Landfill	Ch. 182, Art. III
18203	Lease Land on Union Street	Ch. 182, Art. IV
18701	Outdoor Vendors and Transient Sales	Ch. 187

2016

2703	Town Clock Trust Fund – Designated Selectmen as Agents to Expend	Ch. 27, Art. II
13701	Groundwater Management Zone – Elite Laundry	Ch. 137
17001	Special Events Permit Policy	Ch. 170
17102	Winter Maintenance Policy – Streets and Sidewalks	Ch. 171, Art. IV
18109	Veterans’ Tax Credit (increase to \$500)	Ch. 181, Art. IX

PREFACE

The Town of Jaffrey has, like other municipalities, passed through the struggles that characterized all American communities in their early history. While only a few simple laws were necessary at the time of incorporation, subsequent growth of the community, together with the complexity of modern life, has created the need for more and detailed legislation for the proper function and government of the town. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. They must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the town ordered the following codification.

Contents of Code

The various chapters of the Code contain currently effective legislation of a general and permanent nature enacted by the Town of Jaffrey. Each piece of legislation has been included as a separate chapter or Article, renumbered and stylized consistent with the style of the Code, without any substantive change.

Division of Code

The Code is divided into parts. Part I, Administrative Legislation, contains town legislation of an administrative nature, namely, that dealing with the administration of government, that establishing or regulating municipal departments and that affecting officers and employees of the municipal government and its departments. Part II, General Legislation, contains other town legislation of a regulatory nature. Legislation in this part generally imposes penalties for violation of its provisions, whereas that in Part I does not.

Grouping of Legislation and Arrangement of Chapters

The legislation is organized into chapters, the order being an alphabetical progression from one subject to another. Wherever there are two or more pieces of legislation dealing with the same subject, they are combined into a single chapter. Thus, for example, all legislation dealing with sewers may be found in Part II, in Chapter 159, Sewers, while all legislation pertaining to taxation may be found in Part II, in Chapter 181, Taxation. In such chapters, use of Article designations has preserved the identity of the individual pieces of legislation.

Table of Contents

The Table of Contents details the arrangement of material by chapter as a means of identifying specific areas of legislation. Wherever two or more pieces of legislation have been combined by the editor into a single chapter, titles of the several Articles are listed beneath the chapter title in order to facilitate location of the individual pieces of legislation.

Reserve Chapters

Space has been provided for the convenient insertion, alphabetically, of later enactments. In the Table of Contents such space appears as chapters titled “(Reserved)”. In the body of the Code, reserved space is provided by breaks in the page-numbering sequence between chapters.

Pagination

A unique page-numbering system has been used, in which each chapter forms an autonomous unit. One hundred pages have been allotted to each chapter, and the first page of each is the number of that chapter followed by the numerals “Ol.” Thus, Chapter 23 begins on page 2301, Chapter 92 on page 9201, etc. By use of this system, it is possible to add or to change pages in any chapter without affecting the sequence of subsequent pages in other chapters and to insert new chapters without affecting the existing organization.

Numbering of Sections

A chapter-related section-numbering system is employed, in which each section of every piece of legislation is assigned a number which indicates both the number of the chapter in which the legislation is located and the location of the section within that chapter. Thus, the first section of Chapter 29 is § 29-1, while the fifth section of Chapter 147 is § 147-5.

Scheme

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

Histories

At the end of the Scheme in each chapter is located the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived, including the date of adoption. In the case of chapters containing Articles derived from more than one piece of legislation, the source of each Article is indicated in the History.

Because, as in many older municipalities, early records are often incomplete or imprecise, some of the legislation included in the Code of the Town of Jaffrey lacks verifiable adoption dates. Early records of the Board of Selectmen occasionally make no reference to a date of adoption. In most cases, enactments of the Board of Selectmen bear effective dates which are also the date of adoption; however, this relationship of dates can not always be verified. In some cases, the enactments bear only the dates on which the enactments were recorded. While it is clear that all of these enactments were adopted, as the Selectmen signed them to indicate their acceptance, the official date of adoption could not be determined. In such instances, the History reflects these circumstances by indicating that the legislation in question was approved by the Board of Selectmen and also provides the effective date or date of recording of such legislation.

For simplicity and clarity in section histories, the following abbreviations for legislating bodies have been used:

ATM - Annual Town Meeting.

STM - Special Town Meeting.

General References; Editor's Notes

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

Appendix

Certain forms of local legislation do not fall into the categories established for Parts I and II of the Code, but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this Code is reserved for such legislation and for any other material that the community may wish to include.

Index

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

Supplementation

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

The Code of the Town of Jaffrey, New Hampshire will be updated at least once annually to ensure that policy makers, citizens and staff have access to all current town regulations in one location.

The only ordinances not included in this code are the following land use regulations:

Zoning Ordinance
Floodplain Development Ordinance
Shoreland Overlay District
Site Plan Review Regulations
Rules and Regulations to Control Subdivisions
Historic District Regulations
Regulations Governing Earth Excavations
Wetlands Conservation District Ordinance
Manufactured Housing/Mobile Home Park Regulations

The Ordinances are updated periodically in a document entitled Jaffrey Zoning Ordinances and available through the Planning Office. These ordinances are included in this Code by reference only.

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PART I

ADMINISTRATIVE LEGISLATION

GENERAL PROVISIONS

Chapter I

GENERAL PROVISIONS

ARTICLE I

Adoption of Code by Annual Town Meeting

[Article 13, voted in the affirmative 3-14-87 by the Annual Town Meeting, reads as follows:
“To see whether or not the Town will vote to adopt the ordinances and regulations, together, with
a change of numbering, titling and formatting thereof, the entire texts of which are as published
by General Code Publishers Corp. in ‘The Code of the Town of Jaffrey’ on file with the Town
Clerk, effective on passage.”]

AIRPORT

Chapter 4

AIRPORT

[Article 12, voted in the affirmative 3-15-80 by the Annual Town Meeting, read in the warrant as follows: “To see if the Town will vote to raise and appropriate the sum of \$57,700 to purchase a tract of land known as the Jaffrey Airport Land containing 29 acres, more or less, in accordance with action taken by the Town at Town Meeting on March 8, 1960,¹ and August 9, 1967,² and in accordance with the deed from Silver Ranch Airport Corporation (now Jaffrey Municipal Airport Development Corporation) to the Town of Jaffrey dated October 18, 1960 and being recorded at Volume 675, Page 176 of the Cheshire County Registry of Deeds, and to authorize the Selectmen to enter into a lease agreement for the operation and management of the airport on such terms and conditions as the Selectmen may deem to be in the best interest of the Town.”

Article 12 was moved and voted upon reading as follows: “That the Town vote to authorize the Selectmen to accept from the Jaffrey Municipal Airpark Development Corporation (formerly Silver Ranch Airpark Corporation), at no cost to the Town, a warranty deed, granting and reserving right of access, rescinding the deed of 1960 and conveying title to 29 acres, more or less, of land known as the Jaffrey Municipal Airport, for use as an airport, subject to the condition in the deed that if the land should cease to be used or operated by the Town of Jaffrey as a public airport, title to the said land will revert to the Jaffrey Municipal Airport Development Corporation or its successors and assigns without cost; and to authorize the Selectmen to enter into agreements for the operation and management of the Municipal Airport as of January 1, 1981 under the terms of which the airport will be operated at all times for the use and benefit of the public on air and reasonable terms, and the net financial responsibility of the Town for maintenance and operation shall not exceed the amount of tax revenue derived from assessments on hangars and airport related facilities now or hereafter constructed.”]

On March 29, 1989 the Board of Selectmen executed a deed in favor of Silver Rank Airpark, Inc., conveying the Airport premises. The last paragraph of the deed stipulated that the deed was “to affirm the discontinuance of the operation of the Airport premises to Silver Ranch Airpark, Inc.”³

GENERAL REFERENCES

Airport vicinity restrictions - See Ch. 99.

1. Editor's Note: See Article 14 of the 1960 Annual Town Meeting.
2. Editor's Note: This refers to a vote taken at a Special Town Meeting on 8-9-67.
3. See *Cheshire County Registry of Deeds Volume 1284, Page 670*

ANNUAL REPORTS

Chapter 8

ANNUAL REPORTS

ARTICLE I

Listing Tax-Exempt Property

[Article 17, voted in the affirmative 3-10-53 by the Annual Town Meeting, reads as follows: “To see if the Town will vote that all tax-exempt property within the Town shall be listed annually in the book publishing the invoice and taxes of the Town including (but without limiting) all buildings and land owned by the School District, as well as that owned by the Town, State or other tax-exempt entity or agency.”]

ARTICLE II

Printing Vital Statistics

[Article 19, voted in the affirmative 3-15-81 by the Annual Town Meeting, reads as follows: “To see if the Town shall continue to have the vital statistics printed in the Town Report or take any action relating thereto.”¹]

GENERAL REFERENCES

Town meetings, warrants and ballots - See Ch. 83.
Taxation - See Ch. 181.

1. Editor's Note: Article 19 of the 1981 Annual Town Meeting continues the similar determination of Article 13 of the 1940 Annual Town Meeting.

BUDGET

Chapter 13

BUDGET

[Article 9, voted in the affirmative 3-13-82 by the Annual Town Meeting, read in the warrant as follows: “To see if the Town will vote to rescind the action taken under Article 6 of the March 13th, 1961 Town Meeting,¹ as amended by Article 14 of the March 8th, 1965 Town Meeting,² pertaining to the Budget Committee and in place thereof, adopt the following:

‘A Budget Committee consisting of six members is hereby authorized; one member to be appointed by and from the Board of Selectmen to attend all meetings in an advisory capacity but who shall not have the right to vote for or against any appropriation; and five citizens of the Town, none of whom shall be a member of the Board of Selectmen, all of whom shall be taxpayers; to be appointed by the Moderator, one each year to serve for a term of five years; who shall have the right to vote for or against any appropriation. The members of this Committee shall be sworn to the faithful performance of their duties and their appointments shall be recorded with the Town Clerk.

‘It shall also be the duty of this Committee to meet each year, in open meeting, on or before the tenth day of February and carefully consider the finances of the Town. They shall give due consideration to the needs of all departments, and listen to the testimony of any persons who desire to be heard regarding any town appropriation. It shall also be the duty of this Committee to meet again, on or before the fifteenth day of February in executive session to draw up a list of the amounts necessary, in their opinion, to be raised for all town purposes. This list shall be posted by the Selectmen with the warrant, included in the Town Report, and submitted to the voters for final action at the annual meeting as the Budget Estimate for the ensuing fiscal year.’”

Article 9 was moved and voted upon, reading as follows: “That the Town vote to rescind the action taken under Article 6 of the March 13th, 1961 Town Meeting, as amended by Article 14 of the March 8th, 1965 Town Meeting, pertaining to the Budget Committee and in place thereof, adopt the following:

1. Editor’s Note: This appears to refer to Article 6 of the 3-13-62 Town Meeting, which replaced Article 12 of the 1943 Annual Town Meeting. Article 12 of the 1943 Annual Town Meeting, which rescinded Article 16 of the 1935 Annual Town Meeting and authorized the creation of a Budget Committee, was rescinded by Article 5 of the 1962 Annual Town Meeting. Article 16 of the 1935 Annual Town Meeting had adopted the provisions of the Municipal Budget Act. 2.

2. Editor’s Note: This appears to refer to Article 14 of the 3-8-66 Town Meeting.

BUDGET

‘A budget committee consisting of six members is hereby authorized; one member to be appointed by and from the Board of Selectmen to attend all meetings in an advisory capacity but who shall not have the right to vote for or against any appropriation; and five citizens of the town, none of whom shall be a member of the Board of Selectmen, all of whom shall be Registered Voters; to be appointed by the Moderator, one each year to serve for a term of five years, who shall have the right to vote for or against any appropriation. The members of this committee shall be sworn to the faithful performance of their duties and their appointments shall be recorded with the Town Clerk.

‘It shall also be the duty of this committee to meet each year in open meeting, on or before the tenth day of February and carefully consider the finances of the Town. They shall give due consideration to the needs of all departments, including such self sustaining departments as sewer and water, and listen to the testimony of any persons who desire to be heard regarding any Town appropriation. It shall also be the duty of this committee to meet again, on or before the fifteenth day of February in executive session to draw up a list of the amounts necessary, in their opinion, to be raised for all Town purposes. This list shall be posted by the Selectmen with the Warrant, included in the Town report, and submitted to the voters for final action at the Annual Meeting as the Budget Committee estimate for the ensuing fiscal year.’ “)

[Article 21, voted in the affirmative 3/12/88 by voice vote at the Annual Town Meeting as follows: “To see if the Town will vote to adopt the provisions of the Municipal Budget Law.”) Added New Section and Chapter 3/12/88 Article 21]

(Amended 3/12/88 at the Annual Town Meeting by a ballot vote and was presented as follows: “Move that the Town vote to authorize the Moderator to appoint a Budget Committee of six (6) persons pursuant to RSA:32:2 for the year of 1988-89; Two (2) members to be appointed for (1) year, Two (2) members to be appointed for two (2) years, and two (2) members to be appointed for three (3) years, thereafter each year members shall be appointed for a term of three (3) years.”)

GENERAL REFERENCES

Conservation Commission appropriations - See Ch. 23.
Selectmen - See Ch. 59.
Taxation - See Ch. 181.

CEMETERIES

Chapter 17

CEMETERIES

ARTICLE I

Cemetery Commission

[Article 10, voted in the affirmative 3-14-50 by the Annual Town Meeting, read in the warrant as follows: "To see if the Town will vote to adopt the following article: The Town of Jaffrey will accept from the Conant Cemetery Association the Conant Cemetery in Jaffrey, together with such trust funds as are held by said Association for perpetual care of certain lots in said cemetery and will hold and control said cemetery as a town cemetery according to the provisions of law. The care, protection and preservation of the Conant Cemetery, the sale of lots and the control of the expenditure of all funds on said Conant Cemetery shall be vested in a Cemetery Commission. Said Commission shall be composed of three members, to be appointed by the Moderator for terms of three years, the first such Commission to be appointed for respective terms of one, two and three years and thereafter for full terms of three years. The sum of \$1,000.00 is raised and appropriated for the care of the Conant Cemetery for the ensuing year."]

Article 10 was voted upon as follows: "It was voted that the Moderator appoint three Cemetery Trustees, one to serve for one year; one for two years; one for three years, and until their successors are appointed; thereafter the Selectmen shall appoint one Cemetery Trustee to serve for three years; that upon completion of certain conditions set forth in detail in the record the Town accept the Conant Cemetery and all funds in connection therewith, said funds to be administered in accordance with the terms thereof; and that said Trustees be authorized to sell lots in the Conant Cemetery, the proceeds to be kept in trust, with the income thereof to be used for the maintenance of the Conant Cemetery."]

ARTICLE II

Cutter Cemetery Funds

[Article 5, voted in the affirmative 3-12-57 by the Annual Town Meeting, reads as follows: "To see if the Town will vote to authorize the Selectmen to deposit in a special fund with the Trustees of Trust Funds, the proceeds from the sale of lots in Cutter Cemetery; the income of such fund to be used for the care and maintenance of said Cutter Cemetery until otherwise ordered by the Town."]

ARTICLE III

Duties of Superintendent

[Article 25, voted in the affirmative 3-7-72 by the Annual Town Meeting, read in the Warrant as follows: “To see if the Town will vote to authorize the transfer of the duties of the Superintendent of Cemeteries to the Road Agent, or act in any way relating thereto.

“Article 25 was moved and voted upon as follows: “That the Town vote to authorize the transfer of the duties of the Superintendent of Cemeteries to the Highway Agent.”]

ARTICLE IV

NO TRESPASSING

On August 10, 1988 the Board of Selectmen adopted the No Trespassing Ordinance for Parks, Commons and Cemeteries:

It shall be unlawful for any person or persons not licensed or privileged to do so, to knowingly enter or remain in, or on, any Town owned public common or park within the Town of Jaffrey between the hours of 11:00 PM and 6:00 AM without the express written permission of the Board of Selectmen.

Furthermore, it shall be unlawful for any person or persons not licensed or privileged to do so, to knowingly enter or remain in, or on, any Town owned public cemetery within the Town of Jaffrey between the hours of 9:00 PM and 6:00 AM without the express written permission of the Board of Selectmen.

Anyone violating said ordinance shall be guilty of criminal trespass pursuant to RSA 635:2 and shall be punishable thereunder.”

**ARTICLE V
RULES AND REGULATIONS**

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SECTION I – GENERAL ADMINISTRATION

A. Purpose

These Rules and Regulations are hereby set forth for the mutual protection of lot owners and the cemetery as a whole. The public often misunderstands the purpose and function of cemetery rules and regulations and the role that they play in the beautification and preservation of cemetery grounds. They are intended to safeguard the lot owner from misdirected sentiment or poor taste of those who might otherwise erect unsightly monuments or impair the dignity and beauty of the cemeteries. The following Rules and Regulations have been adopted by the Town of Jaffrey as the Rules and Regulations for all publicly owned cemeteries within the Town of Jaffrey. All lot owners and visitors to the cemeteries as well as all lots sold, shall be subject to said Rules and Regulations and any amendments or alterations thereto as may hereafter be adopted.

Reference to these Rules and Regulations in the Deed to a lot shall have the same force and effect as if set forth in full therein.

B. Authority

The Town of Jaffrey shall provide and maintain one or more suitable public cemeteries for the interment of deceased persons within its limits pursuant to New Hampshire Revised Statutes Annotated as amended (RSA Chapter 289) [See Appendix B].

These Rules and Regulations and all amendments hereafter are adopted pursuant to the New Hampshire Revised Statutes Annotated. The Town Manager is responsible for the daily care of all cemeteries (RSA 37:6,VII(i)) [See Appendix B] and shall confer with the Selectmen and may call upon individuals and/or a standing advisory committee established for this purpose to assist in this effort and to regularly review these Rules and Regulations. (NOTE: The Cemetery Committee, appointed by the Selectmen, was created in 1991 and advises the Town on cemetery matters.)

The creation, operation and care of cemeteries within the Town of Jaffrey shall conform to all present and future applicable statutes as may be amended. These Rules and Regulations shall at all times be governed by pertinent statutes of the State of New Hampshire.

NH Revised Statutes Annotated, Chapters 289 (Cemeteries) and 290 (Burials and Disinterments) and other chapters with reference to these subjects appear below as Appendix B and are considered as part of these Rules and Regulations.

C. Definition of Terms

1. Cemetery. Cemetery is hereby defined to include a burial park for earth interments, a mausoleum for vault or crypt interments, a crematory or crematorium for cinerary interments, or a combination of one or more of these.

2. Corner Marker. The term corner marker refers to a device used by a Lot Holder to mark the corners of a lot.

3. Deed. A Deed to a burial lot is issued by the Town of Jaffrey for the purpose of granting to the holder of the Deed, to his or her family and heirs, and to any other specified individuals the right to be buried in a specific lot. The Deed has no other purpose whatsoever. The Town of Jaffrey retains ownership of and responsibility for maintenance of the land itself.

4. Director. The term Director shall refer to the Director of Public Works appointed by the Town Manager for the purpose of administering these Rules and Regulations and managing the Town's cemeteries.

5. Grave. This term shall apply to a space of sufficient size to accommodate one (1) adult full earth burial or one (1) cremation burial. One or more graves constitute a lot.

6. Interment. The term interment shall mean the permanent disposition of the remains or ashes of a deceased person by inurnment, entombment or burial.

7. Lot. This term shall apply to a numbered division of space within a cemetery consisting of one or more graves.

8. Lot Holder. The holder of a Deed to a burial lot.

9. Marker. The term marker means a monument which is flush with the ground.

10. Monument. The term monument shall include a marker, tablet, headstone, gravestone, tombstone, family stone, name stone, footstone, memorial or other similar structure which is flush with or extends above the surface of the ground.

11. Town. The term Town, depending on context, shall refer to the Town of Jaffrey or the Board of Selectmen of the Town of Jaffrey and the Town Manager acting under their direction or pursuant to these Rules and Regulations.

D. Cemetery Locations

The Town of Jaffrey owns and operates six (6) public cemeteries. Their names and locations are as follows:

- | | |
|--------------------------|-----------------------------------|
| - Conant Cemetery | Enter from Stratton Road |
| - Village Cemetery | Enter from Route 124 & Oak Street |
| - Cutter Cemetery | Enter from Harkness Road |
| - Cutter Extension | Enter from Cutter Cemetery |
| - Old Burying Ground | Enter from Blackberry Lane |
| - Phillips Heil Cemetery | Enter from Fitzwilliam Road |

Maps showing the location of these cemeteries are available at the Jaffrey Town Offices during normal office hours.

E. Hours of Operation

Article 1: Cemeteries will be open to the public between the hours of 7:00 am and sunset. Cemeteries will be open to vehicular traffic from the fifteenth of April until the fifteenth of November (weather and road conditions permitting). Vehicular access to cemeteries outside of the above time period may be arranged by appointment and at the discretion of the Director.

SECTION II - GENERAL SUPERVISION

A. General Provisions

Article 2: The Director (or the Director's designee) is hereby empowered to oversee and enforce the Rules and Regulations pertaining to Town-owned cemeteries and shall oversee all cemetery buildings and grounds. The Director shall exclude from these properties any person violating the Rules and Regulations and shall also have control of all persons within a cemetery including the conduct of individuals, funerals, traffic and Town employees and contractors.

Article 3: The Director in order to protect the best interests of a cemetery is authorized to make temporary additional rules, exceptions, suspensions or modifications of these Rules and Regulations when in the Director's judgment it is necessary to do so in order to meet emergencies, to avoid an unnecessary hardship or as may in the Director's judgment appear to be advisable with or without notice.

Article 4: Such temporary suspension or modification of the Rules and Regulations will in no way be construed as affecting the general application of such rule or regulation or a waiver of the rules or regulation upon the conclusion of the emergency.

Article 5: The Town may develop policies, guidelines and rules and regulations specific to any individual cemetery if in the opinion of the Director the conditions in that cemetery warrant such attention.

Article 6: The Town may, and it hereby expressly reserves the right, to adopt new Rules and Regulations, or to amend, alter or repeal any rule, regulation or article, section, paragraph or sentence in these Rules and Regulations after a public hearing. Notice shall be given for the time and place of each public hearing at least 10 calendar days before the hearing. The notice required under this section shall not include the day notice is posted or the day of the public hearing. Notice of each public hearing shall be published in a paper of general circulation in the municipality and shall be posted in at least 2 public places. The full text of the proposed change need not be included in the notice if an adequate statement describing the proposal and designating the place where the proposal is on file for public inspection is stated in the notice. All rules formerly adopted which are contrary to these Rules and Regulations are hereby repealed and declared to be no longer in effect.

B. Personal Conduct

Article 7: It is of the utmost importance that there should be strict observance of proprieties in a cemetery. Hence, all persons within a cemetery should avoid conduct unbecoming a sacred place.

Article 8: Persons traveling within a cemetery shall use only the roadways, avenues and walks provided by the Town unless it is necessary to do so to gain access to one's own lot. The Town expressly disclaims liability for any injuries sustained by anyone violating this rule.

Article 9: Children under the age of twelve (12) shall not be permitted within a cemetery or its buildings unless accompanied by an adult.

Article 10: The gathering of flowers, breaking or cutting of trees, shrubbery or plants, defacing or otherwise damaging of monuments or structures or disturbing bird or animal life shall be strictly prohibited.

Article 11: No person shall be permitted to consume food or drink within a cemetery with the exception of Town employees and contractors actively engaged in their duties.

Article 12: No persons are permitted to sit or lounge on any of the grounds, graves or monuments in a cemetery with the exceptions of lot owners or relatives.

Article 13: No persons shall make loud noises on cemetery grounds within hearing distance of funeral services.

Article 14: The leaving of rubbish on cemetery grounds or in cemetery buildings is strictly prohibited.

Article 15: No signs, advertisements of any nature, peddling or soliciting the sale of any commodity shall be permitted within a cemetery.

Article 16: Pets are not permitted in a cemetery or its buildings.

Article 17: Firearms are not allowed in a cemetery except by a military escort accompanying a veteran's funeral or attending memorial services.

Article 18: The use of cemetery grounds for commercial purposes (such as settings for movies, plays, etc.) is not allowed without the approval of the Director and only under controlled circumstances where the dignity of the setting will not be compromised.

C. Motor Vehicle Traffic within a Cemetery

Article 19: Motor vehicles shall not be allowed to park or come to a full stop in front of an open grave unless said vehicles are in attendance at a funeral.

Article 20: Motor vehicles must be kept under control at all times. They must not pass a funeral procession going in the same direction. When meeting a funeral procession, they must stop until the procession has passed.

Article 21: Motor vehicles shall not be left with their engines running, and their emergency brakes shall be set when the vehicles are left unoccupied by their operators.

Article 22: Drivers of motor vehicles hired to attend a funeral must remain quietly in their seats during the funeral services.

Article 23: Motor vehicles and their operators must refrain from unnecessary noise while in a cemetery.

Article 24: No motor vehicle shall be left, driven across or parked upon any grave or lot.

Article 25: The parking or leaving of any motor vehicle on any road, driveway or path which is left in a manner or position so as to prevent any other motor vehicle from passing the same is prohibited. Such a vehicle may be removed by the Director at the owner's expense.

Article 26: The use of a cemetery as a thoroughfare is prohibited. Commercial or industrial vehicles may enter a cemetery only with the permission of the Director.

Article 27: Off-road recreational vehicles (OHRVs), snowmobiles and the like are prohibited from all cemeteries.

D. Service Charges and Overdue Indebtedness

Article 28: The charges for the services to be performed by the Town will be paid at the time of the interment, disinterment or in the case of repairs, payment will be made upon acceptance of the estimated cost by the Director.

Article 29: The Town reserves the right to refuse to do or allow to be done work of any character, including interments in or upon any lot until arrangements have been made for payment of any and all indebtedness due to the Town for work performed upon the lot.

SECTION III - INTERMENTS AND DISINTERMENTS

A. General Provisions

Article 30: In addition to these Rules and Regulations, all interments and disinterments shall be made in accordance with and subject to orders by duly constituted authorities of the Town, County or State of New Hampshire.

Article 31: Cemeteries will be open for interments from 7:30 am to 3:30 pm daily, with the exception of Sundays and legal holidays. Interments may be made outside of these hours or days if required by the laws of New Hampshire or if in the opinion of the Director a delay would cause an undue hardship or inconvenience. In that event an additional fee will be added to the regular interment charges (overtime rates).

Article 32: The Director reserves the right to refuse an interment in any lot if in the Director's judgment there is a question as to ownership or the right of interment.

Article 33: When the location of an interment space in a lot cannot be determined, is indefinite or is otherwise unclear, or if for any reason an interment space cannot be opened, the Director may at his discretion open another space in such location in the lot as he deems proper. In such circumstances, neither the Director nor the Town shall be liable for any damages for this or any other error.

Article 34: To prepare for an interment/disinterment, the Director shall be given written detailed instructions by the lot owner or Funeral Director. Neither the Director nor the Town will be responsible for any errors resulting from any order given verbally or by telephone or for any mistake occurring from the lack of precise written instructions.

Article 35: The Town of Jaffrey reserves the right to correct any errors that may be made by it either in making interments, disinterment or removals, or the description, transfer or conveyance of any lot, either by canceling such conveyance and substituting and conveying in lieu thereof another lot of equal value and similar location as far as possible, or as may be selected by the Director, or, in the sole discretion of the Director, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such lot, the Town of Jaffrey reserves the right to remove or transfer such remains so interred to another lot of equal value and similar location as may be substituted and conveyed in lieu thereof.

Article 36: The Town shall in no way be liable for any delay in the interment of a body where a protest to the interment has been made or where the Rules and Regulations have not been complied with. The Town further reserves the right to place the body into a receiving vault until such time as the protest has been resolved. The Town is under no obligation to recognize any protest unless it is submitted in writing to the Director.

Article 37: No interment of any body or the cremated remains of any body other than that of a human body shall be permitted.

Article 38: Containers for full earth burials or cremated remains must be enclosed in a concrete, stone or other permanent vault or section liner of approved specifications provided by approved vendors.

Article 39: It is prohibited to remove a body or cremated remains so that a lot may be re-sold.

Article 40: A body or cremated remains may be removed with proper permits from its original grave to a different grave within the same lot or to another lot in the same or another cemetery.

Article 41: In cases where the Town is required to disinter a body or cremated remains, the utmost care in making the removal will be exercised. However, the Town will assume no liability for damages resulting to any casket, urn, burial case, memorial, vault or body.

Article 42: Advance notice of interment must be given to the Director equal to at least two (2) working days.

Article 43: Funeral Directors, upon arrival in a cemetery, must present all necessary burial documents.

Article 44: Artificial grass, lowering devices and any other materials or equipment associated with the burial ceremony shall be provided by the Funeral Director.

Article 45: The receiving vault is for temporary use only and on a semi-annual basis and under no circumstances shall a body be considered as interred or buried by reason of being placed therein.

Article 46: The Director reserves the right, without notice, to remove at once from any vault and inter any remains not in good state of preservation.

Article 47: The remains of any person who has died of infectious or contagious disease may only be deposited in a receiving vault when in compliance with prevailing State health regulations.

B. Cremations

Article 48: No cremains shall be independently and privately buried in the cemetery by individuals. All burials shall be under the supervision of a funeral director or the Town of Jaffrey.

Article 49: In a full grave plot, three and a half feet by twelve feet (3.5'x 12'), up to four (4) individual containers of cremains may be buried. The ashes of more than one person may be commingled in one individual container.

Article 50: The location of each container buried shall be reported to the Director for recording purposes.

Article 51: Cremains may be buried in the foundation of a future monument:

a. If done through a funeral home, there shall be no burial charge from the Town. The funeral director shall be responsible for signing the burial permit and for notifying the Director so that the burial information can be recorded.

b. If the burial is not done through a funeral home, burial must take place during regular Town working hours; the Director or the Director's designee must be present to verify placement of ashes and to sign any required permit.

Article 52: All rules and regulations, except those that relate exclusively to the burial of physical remains, shall also apply to burial of cremains.

SECTION IV - ACQUISITION AND OWNERSHIP OF LOTS

A. Purchase

Article 53: A lot holder is the purchaser or owner of a right of interment in a specified grave or lot within a specified cemetery. The lot holder does not own the land in question in the usual sense of the word.

Article 54: Persons wishing to purchase the right of interment in a cemetery lot should contact the Director or the Director's designee for the purpose of inspecting available space and discussing current Rules and Regulations.

Article 55: Once a cemetery lot has been selected, the purchaser shall remit to the Town Clerk the required fee.

Article 56: Upon complete payment, the Town Clerk will deliver to the lot holder a Deed fully describing the designated lot. At this time, if not before, the lot holder will be provided with the current Cemetery Rules and Regulations and will be asked to sign a receipt to the effect that the Rules and Regulations have been received.

Article 57: The Town reserves the right to refuse to sell any cemetery lot to a purchaser if it is determined that the best interests of the Town will not be served by such a sale.

B. Lot Sizes and Pricing

Article 58: As lot sizes and prices are subject to change, a separate addendum is available which lists applicable charges. Please check with the Director for current information.

C. Transfer of Cemetery Lots

Article 59: The Director may refuse to consent to a cemetery lot transfer if there is any indebtedness due the Town from the lot owner of record.

Article 60: When cemetery lots are transferred to the Town, the Town shall compensate the lot owner of record in an amount equal to the sum originally paid to the Town for said lot.

Article 61: All transfers of cemetery lots shall be subject to a nominal charge which must be paid to the Town when the transfer is recorded. (See addendum)

Article 62: The subdivision of cemetery lots may be permitted by the Director when written consent by the owner and the proper signatures and/or affidavits have been furnished to the Director.

D. Records

Article 63: The Town shall keep a record of every burial showing the date of burial and name of the person buried, when these particulars can be obtained, and the lot or part of such lot, in which the burial was made.

Article 64: It shall be the duty of the lot owner to notify the Town Clerk of any change in the owner's mailing address. Notice sent to a lot owners at the last address on file shall be considered sufficient and proper legal notification.

E. Property Rights of Owners

Article 65: All cemetery lots conveyed shall be presumed to extend the right of interment to the person or persons named as the grantee in the Deed, provided however that the spouse shall have the vested right of interment of his/her body in any burial lot conveyed to the other.

Article 66: The Town reserves to itself and to those lawfully entitled thereto a perpetual right of ingress and egress over lots for the purpose of passing to and from other lots.

F. Protection from Loss or Damage

Article 67: The Town shall take reasonable precautions to protect its cemeteries and the lots, structures and monuments therein from loss or damage from causes beyond its reasonable control and especially from damage caused by the elements, ~~an~~ acts of God, thieves, vandals, malicious mischief makers, and unavoidable accidents.

SECTION V - SOLE AGREEMENT

Article 68: The Deed and these Rules and Regulations of the Town of Jaffrey and any amendments thereto shall constitute the sole agreement between the Town and the lot owner. The statement of any employee or agent, unless confirmed in writing by the Director, shall in no way bind the Town of Jaffrey.

SECTION VI - CONTROL OF WORK WITHIN CEMETERY**A. General Provisions**

Article 69: All grading, landscaping and improvements of any kind, and all care on lots shall be done, and all trees, shrubs, and herbage of any kind shall be planted, trimmed, cut or removed and all openings and closings of lots, and all interments and disinterments, and removals shall only be made with the expressed permission of the Director.

Article 70: All improvements or alterations of individual lots in a cemetery shall be under the direction and subject to the consent and satisfaction of the Director and should they be made without the Director's consent, the Director shall have the right to alter or change such improvements or alterations at the expense of the lot owner or, in any event, at any time should they become in his judgment unsightly to the eye.

Article 71: No trees, bushes, shrubs or other permanent woody vegetation shall be planted on any lot. The Town shall have the authority to remove all non-permitted floral designs, flowers, weeds, trees, bushes, shrubs, plants or herbage of any kind from a cemetery, as well as those which in the judgment of the Director have become unsightly, dangerous, detrimental or diseased.

Article 72: The Town shall not be liable for floral pieces, baskets or other receptacles beyond the use of such items for a funeral held in a cemetery. Furthermore, the Town shall not be responsible for plants which may be lost, misplaced, broken, damaged by the elements, loss by thieves or vandals or any other causes beyond its control. The Town also reserves the right to prevent the removal of any flowers, floral designs, trees, shrubs or plants of any kind without the written consent of the Director.

Article 73: For cut flowers the use of a sunken vase of heavy metal with removable inner container is recommended. The submerged vase keeps the water cooler and thus helps prolong the freshness of the flowers.

Article 74: The use of glass or china receptacles, tin cans or other than approved metal or plastic vases is prohibited and subject to immediate removal.

Article 75: Artificial plant material shall not be permitted, and will be subject to immediate removal by the Director. Wires used in them may become deadly projectiles if hit by a lawn mower.

Article 76: The placement of boxes, shells, metal designs, ornaments, balloons, toys, stuffed animals, photographs, chairs, settees, fencing, colored stones, statuary, vases, glass, wood or iron cases and similar articles upon lots shall not be permitted, and will be subject to immediate removal by the Director.

Article 77: All fittings, adornments, urns, inscriptions, materials and layout of monuments or other structures shall be and are declared to be subject to the approval and control of and acceptance or rejection by the Town.

Article 78: All flags will be removed without notice when they become soiled, faded, torn or otherwise unsightly. This shall not be construed to require the removal of American flags in good condition or the removal of approved flag holders.

Article 79: The Director shall have the right and responsibility to remove without notice any articles deemed inappropriate (including but not limited to those noted in Articles 71, 74, 75 and 76), improper, unsafe, or detrimental to the maintenance and/or general appearance of a cemetery. Articles removed shall be held by the Director for retrieval by the lot holder. Articles still in the possession of the Director at the end of any calendar year may be disposed of.

Article 80: Any articles placed on graves in recognition of Memorial Day shall be removed no later than two weeks after Memorial Day. After this period the Director shall have the right and responsibility to remove without notice such articles.

B. Changes in Grade and Replanting

Article 81: The right to enlarge, reduce, replant or change the boundaries or grading of a cemetery or of a section or sections, including the right to modify or change the location of or to remove or regrade roads, drives, or walks, or any part thereof, is hereby expressly reserved for the Town. The right to lay, maintain, and operate or alter or change pipe lines or gutters for sprinkler systems, drainage, water bodies, etc., is also expressly reserved for the Town.

C. Care of Lots and Graves (Perpetual Care)

Article 82: Perpetual care is included in the price of all lots sold within Town-owned cemeteries.

Article 83: Perpetual care shall include the cutting of grass upon the lot at reasonable intervals and the raking and cleaning of the lots. It shall not include maintenance and/or repairs to monuments.

Article 84: The funds received from the sale of lots shall be held in trust and invested by the Trustees of the Trust Funds as provided by law.

Article 85: Expenditures from these trusts shall only come from income and not from principal and such income may only be used for cemetery purposes.

Article 86: It is understood and agreed between the purchaser and the Town that all funds from the sale of lots may be deposited with others of like character and intent to the end that the income from such accumulated general fund shall be used in the general improvement and perpetual care as above defined; but in no cases shall their deposit be construed as a contract to care for any individual property, lot or space other than as defined above.

Article 87: The income from the perpetual care fund shall be expended by the Town in such manner as will, in its judgment, be most advantageous to the lot owners as a whole, and in accordance with the purposes and provisions of the laws of the state applicable to the expenditure of such funds. The Town is hereby given the full power and authority to determine for what purpose and in what manner the income from said fund shall be expended, and it shall expend said income in such a manner as in its sole judgment it may deem advisable for the care, construction, reconstruction, repair and/or maintenance of all or any portion of any Town cemetery for any purpose necessary to the execution of its duties.

SECTION VII - MONUMENTS AND MARKERS

A. General Provisions

Article 88: Bases and monuments shall be of the same or complementary materials acceptable to the Director.

Article 89: Corner markers shall be of first quality stone placed flush with the grade, lettering to be incised not raised.

Article 90: Lettering on all monuments, markers, and corner markers shall be hand carved, bronze or sandblasted letters and numerals. If plaques are attached to stone monuments, they shall only be made of bronze.

Article 91: While the Town will exercise care to protect the monuments or other structures on any lot and the raised lettering, carving or ornaments on such monuments or other structures, it disclaims responsibility for any damage or injury thereto.

Article 92: No coping, curbing, fencing, hedging, grave mounds, borders, or enclosures of any kind shall be allowed around any lot, and no walks of brick, cinders, tile, stone, marble, terracotta, sand, cement, gravel or wood shall be allowed on any lot. The Director reserves the right to remove same if so erected, planted or placed.

Article 93: It is required that a plan drawn to scale showing design and complete inscription in detail with all dimensions be submitted in duplicate to the Director and that approval in writing be secured from the Director before the foundation for the monument is installed. It is important that the approval of the materials, style, and size of the monument be secured before commencing work.

Article 94: The Director shall have the authority to reject any plan or design for any monument which in the Director's opinion, on account of size, design, inscription, kind or quality of stone is unsuited to the lot on which it is to be placed or is not in conformity with these Rules and Regulations. If said plan is to be rejected, such rejection shall be made within fifteen (15) days of submission and a written explanation given. Appeals of a decision to reject such a plan will be made to the Town Manager's Office in writing.

Article 95: The Director reserves the right to stop all work of any nature whenever in the Director's opinion, proper preparations have not been made or when tools and machinery are insufficient or defective or when work is being executed in such a manner as to threaten life or property or when the monument dealer has been guilty of misrepresentation or when any reasonable request on the part of the Director has been disregarded or when work is not being executed according to specifications or in violation of the provisions of these Rules and Regulations.

Article 96: The making of stone rubbings is not allowed in any cemetery.

Article 97: The coloring, painting, enameling of letters or other parts of any monument is prohibited with the exception of the use of lithichrome to enhance the visibility of incised lettering.

Article 98: It is necessary that persons erecting, cleaning, or repairing monuments give advance notice of their intentions to the Director and comply with these Rules and Regulations. Persons performing such services or those who are engaged in erecting monuments are prohibited from attaching ropes to other monuments, trees, shrubs, or from scattering their materials over adjoining lots. They must do as little injury to the grass, trees, or shrubs as possible and shall restore said grounds to their original condition thereafter.

Article 99: Damage done to lots, walks, drives, trees, shrubs or other property by dealers, contractors, vendors, funeral directors, etc., shall be repaired by the Town and the cost of such repairs shall be charged to the responsible party.

Article 100: While a funeral or interment is being conducted nearby, all work of any description shall cease.

B. Size of Monuments and Markers

Article 101: The size of a monument above ground level shall be governed according to the ratio of its face area (length multiplied by height) to the total area of the lot and the relation of its length (greatest horizontal dimension) to the average width of the lot. The face area of the monument shall not exceed 15% of the total area of the lot and its length shall not exceed 60% of the average width of the lot. All monuments shall be at least six (6) inches thick with the exception of slate monuments which shall be a minimum of two (2) inches thick.

It is often desirable to build a monument that is less than the maximum size. The size and proportions of nearby existing monuments should be considered in the design of new monuments.

Article 102: The size of a marker (a monument flush with the ground) shall not exceed a total of four (4) square feet and shall be a minimum of four (4) inches thick. It shall be made of granite or similar hard stone so as to accommodate the weight of mowing equipment.

Article 103: There shall be no more than one upright monument per lot.

C. Materials Permitted

Article 104: All monuments, mausoleums or tombs shall be constructed of first quality natural stone. Such materials shall be free from sap and components which cause rust stains and from natural faults which might cause cracks. The use of cement, artificial stone, composition, wood, tin, iron or other metal shall not be permitted for any monument. The Director reserves the right to reject any materials. The materials used in nearby existing monuments should be considered in the design of new monuments.

Article 105: Mausoleums or tombs, either wholly or partially above ground, shall be constructed only on lots designated by the Director. The location and design, plans and specifications of the a mausoleum or tomb are subject to the review and approval of the Director.

Article 106: At no time shall the Town become liable for the replacement or repair of monuments.

Article 107: The use of bronze is allowed for doors and window grilles of mausoleums, also for any tablets when attached to monuments of natural stone provided the bronze has been cast from an alloy containing not less than eighty five percent (85%) copper nor more than five percent (5%) lead. No other metals may be used unless they are substantially non-corrosive, of proved permanency, and have been reviewed and approved by the Director.

D. Foundations and Settings

Article 108: As a grantee of good work and as a protection to all lot owners, the Town reserves the right to oversee, inspect and approve all excavations for and the building of all foundations, setting of all markers and monuments, and to regulate all work done in a cemetery.

Article 109: No foundation shall be built when the weather is such that injury from frost may occur. No heavy stone work may be set in inclement weather or until the cement in the foundation has had time to harden thoroughly.

Article 110: Corner markers require no foundations. They shall be six (6) inches square on their face and shall be a minimum of eight (8) inches in depth and shall be set at the extreme corners of the lot and square within the bounds of the lot. They shall be set flush and level with the grade.

Article 111: Individual markers shall be a minimum of one (1) foot wide by two (2) feet long and shall be placed at the end of the grave farthest from the base of the monument. In single graves, all monuments shall be placed at the head of the grave.

Article 112: Foundations shall be of concrete.

Article 113: The bottom surfaces of bases, monuments and markers must be cut level and true and set in cement mortar to allow every part to be in contact with the foundation without the use of pawls or underpinning.

Article 114: Foundations will be made at least as large as the bottom base or first masonry course above ground but the Town reserves the right to require a larger foundation when, in its opinion, the weight of the structure requires it. Foundations shall be a minimum of four (4) feet in depth. Slate monuments shall be buried to a minimum of two (2) feet in depth. Foundations for markers (monuments flush with the ground) shall be a minimum of two (2) feet in depth.

Article 115: Should any monument, mausoleum, or tomb become unsightly, dilapidated, or a menace to visitors, the Town shall have the right either to correct the condition or to remove same at the expense of the owner.

Article 116: No monuments or markers shall be removed from a cemetery except by the Town unless the written order of the lot owner be presented to and permission granted by the Director.

SECTION VIII - VIOLATIONS AND PENALTIES

Article 117: Any person violating these Rules and Regulations shall be guilty of a violation as set out in RSA 289:8 and shall be subject to the penalties set out in RSA 635:8. See Appendix B.

SECTION IX - APPEALS

Article 118: Any person aggrieved by any provision of these Rules and Regulations or a decision rendered by the Director may appeal said decision or action to the Town Manager.

Article 119: All appeals must be submitted in writing and include all pertinent documentation as well as specific reference to the rule or regulation or decision giving rise to the appeal. Appeals must be made within ten (10) working days of the applicant's knowledge of action causing the grievance. The Town Manager will call upon all interested parties or other experts as the Town Manager may deem appropriate to assist in reaching a decision on the matter being appealed and will respond in writing within ten (10) working days thereafter.

Article 120: No liability shall attach for any delays, or costs incurred or for any other damages which may occur which are associated with time required for the appeal process.

SECTION X - SAVINGS CLAUSE**A. General Provisions**

Article 121: In the event that any portion of these Rules and Regulations is held to be in violation of State or Federal law, or found to be unenforceable by a Court of competent jurisdiction, then that specific section or article shall be stricken or amended to the extent necessary to conform to existing law, rule or regulation. The remainder of these Rules and Regulations will continue in full force and effect.

These Rules and Regulations are hereby adopted by the Town of Jaffrey through its governing body and shall become effective on the date of adoption.

**DATED, SIGNED AND APPROVED BY THE BOARD OF SELECTMEN: JANUARY
24, 2005**

ADDENDUM - BURIAL LOT SIZES AND PRICING:**A. Burial Lot Sizes and Pricing**

Single Grave Lot (3.5'W x 12'L)	\$350.00
Double Grave Lot (7.0'W x 12'L)	\$700.00
Four Grave Lot (14'W x 12'L)	\$1,400.00
Cremation Lot (3.5'W x 6'L)	\$350.00
<i>(suitable for up to four cremation burials)</i>	

Note: All above charges include perpetual care.

B. Burial and Miscellaneous Service Charges
(These charges cover opening, closing, reseeding and recording.)

Interments or Disinterments (full earth burial)

<i>Weekdays</i>	<i>\$350.00</i>
<i>Weekends</i>	<i>\$450.00</i>
<i>Holidays</i>	<i>\$550.00</i>
<i>Children (under the age of 12)</i>	<i>\$150.00</i>
<i>Simultaneous Burials (in same lot; above charges plus an additional. . .)</i>	<i>\$100.00</i>

Interments or Disinterments (cremation)

<i>Weekdays</i>	<i>\$200.00</i>
<i>Weekends</i>	<i>\$300.00</i>
<i>Holidays</i>	<i>\$400.00</i>
<i>Children (under the age of 12)</i>	<i>\$100.00</i>
<i>Simultaneous Burials (in same lot; above charges plus an additional. . .)</i>	<i>\$100.00</i>

Lot Transfers (change of ownership) *\$10.00*

[HISTORY: Adopted 4-23-2003 by the Board of Selectmen]

CLERK, TOWN

Chapter 20

CLERK, TOWN

[Article 31, voted in the affirmative 3-11-86 by the Annual Town Meeting, reads as follows: “To see if the Town will vote to rescind Article 15 of the Town Meeting of March 13, 1984 and change the method of pay for the Town Clerk to a salary of \$9,000¹ plus all statutory fees and commissions, to take effect upon the adoption of this article.”]

(Article 16, voted in the affirmative 3/17/89, by voice vote, at the Annual Town Meeting, reads as follows: “To see if the Town pursuant to RSA 41:33, will vote to pay the Town Clerk a fixed annual fee no less than Twenty Two Thousand Dollars (\$22,000.00), plus an addition Four Thousand Five Hundred Dollars (\$4500.00) for the voluntary participation in the Motor Vehicle Agent Program (RSA 261:74-D), furthermore, that in the future the annual compensation of the Town Clerk shall be negotiated with and agreed upon by the Board of Selectmen annually, and that all fees collected by this office shall be remitted to the Town. Said annual fee to take effect immediately upon passage of this article.”) Amended 3/17/89 Article 16

ARTICLE I MOTOR VEHICLE FEES AND THEIR USE.

(HISTORY: Adopted 3/17/90, Article 12, by voice vote at the Annual Town Meeting. Amendments noted where applicable.)

The Town Clerk will collect a motor vehicle registration surcharge, the amount of which is set forth in RSA 261:153 as follows:

\$5.00 for heavy vehicles, including mobile homes and house trailers, heavy trucks and truck-tractors whose gross weight exceeds 18,000 pounds, and buses;

\$3.00 for automobiles, light vehicles including trucks, and commercial motorized vehicles including tractor trailers; and

\$2.00 for special use vehicles including mopeds, motorcycles, and non-motorized car and boat trailers;

CLERK, TOWN

And further, to require the Town Clerk, after deducting \$.50 from each fee to cover administrative costs, to deposit the remainder in a Town Reclamation Trust Fund, which is hereby created pursuant to RSA 149-M: 13-a, to be held by the Town Treasurer in a separate account, and to be spent under the direction of the Selectmen to pay for the collection and disposal of used motor oil, motor vehicle batteries, motor vehicle tires and other motor vehicle waste from vehicles registered by Town residents; and any excess in the fund may be used for the recycling and reclamation of other types of solid waste.

ARTICLE II REMUNERATION OF ELECTION WORKERS

(Article 24, voted in the affirmative 3/16/96 at the Annual Town Meeting, reads as follows: To see if the Town will vote to adopt Section 218 et. seq., of the Social Security Act by excluding the services performed by election workers for a calendar year in which the remuneration paid for such service is less than \$1,000.”) Approved 3/16/96 Article 24

GENERAL REFERENCES

Motor Vehicles – See Ch. 121
Zoning – See Ch. 193Art.25

1. Editor’s Note; The amount of compensation is subject to change.

COMMUNITY AND ECONOMIC DEVELOPMENT

Chapter 22

ARTICLE I DIRECTOR, ECONOMIC DEVELOPMENT

(Article 9, voted in the affirmative 3/15/97, by voice vote at the Annual Town Meeting, reads as follows: ‘To see if the Town will vote to raise and appropriate the sum of \$17,400 to be used to hire a part-time economic director for the Town of Jaffrey, and pay associated costs for that position.’)¹

ARTICLE II TAX INCREMENT FINANCING DISTRICTS

(Article 23, voted in the affirmative 3/13/99, by a vote of 154-40 at the Annual Town Meeting, reads as follows: “To see if the Town will vote to adopt the provisions of Chapter 162-K of the New Hampshire Revised Statutes Annotated, which, if adopted, will grant the Town authority to establish tax increment financing districts”)

SECTION I – DOWNTOWN JAFFREY TIF

- § 22-II-I-1. Legislative Intent.
- § 22-II-I-2. District Boundaries.
- § 22-II-I-3. Adoption of Specific Plan.
- § 22-II-I-4. District Administrator and Advisory Board.

(History; Adopted 3/13/99 by ballot vote, requested by petition, at the Annual Town Meeting)

- § 22-II-I-1. Legislative Intent.

The Tax Increment Financing District is a means to set aside a portion of the town to allow for infrastructure improvements to be made within that specific area, and to have the new construction within the area pay for the improvements, rather than have it placed on the taxpayers throughout the town. The new money raised from the improvements within the TIFD is set aside to pay for these improvements

- § 22-II-I-2. District Boundaries.

Establishment of a municipal economic development and revitalization district as shown on a map (in the Town Office) entitled Proposed Downtown Jaffrey Tax Increment Finance District (dated 2/9/99) and which generally encompasses the center of Downtown Jaffrey from Charlonne Street to Oak Street and the commercial area along Route 202 north. The district will be known as the Downtown Jaffrey Tax Increment Finance District.

§22-II-I ***DOWNTOWN JAFFREY TAX INCREMENT FINANCE DISTRICT*** ***§22-II-II***

§ 22-II-I-3. Adoption of Specific Plan.

Adoption of the Downtown Jaffrey Increment Financing Plan dated 3/3/99, which provides \$20,000 (twenty thousands) a year for 3 (three) years (1999-2000) to help support the Downtown Revitalization/TEAM Jaffrey efforts, and further allows three years for a development plan to be presented to the Town Meeting for its adoption. Should a development plan fail to be adopted by Town Meeting 2002, this TIFD will terminate, and all funds accumulated will revert to the General Fund.²

§ 22-II-I-4. District Administrator and Advisory Board.

Authorize the Board of Selectmen to appoint a District Administrator in accordance with the provisions of 162-K: 13 and to appoint a nine member Advisory Board in accordance with the provisions of 162-K: 14. The function of the Advisory Board shall be to advise the Board of Selectmen and the District administrator on the establishment of a more comprehensive and specific development plan for the District, and then to advise and assist in the implementation of that plan, once approved by Town Meeting.

SECTION II – STONE BRIDGE TIF

§ 22-II-II-1. Legislative Intent.

§ 22-II-II-2. District Boundaries.

§ 22-II-II-3. Adoption of Specific Plan.

§ 22-II-II-4. District Administrator and Advisory Board.

(History: Adopted 3/13/99 by ballot vote, per a petition, at the Annual Town Meeting.)

§ 22-II-II-1. Legislative Intent.

The creation of the Tax increment Financing Districts is a means to set aside a portion of the town to allow for infrastructure improvements to be made within that specific area, and to have the new construction within the area pay for the improvements, rather than have it placed on the taxpayers throughout the town. The new money raised from the improvements within the TIFD is set aside to pay for these improvements.

§22-II-II STONE BRIDGE INDUSTRIAL PARK TAX INCREMENT FINANCE DISTRICT

§22-II-II-2. District Boundaries.

Establish a municipal economic development and revitalization district as shown on a map (kept at Town Office) entitled Proposed Stone Bridge Industrial Park Tax Increment Finance District (dated 2/9/99) and which generally encompasses the land to the north and south along Sharon Road and the land along Route 202 to the east and west from Cheshire Pond to the junction of Nutting Road/Pierce Crossing Road and Route 202. The district will be known as the Stone Bridge Industrial Park Tax Increment Financing District.

§ 22-II-II-3. Adoption of Specific Plan.

Adoption of the Stone Bridge Industrial Park Tax Increment Financing Plan dated 2/9/99, which stipulates that no funds arising from the district will be expended until a more comprehensive and specific plan is adopted by Town Meeting vote.

§22-II-II-4. District Administrator and Advisory Board.

Authorize the Board of Selectmen to appoint a District Administrator in accordance with the provisions of 162-K: 13 and to appoint a five member Advisory Board in accordance with provisions of 162-K: 14. The function of the Advisory Board shall be to advise the Board of Selectmen and the District Administrator on the establishment of a more comprehensive and specific development plan for the District, and then to advise and assist in the implementation of that plan, once approved by the Town Meeting.

ARTICLE III COMMUNITY DEVELOPMENT BLOCK GRANT INTERMUNICIPAL AGREEMENTS

(Article 18 voted in the affirmative 3/16/91, by voice vote, at the Annual Town Meeting as follows: To authorize the Town of Jaffrey as lead community to enter into a cooperative agreement under RSA 53-A for the purpose of applying for and administering joint Community Development Block Grants intended to rehabilitate housing for low and moderate income persons. Said agreement to be in effect for three years and to authorize the Selectmen to renew said agreement as they may deem necessary thereafter.)

ARTICLE IV INDUSTRIAL DEVELOPMENT AUTHORITY

(Article 27, voted in the affirmative 3/18/95, by voice vote at the Annual Town Meeting, reads as follows: “To see if the Town will vote to : 1.) adopt to provisions of RSA 162-G, entitled “Acquisition, Development and Disposal of Industrial Land and Facilities; and 2.) to establish an Industrial Development Authority under the provisions of RSA 162-G:15-a, with a nine (9) member board appointed by the Board of Selectmen.”)

1. Editor’s Note; The amount of compensation is established annually by the Town Manager pursuant to RSA 37:6 II.

2. Editor’s Note; The appropriation for Downtown Improvements/Team Jaffrey Main Street Program Management is included in the TIF Plan subject to amendment by Town Meeting as recommended by the Select Board.

CONSERVATION COMMISSION

Chapter 23

CONSERVATION COMMISSION

ARTICLE I Establishment

[Article 13, voted in the affirmative 3-7-72 by the Annual Town Meeting, reads as follows: “To see if the Town will vote to establish a Town Conservation Commission as set forth in N.H. Revised Statutes Annotated, Chapter 36-A.”]

ARTICLE II Unexpended Appropriations

[The Annual Town Meeting votes annually to determine if the town will vote to authorize the Conservation Commission to retain the unexpended portion of the previous year’s appropriation, said funds to be placed in a special conservation fund in accordance with RSA 36-A:5 or act in any way relating thereto.¹]

ARTICLE III *PURCHASE CONSERVATION LAND OUTSIDE JAFFREY*

[Article 20, voted in the affirmative 3/14/09 by the Annual Town Meeting, by voice vote, read as follows: “To see if the Town shall vote to adopt the provisions of RSA 36-A:4-a, I(a) to authorize the Conservation Commission to expend Conservation Fund funds to purchase interests in land outside of the boundaries of our municipality, subject to the approval of the governing body”]

ARTICLE IV *FOREST MANAGEMENT REVENUE APPORTIONMENT*

[Article 22, voted in the affirmative 3/15/08 by the Annual Town Meeting, by a secret ballot of 81-64, read as follows: “To see if the Town will vote to amend Article 23 of the 1993 Annual Town Meeting to authorize that any proceeds which accrue from forest management on town-owned property shall be apportioned 50% to the Conservation Fund and 50% to the Town’s General Fund, Enterprise Fund or Special Revenue Fund. This amendment shall expire on December 31, 2018, at which time, going forward, in accordance with Article 23 of the 1993 Annual Town Meeting, all revenues from forest management on Town property shall be placed in the Conservation Fund.”]

CONSERVATION COMMISSION

ARTICLE V CONSERVATION/WATER QUALITY EASEMENTS & CONVEYANCES

[Article 20, voted in the affirmative 3/17/07 by the Annual Town Meeting, by voice vote, read as follows: “To see if the Town will vote to authorize the Board of Selectmen on behalf of the Town to grant a permanent conservation easement to the Monadnock Conservancy on a parcel of Town owned land (Map 239, Lot 159), of approximately thirty-five acres, known as “Children’s Woods”, for the purpose of satisfying the State of New Hampshire’s Department of Environmental Services wetland mitigation requirement related to the Union Street Ball Field Project.”]

[Article 13, voted in the affirmative 3/15/08 by the Annual Town Meeting, by voice vote, read as follows: “To see if the Town will vote to ratify the expenditure of up to \$160,000 for the acquisition of a conservation/water quality easement and for associated costs with the purchase. Said costs to include due diligence studies, surveys, appraisal, closing costs, legal fees and other such costs necessary to complete the purchase, by negotiated purchase, gift or otherwise, as substantiated by an independent third party appraisal using funds from the existing Conservation Fund and/or grants and/or private contributions, upon certain property referred to as “Grey Goose Farmland” with two accesses both off Squantum Road, consisting of 56 acres more or less, and being shown on Assessor’s Map 242 as Lots 57.3 (31+/- acres) and 57.4 (25+/- acres), to be conveyed to the Town of Jaffrey in accordance with New Hampshire Chapter 36-A and other relevant New Hampshire statutes relating to Conservation, to be under the care, custody, management and control of the Jaffrey Conservation Commission for the purpose of protecting down gradient and subsurface water supplies, protection of agricultural soils, conservation of other natural resources including wildlife habitat and potential public access for passive recreation, and other uses consistent with the conservation.”]

GENERAL REFERENCES

Historic District Commission - See Ch. 139

Managing Town Forests – See Ch 135.

Finance – Land Use Change Tax – See Ch. 27

Select Board Acquisition of Land – See Ch. 59

1. Editor’s Note: Article 9, voted in the affirmative 3-17-84 by the Annual Town Meeting, was moved and voted on as follows: “Move to see if the Town will vote to authorize the Conservation Commission to retain the unexpended portion of its 1983 appropriation, said funds to be placed in a special conservation fund in accordance with RSA 36-A:5.” Currently effective provisions regarding the disposition of unexpended appropriations are available on file in the office of the Town Clerk.

FINANCE DEPARTMENT

CHAPTER 27

FINANCE DEPARTMENT

ARTICLE II SPECIAL FUNDS

[Article 24, voted in the affirmative 3-31-90 by the Annual Town Meeting, by voice vote, reads as follows: “To see if the Town will vote to authorize the Board of Selectmen pursuant to RSA 41:9-a, to establish or amend fees for the issuance of any license or permit, or services, etc. which are part of any previous or future regulatory process authorized by the Town.”]

[Article 17, voted in the affirmative 3-16-91 by the Annual Town Meeting, by voice vote, reads as follows: “To see if the Town will vote to establish an expendable Town Trust to be known as the Meeting House Trust pursuant to RSA 31:19a for the purpose of funding long-term maintenance needs of the Jaffrey Meeting House and to raise and appropriate the sum of One Hundred Dollars (\$100) to be placed into said fund and to designate the Board as agents to expend.”]

[Article 23, voted in the affirmative 3-12-94 by the Annual Town Meeting, by voice vote, reads as follows: “To see if the Town will vote to establish, under the authority of RSA 35-B:2 II, a recreation revolving fund for paid programs and activities conducted and administered by the Jaffrey Recreation Department. The funds would be held in the custody of the Town Treasurer and paid out only on orders by the Board of Selectmen and Town Manager. This fund would be established and effective on January 1, 1995, and would continue until specifically rescinded.”]

[Article 7, voted in the affirmative 3-16-96 by the Annual Town Meeting, by voiced vote, reads as follows: “To see if the Town will vote to establish a capital reserve fund under RSA 35 for the purpose of purchasing new or refurbishing existing firefighting and/or rescue equipment, and to raise and appropriate the sum of \$25,000 to be deposited in said fund.”]

[Article 12, voted in the affirmative 3-14-98 by the Annual Town Meeting, by voice vote, reads as follows: “To see if the Town will vote to establish a Town Trust Fund, under RSA 31:19-a, for the purpose of maintaining, repairing or replacing the Town Clock located in the steeple of the Jaffrey Women’s Club building, and to see if the Town will vote to raise and appropriate the sum of \$1,000 to be deposited into said Trust Fund.”]

The Town Clock Trust Fund was later amended in 2008:

[Article 17, voted in the affirmative 3-15-98 by the Annual Meeting, by unanimous Division vote, reads as follows: “To see if the Town will vote to amend Article 17 of the 1998 Town Meeting to provide that the Town Clock fund is to be utilized for the maintenance and repair of both Town Clocks.”]

FINANCE DEPARTMENT

The Town Clock Trust Fund was later amended in 2016:

[Article 28, voted in the affirmative 3-12-16 by the Annual Meeting, voted, in part, "...to appoint the Selectmen as agents to expend from the fund".]

[Article 11, voted in the affirmative 3-18-00 by the Annual Town Meeting, by voice vote, reads as follows: "To see if the Town will vote to create a trust fund, under NH RSA 31:19-a, for the purpose of restoration and replacement of gravestones throughout the town's cemeteries, and to raise and appropriate \$2,500 to be placed in this fund."]

[Article 20, voted in the affirmative 3-12-05 by the Annual Town Meeting, by voice vote, reads as follows: "To see if the Town will vote to create an expendable trust fund under the provisions of RSA 31:19-a, to be known as the Downtown Street Sign Replacement Fund, for the purpose of replacing the decorative street signs in the downtown area. TEAM Jaffrey has donated the \$750 to be used as the initial deposit for this Trust Fund."]

[Article 24, voted in the affirmative 3-17-07 by the Annual Town Meeting, by voice vote, reads as follows: "To see if the Town will vote to create an expendable trust fund under the provisions of RSA 31:19-a, to be known as the Cemetery Trees Fund, for the purpose of the care, maintenance, and removal of trees within and around the Town's cemeteries, and to raise and appropriate the sum of \$5,000.00 and to further authorize the acceptance of privately donated gifts, legacies, and devises to be utilized for the same purpose, with the Board of Selectmen and Town Manager named as agents to expend."]

[Article 21, voted in the affirmative 3-14-09 by the Annual Town Meeting, by voice vote, reads as follows: "To see if the Town will vote to establish a Land Acquisition Capital Reserve Fund under the provisions of RSA 35:1 as part of the Town's Capital Improvement Program for the purpose of acquiring or assisting in the acquiring of land and conservation easements to conserve strategic open space for the Town of Jaffrey in order to stabilize tax base and help maintain scenic views, wildlife habitat and water quality."]

[Article 16, voted in the affirmative 3-13-10 by the Annual Town Meeting, by voice vote, reads as follows: "To see if the Town will vote to establish a Municipal Buildings Maintenance Capital Reserve Fund under the provisions of RSA 35:1 as part of the Town's Capital Improvement Program for the purpose performing major maintenance on existing Town buildings."] [Article 17, voted in the affirmative 3-17-12 by the Annual Town Meeting, by voice vote, designated the Selectmen as agents to expend for the Municipal Buildings Maintenance Capital Reserve Fund.]

[Article 8, voted in the affirmative 3-18-89 by the Annual Town Meeting, by voice vote, reads as follows: "To see if the Town will vote to establish a Capital Reserve Fund pursuant to RSA Chapter 35 for the purpose of funding the closure and all expenses relating thereto of the Jaffrey Sanitary Landfill and to raise and appropriate the sum of Fifty Thousand Dollars (\$50,000) to be paid into said capital reserve fund."]

FINANCE DEPARTMENT

[Article 9, voted in the affirmative 3-18-89 by the Annual Town Meeting, by voice vote, reads as follows: “To see if the Town will vote to establish a Capital Reserve Fund pursuant to RSA Chapter 35 for the purpose of purchasing a new fire truck for the Jaffrey Fire Department and to raise and appropriate the sum of Ten Thousand Dollars (\$10,000) to be paid into said capital reserve fund.]

[Article 6, voted in the affirmative 3-16-91 by the Annual Town Meeting, by voice vote, reads as follows: “To see if the Town will vote to establish a Capital Reserve Fund pursuant to RSA Chapter 35 for the purpose of purchasing a new water storage tank for the Fire Department Tanker and to raise and appropriate the sum of Fifteen Thousand dollars (\$15,000) to be paid into said fund and to designate the Board of Selectmen as agents to expend.]

[Article 7, voted in the affirmative 3-15-97 by the Annual Town Meeting, by voiced vote, reads as follows: “To see if the Town will vote to establish, under RSA 35, a Capital Reserve Fund to be used for the purchase of new, or refurbishing existing highway equipment, and to raise and appropriate the sum of \$20,000 to be deposited in said fund.”]

[Article 15, voted in the affirmative 3-16-02 by the Annual Town Meeting, by voice vote, reads as follows: “To see if the Town will vote to establish a Capital Reserve Fund, under RSA 35:1, for the purpose of a town-wide property revaluation, and to vote to raise and appropriate the sum of (\$50,000) to be paid in said fund, and to designate the Board of Selectmen as agents to expend these funds.]

[Article 8, voted in the affirmative 3/15/14 by the Annual Town Meeting, by voice vote, reads as follows: “To see if the town will vote to establish a revolving fund pursuant to RSA 31:95-h, for the purpose of police special details. All revenues received for police special details will be deposited into the fund, and the money in the fund shall be allowed to accumulate from year to year, and shall not be considered part of the town’s general fund unassigned fund balance. The town treasurer shall have custody of all moneys in the fund, and shall pay out the same only upon order of the governing body and no further approval is required by the legislative body to expend. Such funds may be expended only for the purpose for which the fund was created.”]

[Article 30, voted in the affirmative 3/15/03 by the Annual Town Meeting, by voice vote, reads as follows: “To see if the town will vote to allocate 75% of the money received from the Land Use Change Tax to the Town’s Conservation Fund for the purpose of land conservation and/or relevant conservation-oriented activities.”]

[Article 21, voted in the affirmative 3/14/15 by the Annual Town Meeting, by voice vote, reads as follow: “To see if the Town will vote to establish a Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of replacing the Recreation Department tractor, to raise and appropriate the sum of \$12,500 (Twelve Thousand Five Hundred Dollars) to be placed in this fund, and to appoint the Select Board as agent to expend.”]

ARTICLE III
FEEES

Fees for Regulatory Process.

The Board of Selectmen can establish or amend fees for the issuance of any license or permits, or services, etc. which are part of any previous or future regulatory process authorized by the Town.
[3/17/90 Amendment 24]

GENERAL REFERENCES

Tax Increment Financing Funds – See Community Development – Ch. 22

FIRE DEPARTMENT

Chapter 29

FIRE DEPARTMENT

[Article 15, voted in the affirmative 3-12-63 by the Annual Town Meeting, reads as follows: “To see if the Town will vote to ratify, approve and confirm the action of our Fire Department in joining our town to the Southwestern New Hampshire District Fire Mutual Aid System in 1958, and in agreeing that our Fire Department may give and receive outside aid as provided for in New Hampshire Revised Statutes Annotated, Chapter 154 as amended.”]

(Article 22, voted in the affirmative 3/13/99, by voice vote, at the Annual Town Meeting, reads as follows: “To see if the Town will vote to adopt the provisions of NH RSA 154:1.I.b, which allows for the appointment of a Fire Chief. If adopted, this statute would take effect one year from the 1999 Town Meeting Election Day (March 9, 2000).”)

GENERAL REFERENCES

Finance Department - See Ch. 27

TOWN FORESTS

Chapter 30

TOWN FORESTS

[Article 22, voted in the affirmative 3/13/93 by the Annual Town Meeting, by voice vote, read as follows: To see if the Town will vote to establish as Town Forests, as authorized by RSA 31:110, the following parcels of town owned land:

- A. The Monadnock Lot – Lands located below Poole Reservoir (Map #219, Lot #006) consisting of 153 +/- acres;
- B. Carey Park Lot – Lands located off of Burrington Ct. (Map #240, Lot #102) consisting of 56 +/- acres;
- C. Lacy Road Lot – Lands located off of Lacy Road (Map #239, Lot #1) consisting of 4.3 acres.]

[Article 24, voted in the affirmative 3/18/00 by the Annual Town Meeting, by voice vote, read as follows: To see if the Town will vote to accept a 13.9 acre piece of land located off Fitzwilliam Road and to delegate management of this land to the Conservation Commission. The land will be a Town Forest. And will be called the “Bixler Forest”.]

HOUSING COMMISSION, STATE

Chapter 33

HOUSING COMMISSION, STATE

ARTICLE I

Authorization To Operate in Town

[Article 6, voted in the affirmative 3-4-75 by the Annual Town Meeting, read in the warrant as follows: "To see if the Selectmen will authorize the New Hampshire Housing Commission to operate a leased housing program in the Town of Jaffrey."

Article 6 was moved and voted upon as follows: "That the Selectmen authorize the New Hampshire Housing Commission to operate a leased housing program in the Town of Jaffrey, N.H. according to the provisions of Chapter 204A of the New Hampshire revised statutes annotated and the provisions of section 8 of the United States Housing Act of 1937, as amended to locality. That said New Hampshire Housing Commission is authorized to sponsor a project to lease any of the following dwelling accommodations or a combination thereof: (A) existing standard housing: (B) rehabilitated housing: (C) newly constructed housing. The total amount of the foregoing not to exceed 40 units."

The authorization was continued by Article 1, voted in the affirmative 9-20-77 by a Special Town Meeting, by ballot, which reads as follows: "Move that the Town of Jaffrey authorize the New Hampshire Housing Commission to continue to operate in said Town of Jaffrey and that the New Hampshire Housing Commission is authorized to sponsor a project for elderly persons under Section 8 of the U.S. Housing Act of 1937 as amended for sixty (60) newly constructed dwelling units."

Article I of the 9-20-77 Special Town Meeting was amended by Article 17, voted in the affirmative 3-13-79 by the Annual Town Meeting by ballot, which read in the warrant as follows: "To see if the Town will vote to repeal that part of Article 1 of the resolution passed at the Special Town Meeting held September 20, 1977, which reads: 'and that the New Hampshire Housing Commission is authorized to sponsor a project for elderly persons under Section 8 of the U.S. Housing Act of 1937 as amended for sixty (60) newly constructed building units.' or act in any way relating thereto."

Article 17 was moved and voted upon as follows: "That the Town vote to repeal that part of Article 1 of the resolution passed at the Special Town Meeting held on September 20, 1977 which reads: 'and that the New Hampshire Housing Commission is authorized to sponsor a project for elderly persons under Section 8 of the U.S. Housing Act 1937 as amended for sixty (60) newly constructed building units.'

HOUSING COMMISSION, STATE

ARTICLE II

Referral of Consent Requests to Town Meeting

[Article 21, voted in the affirmative 3-15-80 by the Annual Town Meeting, reads as follows: “To see if the Town will vote to instruct the Selectmen to refer to Town Meeting any requests for consent to the State Housing Commission to operate housing projects in Jaffrey.”]

LIBRARY

Chapter 34

LIBRARY

ARTICLE I **Creation of Board**

(Article 20, voted in the affirmative 3-12-88 at the Annual Town Meeting, reads in the warrant article as follows: "To see if the town will vote to elect a Board of Library Trustees consisting of five (5) members pursuant to RSA 202:A-G as follows:

At the first election (1989) one (1) trustee shall be elected for (1) year, two (2) trustees shall be elected for (2) years, and two (2) trustees shall be elected for three (3) years; thereafter, each year the trustee(s) shall be elected for a term of three (3) years and until their successors are elected and qualified.") Added New Section 3 /12 /88 Article 20.

ARTICLE II **Acceptance of Grants, Gifts or Funds**

(The Annual Town Meeting votes annually to determine if the town will vote to authorize the Trustees of the Jaffrey Public Library to apply for, accept and expend any grants, gifts or funds to the town in trust or otherwise and said funds may be expended.¹⁾

[Article 33, voted in the affirmative 3/13/99 by the Annual Town Meeting, read as follows: "Shall the Town adopt the provisions of NH RSA 202-A:4-d providing that any town at annual meeting may adopt an article authorizing indefinitely, until specific recession of such authority, the Library Trustees to apply for, accept, and expend, without further action by the Town Meeting, unanticipated money from a federal, state, or other governmental unit or a private source which becomes available during this year?"]

[Article 37, voted in the affirmative 3/13/99 by the Annual Town Meeting, read as follows: "Shall the Town adopt the provisions of NH RSA 202-A:4-d providing that any town at annual meeting may adopt an article authorizing indefinitely, until specific recession of such authority, the Library Trustees to accept gifts of personal property which may be offered to the Library for any public purpose, provided, however, that no acceptance of personal property by the Library Trustees shall be deemed to bind the Town, or the Library Trustees to raise, appropriate, or expend any public funds for the operation, maintenance, repair, or replacement of such personal property."]

LIBRARY

1. Editor's Note: Article 15, voted in the affirmative 3/14/92, by voice vote, at the Annual Town Meeting, reads as follows: "To authorize the Trustees of the Jaffrey Public Library pursuant to RSA 202-A:4-c and 202-A:23, to apply for, accept and expend any and all federal or state grants, gifts or funds that may become available during the ensuing year so long as such expenditures do not require further expenditures of other town funds except those lawfully appropriated for the same purpose."

MANAGER, TOWN

Chapter 35

MANAGER, TOWN

ARTICLE I

Adoption of Town Manager Plan

[Article 36, voted in the affirmative 3-11-86 by ballot by the Annual Town Meeting, reads as follows: “To see if the Town will vote to adopt the Town Manager Plan as provided in Chapter 37 of the Revised Statutes Annotated.”]

(Article 26, voted in the affirmative 3/12/91, by Official Ballot, reads as follows: “Do you favor the continuation of the Town Manager plan as now in force in this Town?”) Approved 3/12/91 Article 26¹

ARTICLE II

Access to Water Works Department Records

[Article 5, voted in the affirmative 3-14-87 by the Annual Town Meeting, reads as follows: “Are you in favor of the Town continuing to have a Water Works Department as previously operated by the Town pursuant to the enabling legislation passed by the New Hampshire legislature in 1901, said Department to be operated in the same manner as previously and with the same Board of Water Commissioners as previously elected and in accordance with any Town by-laws; provided, however, that the Town Manager shall have access to all of the Department’s books and papers for any information necessary for the proper performance of his duties?’ This article clarifies the vote taken at the 1986 Town Meeting when the Town voted to adopt the Town Manager Plan.”]

GENERAL REFERENCES

Fund, Recreation – See Ch 136

. Editor’s Note: A similar vote was taken on 3/9/93 with the same results.

PERSONNEL POLICIES

Chapter 38

PERSONNEL POLICIES

ARTICLE I

Social Security Exclusions

[Article 12, voted in the affirmative 3-8-77 by the Annual Town Meeting, reads as follows: “To see if the Town will vote to authorize the Selectmen to exclude from its Social Security Plan services performed by election officials or election workers for each calendar quarter in which the remuneration paid for such services is less than \$50.00.”] *Superseded by Article 24, 1996 Town Meeting:*

(Article 24, voted in the affirmative 3/16/96 at the Annual Town Meeting, reads as follows: To see if the Town will vote to adopt Section 218 et. seq., of the Social Security Act by excluding the services performed by election workers for a calendar year in which the remuneration paid for such service is less than \$1,000.”) Approved 3/16/96 Article 24

ARTICLE II

New Hampshire State Retirement System Plan

[Article 12, voted in the affirmative 3-13-79 by the Annual Town Meeting, read in the warrant as follows: “To see if the Town will vote to rescind action at the March 1946 Town Meeting Article 27¹ relative to participation by Town Employees in the New Hampshire State Retirement System and to vote to allow Town Employees, other than the Police Department to elect whether to participate in the New Hampshire Retirement System Plan, or act in any way relating thereto.”]

Article 12 was moved and voted upon as follows: “That the Town vote to rescind action at the March 1946 Town Meeting, Article 27, relative to participation by town employees in the New Hampshire Retirement System and to vote to allow town employees, other than the Police Department to elect whether to participate in the New Hampshire Retirement System Plan.”]

ARTICLE III

Alternate Retirement Program

[Article 18, voted in the affirmative 3-15-80 by the Annual Town Meeting, reads as follows: “To see if the Town will vote to institute a retirement program for those town officers and employees who do not participate in the New Hampshire Retirement System.”]

PERSONNEL POLICIES

GENERAL REFERENCES

Compensation of Town Clerk - See Ch. 20.

Police Chief - See Ch. 45.

Recreation Committee - See Ch. 55.

Compensation of Tax Collector - See Ch. 71.

Election of Clerk, Treasurer and Tax Collector - See Ch. 83

1. Editor's Note: Article 27 of the 1946 Annual Town Meeting entered the town into the Employees Retirement System of the State of New Hampshire, as provided by R.L. Chapter 27-A.
New Hampshire State Statutes now require mandatory participation of all full-time employees who are hired on an indefinite basis, once the Town votes participation of its non-public safety employees.

PLANNING BOARD

Chapter 42

PLANNING BOARD

ARTICLE I

Creation of Board

[Article 19, voted in the affirmative 3-8-49 by the Annual Town Meeting, read in the warrant as follows: “To see if the Town will take any action with regard to creating a planning board and making available to it any of the powers and duties prescribed in Chapter 53 of the Revised Laws.”¹

Article 19 was voted upon as follows: “It was voted that the town establish a Planning Board of seven members, with duties set forth in section 3 to 15, inclusive of chapter 53 of the Revised Laws, to make a study of the town’s development and report to town meeting appropriate recommendations for the promotion and maintenance of the town’s best development, the board members to consist of one selectman and six other citizens appointed by the selectmen, as provided in chapter 53, Revised Laws.”]

ARTICLE II

Approval of Subdivisions, Streets and Parks

[Article 22, voted in the affirmative 3-8-60 by the Annual Town Meeting, reads as follows: “To see if the town will vote to authorize and empower the Planning Board to approve or disapprove in its discretion plats showing new streets or the widening thereof, or parks, or new subdivisions of land.”]

ARTICLE III

Municipal Capital Improvement Projects

[Article 19, voted in the affirmative 3-17-84 by the Annual town Meeting, read in the warrant as follows: “To see if the Town will authorize the Planning Board under the provisions of R.S.A. 674:5, to prepare and amend a recommended program of municipal capital improvement projects, or act in any way relating thereto.”]

Article 19 was moved and voted upon as follows: “Move to see if the Town will authorize the Planning Board under the provisions of R.S.A. 674:5, to prepare and amend a recommended program of municipal capital improvement projects.”]

PLANNING BOARD

1. Editor's Note: R.L. 53 was designated as RSA 36:1 et seq. The relevant sections of RSA 36 were repealed by 1983, 447:5, IV, Eff. January 1, 1984, and were in large part replaced in RSA 673 and RSA 674.

GENERAL REFERENCES

Regional Planning Association - See Ch. 64.
State Housing Commission - See Ch. 67.
Ballot system - See Ch. 83, Art. I.
Excavations - See Ch. 128.
Flood hazard areas - See Ch. 133.
Historic District - See Ch. 139.
Junkyards - See Ch. 143.
Mobile homes - See Ch. 151.
Site plan review - See Ch. 167.
Subdivision regulations - See Ch. 175.
Wetlands - See Ch. 189.
Land use - See Ch. 193
Special Administrative Committee – See Ch 193, Art. IV .

POLICE DEPARTMENT

Chapter 45

POLICE DEPARTMENT

[Article 15, voted in the affirmative 3-9-54 by the Annual Town Meeting, read in the warrant as follows: “To see if the Town will vote to discontinue the practice of electing our Chief of Police, and vote that said officer shall be appointed and hold office at the will of the Selectmen.”]

Article 15 was voted upon as follows: “That the election of chief of police be discontinued as of today and thereafter the office of Chief of Police be filled by appointment by the Selectmen.”]

GENERAL REFERENCES

Town meetings and elections - See Ch. 83.

Town Manager currently appoints the Police Chief under the Town Manager plan as approved under Article 36, 1986 Town Meeting – See Ch. 35.

POOLE FUND COMMITTEE

Chapter 49

POOLE FUND COMMITTEE

[Article 7, voted in the affirmative 3-9-54 by the Annual Town Meeting, read in the warrant as follows: “To see if the Town will request the Poole Fund Committee to annually report its financial activities to the Office of the Attorney General at Concord, New Hampshire, and to the Trustees of Trust Funds of the Town of Jaffrey, or act in any way relative thereto.”]

Article 7 was voted upon as follows: “it was voted to request the Poole Fund Committee to report its financial activities annually to the Trustees of Trust Funds and to the New Hampshire Attorney General.”^{1]}

GENERAL REFERENCES

Cemetery trust funds - See Ch. 17.

1. Editor's Note: Article 6 of the 1954 Annual Town Meeting rescinded Article 16 of the 1953 Annual Town Meeting, which directed the Poole Fund Committee to make specific and detailed accounting of all money received by the Committee, of its expenditures and of the appointment of the various members to the Committee.

PUBLIC WORKS

Chapter 51

PUBLIC WORKS

[Article 23, voted in the affirmative 3-7-72 by the Annual Town Meeting, read in the warrant as follows: “To see if the Town will vote to authorize the Selectmen to appoint a Public Works Superintendent, to serve at the pleasure of the Selectmen; whose duties shall be assigned by the Selectmen and whose salary shall be determined by vote of the Town, effective after the March 1973 Town Meeting; and to authorize the Selectmen to take necessary action to develop the Public Works Superintendent concept, or act in any way relating thereto.”]

Article 23 was moved and voted upon as follows: “That the Town vote to authorize the Selectmen to appoint a Public Works Superintendent to serve at the pleasure of the Selectmen; whose duties shall be assigned by the Selectmen and whose salary shall be determined by vote of the Town, effective after the March 1973 Town Meeting, and to authorize the Selectmen to take necessary action to develop the Public Works Superintendent Concept.”]

GENERAL REFERENCES

Waterworks - See Ch. 92.

Landfill - **See** Ch. 147.

Town Manager currently appoints the Director of Public Works under the Town Manager plan as approved under Article 36, 1986 Town Meeting – See Ch. 35.

Editor’s Note; The amount of compensation is established annually by the Town Manager pursuant to RSA 37:6 II.

RECREATION COMMITTEE

Chapter 55

RECREATION COMMITTEE

[Article 29, voted in the affirmative 3-2-76 by the Annual Town Meeting, read in the warrant as follows: "To see if the Town will vote to establish a seven member Recreation Committee to hire a Recreation Director and to supervise year-round recreation program. Committee to be composed of one (1) member each chosen by and representing the Board of Selectmen, Humiston Park Commission, Jaffrey-Rindge School Board, and four (4) members from the community appointed by the Selectmen the first year and thereafter elected at Town Meeting, and to discontinue practice of electing Humiston Park Commissioners."

Prior to voting on the Article the second sentence of Article 29 was amended to read as follows: "Committee composed of one member each chosen by and representing the Board of Selectmen, the Jaffrey-Rindge School Board and five members appointed by the Selectmen for the first year, elected by Town Meeting. One member for three years, two members for two years and two members for one year. Humiston Park Commissioners to be discontinued."^{1]}

GENERAL REFERENCES

Town Meeting - See Ch. 83.

1. Editor's Note: Article 17 of the 1975 Annual Town Meeting created a temporary Recreation Committee for the purpose of studying and recommending the program established under Article 29 of the 1976 Annual Town Meeting.

REFUSE DISPOSAL DISTRICT, REGIONAL

Chapter 56

REFUSE DISPOSAL DISTRICT, REGIONAL

[Article 41, voted in the affirmative 3-11-86 by ballot by the Annual Town Meeting, reads as follows: “Shall the Town accept the provisions of RSA 53-B:1 to 11 inclusive providing for the establishment of a regional refuse disposal district together with the towns of Chesterfield, Harrisville, Marlborough, Nelson, Roxbury, Surry, Swanzey, Troy and Westmoreland and the city of Keene, and the construction, maintenance, and operation of a regional refuse disposal facility by said district in accordance with the provisions of a proposed agreement filed with the Selectmen.”¹]

[Article 25, voted in the affirmative 3-17-90 by the Annual Town Meeting, by voice vote, reads as follows: “To see if the Town of Jaffrey will vote to authorize the Selectmen to enter into a cooperative agreement under RSA Chapter 53-A, with the Towns of Fitzwilliam, Dublin and such other towns as may agree to the terms thereof, providing for joint exercise of powers and responsibilities concerning disposal of municipal solid waste, including among others, provisions for construction, maintenance, operation and closure of municipal solid waste disposal facilities, and for apportionment of financial responsibility therefore.”]

Editor’s Note: 1) Voters approved withdrawing from the District at a Special Town Meeting, October 15, 1988, Article 1

GENERAL REFERENCES

Solid Waste Disposal – Ch. XX

SELECTMEN

Chapter 59

SELECTMEN

ARTICLE I

Obtaining Sewage Disposal Assistance

[Article 5, voted in the affirmative 3-8-77 by the Annual Town Meeting, reads as follows: “To see if the Town will authorize the Selectmen, until directed to the contrary at a subsequent Town Meeting, to apply, negotiate and do all things necessary to obtain such Federal, State, or other assistance as may be available for the report for, design of, and construction of a sewage disposal system, and to authorize the Selectmen to borrow money in anticipation of said assistance as outlined in N.H. R.S.A. 33:7-6 et seq., as amended, and pass any vote relating thereto. (Two thirds vote required)”]

ARTICLE II

Tax Anticipation Borrowing

[The Annual Town Meeting votes annually to determine if the town will vote to authorize the Selectmen and Town Treasurer to borrow money upon the credit of the town in anticipation of taxes.¹]

[Article 34, voted in the affirmative 3-13-99 by the Annual Town Meeting, by voice vote, read as follows: “Shall the Town accept the provisions of NH RSA 33:& providing that any town at an annual meeting may adopt an article authorizing indefinitely, until specific recession of such authority, the Selectmen to issue the tax anticipation notes?”]

ARTICLE III

Tax Sale Property

[The Annual Town Meeting votes. annually to determine if the town will vote to authorize the Selectmen to sell at public auction property acquired or property which may be acquired by tax sale, such public auction to be held after being advertised in a local weekly newspaper for three (3) successive weeks.²]

1. Editor’s Note: Article 4, voted in the affirmative 3-17-84 by the Annual Town Meeting, reads as follows: “To see if the Town will vote to authorize the Selectmen and Town Treasurer to borrow money upon the credit of the Town in anticipation of taxes.” Currently effective provisions regarding tax anticipation borrowing are on file in the office of the Town Clerk.

2. Editor’s Note: Article 6, voted in the affirmative 3-17-84 by the Annual Town Meeting, reads as follows: “To see if the Town will vote to authorize the Selectmen to sell at public auction property acquired or property which may be acquired by tax sale, such public auction to be held after being advertised in a local weekly newspaper for three successive weeks.” Currently effective provisions regarding tax sale property are on file in the office of the Town Clerk.

SELECTMEN

Disposal of Property

(Article 8, voted in the affirmative 3/16/96, at the Annual Town Meeting, reads as follows: “To see if the town will vote to authorize the Board of Selectmen at their discretion, pursuant to RSA 80:80, to dispose of property acquired by Tax Deed by either conveying said property back to its original owner(s) for consideration equal to all associated unpaid property taxes, interest and expenses or sell said property at public auction, or to otherwise dispose of property as justice may require.”)

[Article 38, voted in the affirmative 3-13-99 by the Annual Town Meeting, by voice vote, read as follows: “Shall the Town adopt the provisions of NH RSA 80:80 providing that any town at an annual meeting may adopt an article authorizing indefinitely, until specific recession of such authority, the authority of the Selectmen, pursuant to RSA 80:80, to dispose of property acquired by Tax Deed by either conveying said property back to its original owner(s) for consideration equal to all associated unpaid property taxes, interest, and expenses or sell said property at public auction, or to otherwise dispose of property as justice may require.”]

ARTICLE IV

Acceptance of Legacies, Gifts, Grants and Subsidies

[The Annual Town Meeting votes annually to determine if the town will authorize the Selectmen to accept any or all legacies, gifts, grants and subsidies to the town in trust or otherwise by any individual or individuals and to further authorize that the funds may be expended for the purposes stated or act in any way relating thereto.³]

[Article 35, voted in the affirmative 3-13-99 by the Annual Town Meeting, by voice vote, read as follows: “Shall the Town adopt the provisions of NH RSA 31:19 providing that any town at an annual meeting may adopt an article authorizing indefinitely, until specific recession of such authority, the Selectmen the authority to accept, on behalf of the Town, gifts, legacies and devises made to the Town in trust any public purpose as permitted by this statute?”]

3. Editor’s Note: Article 7, voted in the affirmative 3-17-84 by the Annual Town Meeting was moved and voted on as follows: “Move to see if the Town shall authorize the Selectmen to accept any or all legacies, gifts, grants and subsidies to the Town in Trust or otherwise by any individual or individuals and to further authorize that the funds may be expended for the purposes stated.” Currently effective provisions regarding the acceptance of legacies, gifts, grants and subsidies are available on file in the office of the Town Clerk.

4. Editor’s Note: Article 8, voted in the affirmative 3-17-84 by the Annual Town Meeting, reads as follows: “To see if the Town will authorize the Selectmen to apply, negotiate, and do all things necessary to obtain Federal, State and other assistance as may be available to the Town.” Currently effective provisions regarding the obtaining of available assistance are available on file in the Town Clerk’s office.

SELECTMEN

ARTICLE V

Obtaining Available Assistance

[The Annual Town Meeting votes annually to determine if the town will authorize the Selectmen to apply, negotiate and do all things necessary to obtain federal, state and other assistance as may be available to the town.⁴]

[Article 32, voted in the affirmative 3-13-99 by the Annual Town Meeting, by voice vote, read as follows: Shall the Town accept the provisions of RSA 31:95-b providing that any town at an annual meeting may adopt an article authorizing indefinitely, until specific recession of such authority, the Selectmen to apply for, accept, and expend, without further action by the Town Meeting, unanticipated money from federal, state, or other governmental agencies or private source which becomes available during the year?"]

ARTICLE VI

Restriction of Expenditures

[Article 10, voted in the affirmative 3-17-84 by the Annual Town Meeting, reads as follows: "To instruct the Selectmen to restrict expenditures to amounts appropriated for any purpose; and to require the Selectmen to report to the next town meeting concerning all deviations from the budget adopted by this meeting."⁵ Prior to voting on this Article, it was amended to "add the phrase 'attempt to' prior to the word 'restrict,' and to add the phrase 'regular annual' prior to the phrase 'town meeting.'"]

ARTICLE VII

Public Hearing before Accepting Gifts

(Article 22, voted in the affirmative 3/12/94 at the Annual Town Meeting, reads as follows: "To see if the Town will vote to authorize the Board of Selectmen to accept gifts of personal property which may be offered to the Town for any public purpose, pursuant to RSA 31: 95-e. The Selectmen must hold a public hearing before accepting such gift, and the acceptance shall not bind the Town to raise, appropriate, or expend any public funds for the operation, maintenance, repair, or replacement of such equipment.") Approved 3/12/94 Article 22

[Article 36, voted in the affirmative 3-13-99 by the Annual Town Meeting, by voice vote, read as follows: "Shall the Town adopt the provisions of NH RSA 31:95-e providing that any town at an annual meeting may adopt an article authorizing indefinitely, until specific recession of such authority, the authority of the Selectmen, to accept gifts of personal property which may be offered to the Town for any public purpose pursuant to RSA 31:95-e. The Selectmen must hold a public hearing before accepting such a gift, and the acceptance shall not bind the Town to raise, appropriate, or expend any public funds for the operation, maintenance, repair, or replacement of such equipment."]

5. Editor's Note: For provisions relating to the budget, see Ch. 13, Budget.

SELECTMEN

ARTICLE IX **Acquisition of Land**

[Article 24, voted in the affirmative 3/13/10 by the Annual Meeting, by voice vote, read as follows: “To see if the Town will vote to adopt the provisions of RSA 41:14-a regarding the acquisition of land, to allow the Board of Selectmen to acquire or assist in acquiring land and conservation easements, provided certain procedures as outlined in the statute are followed, utilizing funds from the Land Acquisition Capital Reserve Fund. Said authority to remain in effect until specifically rescinded by the Town at any duly warned meeting.”]

GENERAL REFERENCES

Selectman on Budget Committee - See Ch. 13.
Cemetery Trustees and Cutter Cemetery funds - See Ch. 17.
Police Chief appointment - See Ch. 45.
Public Works Superintendent - See Ch. 51.
Selectman on Recreation Committee - See Ch. 55.
State Housing Commission requests - See Ch. 67.
Deputy Tax Collector - See Ch. 71.
Deputy Treasurer - See Ch. 88.
Vacancies on Water Commission - See Ch. 92.
Establishment of Water and Sewer Rates – See Ch. 159 Art.1, 159-3
Recycling – See Ch 156
Tax Collector Appointment – See Ch. 71 Art. 1
Board of Adjustment Appointment – See Ch 193 Art. I, 193-3
Fees for Regulatory Process – See Ch 129
Fund, Recreation – See Ch 136
Stone Bridge Industrial Park – See Ch 170
Conservation Commission – See Ch. 23

**SOUTHWESTERN NEW HAMPSHIRE
REGIONAL PLANNING COMMISSION**

Chapter 64

**SOUTHWESTERN NEW HAMPSHIRE REGIONAL
PLANNING ASSOCIATION**

[Article 27, voted in the affirmative 3-15-79 by the Annual Town Meeting, reads as follows: “To see if the Town will vote to become a member of the Regional Planning Commission now organized and named the Southwestern New Hampshire Regional Planning Commission.”]

GENERAL REFERENCES

Planning Board - See Ch. 42.
Land use - See Ch. 193.

TAX COLLECTOR

Chapter 71

TAX COLLECTOR

ARTICLE I Compensation

[Article 13, voted in the affirmative 3-13-79 by the Annual Town Meeting, read in the warrant as follows: "To see if the Town will vote to change the method of compensation of the tax collector from $\frac{3}{4}$ of 1 % of taxes collected as approved in article 7 of the March 1957 Town Meeting to a fixed annual salary to be determined by the Selectmen, or act in any way relating thereto."

Article 13 was moved and voted upon as follows: "That the Town vote to change the method of compensation of the Tax Collector from $\frac{3}{4}$ of 1% of taxes collected as approved in Article 7 of the March 1957 Town Meeting to a fixed annual salary to be determined by the Selectmen."¹]

(Article 32, voted in the affirmative 3/13/89, by Official Ballot reads as follows: To see if the Town will vote to rescind action taken at a previous Town Meeting pursuant to RSA 41:2(b) providing for an elected Tax Collector with a three year term, and to replace this position with an appointed Tax Collector with a term of one year to be appointed by and compensation fixed annually by the Board of Selectmen.")

ARTICLE II Deputies

[Article 25, voted in the affirmative 3-15-80 by the Annual Town Meeting, read in the warrant as follows: "To see if the Town will approve the provisions of NH RSA 41:38 which reads as follows: 'Any collector, being authorized by vote of the Town, may appoint deputies, with the approval of the Selectmen, who shall be sworn, have the powers of collectors, and may be removed at the pleasure of the collector'

Article 25 was moved and voted upon as follows: "That the Town vote to allow the Tax Collector to appoint deputies with the approval of the Selectmen."]

1. Editor's Note: Article 16, voted in the affirmative 3-17-84 by the Annual Town Meeting provides further details relating to compensation and read in the warrant as follows: "To see if the Town will vote to pay the Tax Collector a fixed annual compensation in lieu of statutory fees (R.S.A. 41:33) in the amount of \$10,840.00 to take effect upon the adoption of this article, or act in any way relating thereto." Article 16 was moved and voted upon as follows: "Move to see if the Town will vote to pay the Tax Collector a fixed annual compensation in lieu of statutory fees (R.S.A. 41:33) in the amount of \$10,840.00 to take effect upon the adoption of this article." The amount of compensation designated in Article 16 is subject to change.

TAX COLLECTOR

GENERAL REFERENCES

Listing tax-exempt property - See Ch. S.
Budget - See Ch. 13.
Tax sale property - See Ch. 59, Art. 111.
Tax Map - See Ch. 74.
Election of Tax Collector - See Ch. 83, Art. II.
Treasurer - See Ch. 88.
Taxation - See Ch. 181.

TAX MAP

Chapter 74

TAX MAP

[Article 15, voted in the affirmative 3-8-60 by the Annual Town Meeting, reads as follows: “To see if the Town will raise and appropriate a sum of money not exceeding \$2,500.00 for the purpose of establishing a so-called “tax map” of the town, which map shall serve to show by location ownership of the various parcels of land located within the township, that all acreage and real property may be known, clearly defined, and equitably assessed its rightful portion of such taxes on real estate as may be levied from time to time, or to take any further or other action in the matter.”]

GENERAL REFERENCES

Tax Collector - See Ch. 71.

Taxation - See Ch. 181.

Zoning map - See Ch. 193.

TOWN MEETING

Chapter 83 TOWN MEETING

ARTICLE I Ballot System

[Article 7, voted in the affirmative 3-9-43 by the Annual Town Meeting, reads as follows: “To see if the Town will vote to rescind the vote taken at the Biennial Town meeting in November 1920, to adopt the Australian Ballot System, and to adopt the non-partisan ballot system.”¹]

ARTICLE II Election of Clerk, Treasurer and Tax Collector

[Article 6, voted in the affirmative for all three (3) offices by ballot 3-12-68 by the Annual Town Meeting, read in the warrant as follows: “To see if the Town will vote to accept the provisions of Chapter 243, N.H. Laws of 1967, ‘An Act Providing for the Election of Town Clerk, Town Treasurer and Tax Collector for Three Year Terms.’”²

(Article 32, voted in the affirmative 3/13/89, by Official Ballot reads as follows: To see if the Town will vote to rescind action taken at a previous Town Meeting pursuant to RSA 41:2(b) providing for an elected Tax Collector with a three year term, and to replace this position with an appointed Tax Collector with a term of one year to be appointed by and compensation fixed annually by the Board of Selectmen.”)

ARTICLE III Two-Session Meetings

[Article 38, voted in the affirmative by ballot 3-15-79 by the Annual Town Meeting, reads as follows: “To see if the Town will vote to approve of having two sessions for the annual Town Meeting in this Town, the first session for choice of Town officers elected by an official ballot and other action required to be inserted on said official ballot and the second session, on a date set by the Selectmen, for transaction of other Town business.”³]

1. Editor’s Note: The various ballot systems were formerly described in RSA 59, which was repealed by 1979, 436:7, 1, effective July 1, 1979. Several ballot systems are now described in RSA 669: 11 through RSA 669:13.

2. Editor’s Note: See also RSA 41:16-a, RSA 41:26-a and RSA 41:45-a.

3. Editor’s Note: Article 38 had the effect of superseding the provisions of Article 5, voted in the affirmative by ballot 3-4-75 by the Annual Town Meeting, which read as follows: ‘That the business portion of future Town Meetings be conducted in the evening so that the voters in future years meet at 7:00 P.M. on Town Meeting Day to take up the Town Warrant and other business, but that the polls remain open from 9:00 A.M. to 6:00 P.M. for the election of Town Officials and other candidates; and that the town meeting of 1976 and other business be transacted in the evenings.’

4. Editor’s Note: The 1999 Annual Meeting granted indefinite authorization, until specific recession at a subsequent Annual Meeting, to the Select Board and Library Trustees to take a number of actions, including receipt of gifts and grants, issuing tax anticipation notes, and purchasing land.

TOWN MEETING

GENERAL REFERENCES

Town Clerk - See Ch. 20.
Tax Collector - See Ch. 71.
Town Treasurer - See Ch. 88.
Library Trustees – See Ch. 34
Select Board – See Ch. 59

TREASURER, TOWN

Chapter 88

TREASURER, TOWN

[Article 26, voted in the affirmative 3-15-80 by the Annual Town Meeting, read in the warrant as follows: “To see if the Town will approve the provisions of NH RSA 41:29-a which reads as follows: ‘Any town may, under an article in the warrant for the annual Town Meeting, vote to authorize the Treasurer, with the approval of the Selectmen, to appoint a deputy treasurer. Said deputy shall be sworn, shall have the powers of the treasurer, may be removed at the pleasure of the treasurer, and shall, before entering upon the duties of his office, give bond as provided in section 6 of this chapter.’”]

Article 26 was moved and voted upon as follows: “That the Town vote to authorize the Town Treasurer with the approval of the Selectmen to appoint a Deputy Treasurer in accordance with the provisions of N.H. RSA 41:38.”^{1]}

GENERAL REFERENCES

Budget - See Ch. 13.
Tax anticipation borrowing - See Ch. 59, Art. 11.
Tax Collector - See Ch. 71.
Election of Town Treasurer - See Ch. 83, Art. 11.

1. Editor's Note: This appears to refer to RSA 41:29-a, which provides as Article 26 indicates.

TRUSTEES OF TRUST FUNDS

Chapter 90

ARTICLE I

(Reserved)

ARTICLE II

Capital Reserve Investment Management Services

[Article 23, voted in the affirmative 3/14/15 by the Annual Town Meeting, by voice vote, reads as follow: “To see if the Town will vote, pursuant to RSA 35:9-a II, to authorize the Trustees of Trust Funds to pay for capital reserve fund investment management services, and any other expenses incurred, from capital reserve fund income. No vote by the town to rescind such authority shall occur within five years of the original adoption of this article.”]

WATER COMMISSION

Chapter 92

WATER COMMISSION

[Article 30, voted in the affirmative 3-5-74 by the Annual Town Meeting, read in the warrant as follows: “To see if the Town will vote that the Selectmen be authorized and committed to appoint vacancies as they occur in the Board of Water Commissioners as provided for in Section 1, Chapter 265, N.H. Laws of 1901.”]

Article 30 was moved and voted upon as follows: “That the town will vote to authorize the Selectmen to appoint persons other than those on the present Board of Selectmen, to fill vacancies on the Board of Water Commissioners occasioned by death, or resignation, as provided in Sec. I Chapter 265 N.H. Laws of 1901, said appointments to be effective until the vacancy is filled by election at the next annual Town Meeting.”]

[Article 5, was defeated 3/14/87, by ballot vote at the Annual Town Meeting reads as follows: “Are you in favor of the Town continuing to have a Water Works Department as previously operated by the Town pursuant to the enabling legislation passed by the New Hampshire legislature in 1901, said Department to be operated in the same manner as previously and with the same Board of Water Commissions as previously elected and in accordance with any Town by-laws; provided, however, that the Town Manager shall have access to all of the Department’s books and papers for any information necessary for the proper performance of his duties?” This article clarifies the vote taken at the 1986 Town Meeting when the Town voted to adopt the Town Manager Plan.] Defeated 3/14/87 Article 5

[Article 22, voted in the affirmative 3-15-89 by the Annual Town Meeting, by voice vote reads as follows: “To see if the Town will vote to rescind all Articles previously adopted by the Town concerning the establishment of the water and sewer rates to be paid by water and sewer users, and to return authority for the establishment of such rates for water and sewer use to the Board of Selectmen.”]

GENERAL REFERENCES

Sewers - See Ch. 159.

Subdivision of land - See Ch. 175.

Select Board, See Ch. 59

Editor’s Note: Articles 8 and 9 of the 1902 Annual Town Meeting adopted the Water Works Charter and system provided by 1901, 265. See also State Senate Bill No. 57 of 1901.

Editor’s Note: The Water Commission ceased existence with the adoption of the Town Manager plan.

PART II

GENERAL LEGISLATION

AIRPORT VICINITY RESTRICTIONS

Chapter 99

AIRPORT VICINITY RESTRICTIONS

- § 99- 1. Definitions.
- § 99-2. Airport reference point.
- § 99-3. Applicability.
- § 99-4. Areas with height restrictions.
- § 99-5. Unrestricted heights.
- § 99-6. Uses restricted.
- § 99-7. Nonconforming uses continued.
- § 99-8. Variances.
- § 99-9. Permits.
- § 99-10. Hazard markings and lights.
- § 99-11. Administrative agency.
- § 99-12. Board of Appeals.
- § 99-13. Violations and penalties.
- § 99-14. Severability.

[HISTORY: Adopted 5-18-60 by a Special Town Meeting.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Airport - See Ch. 4.
Zoning - See Ch. 193.

1. Editor's Note: These restrictions became effective 5-18-60.

§ 99-1. Definitions.

As used in this chapter, unless the context otherwise requires, the following terms shall have the meanings indicated:

AIRPORT - Any area of land or water, whether constructed or not, which has been approved by the Director as a site for the landing and taking off of aircraft or utilized or to be utilized by the public as a point of arrival or departure by air.

AIRPORT HAZARD - Any structure, tree, smoke, steam, dust or other substance which obstructs the aerial approaches of a publicly owned airport or impairs the reasonable visibility in the vicinity thereof, electrical impulses and disturbances which interfere with radio aids or communications and lights which might result in glare in the vision of the pilots of aircraft or be confused with airport lights.

APPROACH ZONE - The approach area to a runway and landing strip having dimensions as hereinafter described and the center line of which coincides with the center line of the runway and landing strip extended. [The dimensions of the landing strip at Silver Ranch Airport are: northwest/southwest two thousand five hundred (2,500) feet by one hundred fifty (150) feet.]

NONCONFORMING USE - Any structure, tree or use of land which does not conform to a regulation prescribed in this chapter or an amendment thereto, as of the effective date of such chapter.

PERSON - Any individual, firm, copartnership, corporation, company, association, joint-stock association or body politic and includes any trustee, receiver, assignee or other similar representative thereof.

STRUCTURE - Any object constructed or installed by man, including such objects although regulated or licensed by other provisions of law.

TREE - Any object of natural growth.

§ 99-2. Airport reference point.

The airport reference point is at the center of the landing strip, one thousand two hundred fifty (1,250) feet from the northwest end and its elevation is one thousand forty (1,040) feet above sea level.

§ 99-3. Applicability.

In order to carry out the purposes of this chapter, all of the land in the Town of Jaffrey that lies within the boundaries of the approach zones, as defined in §§ 99-1 and 99-4 hereof, is hereby declared subject to the restrictions of this chapter, in accordance with the Silver Ranch Airport Approach Plan adopted by the New Hampshire Aeronautics Commission on March 16, 1960, which Airport Approach Plan is incorporated herein by reference.

§ 99-4. Areas with height restrictions.

No structure or tree shall be erected, altered or allowed to grow within the areas referred to in § 99-3 hereof as follows:

- A. In the approach areas to the landing strip which are two hundred fifty (250) feet wide at a point two hundred (200) feet from the end of the pavement and two thousand two hundred fifty (2,250) feet wide at a point ten thousand two hundred (10,200) feet from the end of the pavement, an inclined plane of twenty to one (20: 1) slope.
- B. On the sides of the landing strips and approach areas, an inclined plane of seven to one (7:1) slope.
- C. One thousand one hundred ninety (1,190) feet above sea level [one hundred fifty (150) feet above the airport] within five thousand (5,000) feet of the airport reference point.
- D. Between five thousand (5,000) feet and eight thousand (8,000) feet from the airport a line with a slope of twenty to one (20:1) measured in a vertical plane passing through the center of the airport.

§ 99-5. Unrestricted heights.

No provision of § 99-4 shall limit the height of a structure or tree to less than thirty (30) feet above the ground upon which it is located.

§ 99-6. Uses restricted.

Notwithstanding any other provisions of this chapter, no use may be made of the land described in § 99-3 hereof in such manner as to create electrical interference with radio aids or communications between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of the flyer using the airport, impair visibility in the vicinity of the airport by the creation and discharge of smoke, steam, dust or other obstructions to visibility or otherwise endanger the landing, taking-off or maneuvering of aircraft.

§ 99-7. Nonconforming uses continued.

The regulations prescribed in §§ 99-4 and 99-6 of this chapter shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations, as of the effective date hereof, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure and the construction or alteration of which was begun prior to the effective date of this chapter and is diligently prosecuted and completed with two (2) years thereof.

§ 99-8. Variances.

Any person desiring to erect any structure or increase the height of any structure or permit the growth of any tree or use his property not in accordance with this chapter may apply for a variance therefrom. Such variance shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this chapter.

§ 99-9. Permits.

- A. Future uses. No material change shall be made in the use of land in violation of § 99-4 and § 99-6 hereof and no structure or tree shall be erected, altered, planted or otherwise established in violation of §§ 99-4 and 99-6 hereof in any of the areas of land described in § 99-3 hereof, unless a permit therefor shall have been applied for and granted. Each such application shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit applied for shall be granted.
- B. Existing uses. Before any existing use, structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher or replanted, within any of the areas of land described in § 99-3 hereof, a permit must be secured authorizing such replacement, change or repair if it is in violation of §§ 99-4 and 99-6 hereof. No such permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to be made or become higher or become a greater hazard to air navigation than it was on the effective date of this chapter or than it is when the application for a permit is made. Except as indicated, all applications for a permit for replacement, change or repair of existing use, structure or tree shall be granted.

§ 99-10. Hazard markings and lights.

Any permit or variance granted under § 99-8 or § 99-9 may, if such action is deemed advisable to effectuate the purposes of this chapter and reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the present owner or lessor, at his own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

§ 99-11. Administrative agency.

The Office of the Airport Manager is hereby designated as the administrative agency charged with the duty of administering and enforcing the regulations herein prescribed, including the hearing and deciding of applications for permits under § 99-9 of this chapter.

§ 99-12. Board of Appeals.

There shall be a Board of Appeals consisting of five (5) members, each of whom shall be appointed by the Board of Selectmen for a term of three (3) years and one (1) of whom shall be designated as Chairman. The members of said Board of Appeals shall be removable for cause by the Board of Selectmen upon written charges and after public hearing. The Board of Appeals shall have the following powers:

- A. To hear and decide appeals from any order, requirement, decision or determination made by the administrative agency in the enforcement of this chapter.
- B. To hear and decide all applications for variances under § 99-8 of this chapter.
- C. To exercise the powers and perform the duties of the Board of Adjustment as set forth in RSA 31:68-862 as presently in force or as amended in the future.

§ 99-13. Violations and penalties.

- A. Each violation of this chapter shall constitute a misdemeanor and shall be punishable by a fine of not more than twenty-five dollars (\$25) or imprisonment for not more than sixty (60) days, or by both such fine and imprisonment, and each day a violation continues to exist shall constitute a separate offense.
- B. In addition, the town or the New Hampshire Director of Aeronautics may institute in any court of competent jurisdiction an action to prevent, restrain, correct or abate any violation of this chapter or of any order or ruling made in connection with their administration or enforcement in accordance with the provisions of RSA 424:9.

§ 99-14. Severability.

If any of the provisions of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are declared to be severable.

ALCOHOLIC BEVERAGES

Chapter 103

ALCOHOLIC BEVERAGES

§ 103-1. Prohibited acts.

§ 103-2. Violations and penalties.

[HISTORY: Approved by the Board of Selectmen 6-27-75; amended in its entirety 9-24-86. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Amusement centers - See Ch. 107.

Placement of retail establishments - See Ch. 193. Conduct in Conant Cemetery - See Ch. A196.

§ 103-1. Prohibited acts.

No person shall drink any alcoholic beverage or alcoholic liquor or carry open containers containing any alcoholic beverage or alcoholic liquor or partially consumed alcoholic beverage or alcoholic liquor, as defined in RSA 175:1, in, within the limits of or upon any public highway, public sidewalk, municipal parking lot or all other municipal parks or buildings within the limits of the Town of Jaffrey, New Hampshire.

§ 103-2. Violations and penalties.

Any person who violates the provisions of this chapter shall be fined as follows: One hundred dollars (\$100).

[Penalty increased to \$100 for each violation per order of Select Board on 08/10/15)

AMUSEMENT DEVICES

Chapter 107

AMUSEMENT DEVICES

- § 107-1. Legislative intent.
- § 107-2. Definitions.
- § 107-3. Gambling devices not permitted.
- § 107-4. Minimum age for users.
- § 107-5. Alcoholic beverages.
- § 107-6. Prizes of material value not permitted.
- § 107-7. License required.
- § 107-8. Licensing requirements.
- § 107-9. License fees.
- § 107-10. Management plan.
- § 107-11. Display of license.
- § 107-12. Duration of license.
- § 107-13. Licensing existing centers.
- § 107-14. Renewal of license.
- § 107-15. Revocation or suspension of license.
- § 107-16. Additional requirements.
- § 107-17. Violations and penalties.
- § 107-18. Severability.

[HISTORY: Adopted 8-4-82 by the Board of Selectmen; ratified 3-12-83 by Article 13 of the Annual Town Meeting. Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages - See Ch. 103.

Bingo - See Ch. 117.

Sweepstakes tickets - See Ch. 178.

Zoning restrictions - See Ch. 193.

§ 107-1. Legislative intent.

It is the purpose of this chapter, pursuant to RSA 31:41-d, to regulate and to license amusement devices and amusement centers, as defined herein, and to provide for the management of amusement centers in the public interest.

§ 107-2. Definitions.

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

AMUSEMENT CENTER - Any premises having thereon available for use by the general public four (4) or more amusement devices as defined above.

AMUSEMENT DEVICE - Any machine which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score and whether or not skill is used in its operation. It includes but is not limited to such devices as electronic games, pinball machines, skill ball, mechanical grab machines and all games, operations or transactions similar thereto under whatever name they may be indicated. The term does not include vending machines in which are not incorporated gaming or amusement features, nor does the term include any coin-operated rides or devices which solely produce music

PERSON, FIRM, CORPORATION or ASSOCIATION Any of those entities or combinations thereof owning an amusement device or maintaining an establishment where one (1) or more amusement devices are available for general use by the public or having control over such an establishment.

§ 107-3. Gambling devices not permitted.¹

Nothing in this chapter shall in any way be construed to authorize, license or permit any gambling devices whatsoever prohibited or regulated by New Hampshire law.

1. Editor's Note: For related provisions, see Ch. 117, Bingo and Ch. 178, Sweepstakes Tickets.

§ 107-4. Minimum age for users.

No person under the age of sixteen (16) years shall be allowed to operate any amusement device unless accompanied by a parent or guardian. It shall be the responsibility and duty of the manager and employees of any establishment where amusement devices are present to ascertain the age of each person operating or wishing to operate an amusement device.

§ 107-5. Alcoholic beverages.²

No amusement center shall serve alcoholic beverages on the premises.

§ 107-6. Prizes of material value not permitted.

No prizes of material value may be given away or sold at nominal fee for any reason whatsoever pertaining to a high score, matching number or any other outcome of an amusement device game.

§ 107-7. License required.

No person, firm, corporation or association may operate an amusement device without first obtaining a license from the Jaffrey Selectmen or their designee.

§ 107-8. Licensing requirements.

The Selectmen or their designee may establish, from time to time, reasonable licensing requirements, but in no event shall those requirements contain less than the following:

- A. That the applicant or applicants are eighteen (18) years of age and of good moral character, as reasonably determined by the Chief of Police.
- B. That a full description of the premises is submitted, with a statement that such premises will be operated in accordance with all applicable local ordinances.
- C. That the applicant will report the number of proposed amusement devices and that should such number exceed the original number, an additional fee shall be paid for each such device.

2. Editor's Note: For related provisions, see Ch. 103, Alcoholic Beverages.

§ 107-9. License fees.

- A. The applicant shall pay one hundred dollars (\$100.) per year (or any part thereof) for each amusement device, provided that the applicant may, at his discretion, remove and replace any device at will without further payment of a fee. The license fee shall be determined by the maximum number of devices present on any day of the year and not by the total number of different machines present during the entire year.
- B. In addition to the foregoing fee(s), the applicant for an amusement center shall pay a license fee of one hundred dollars (\$100) to operate an amusement center.
- C. All license fees shall be payable annually in advance.

§ 107-10. Management plan.

Any application for an amusement center license shall contain management plan containing at least the following:

- A. The number of employees to be present at all time.
- B. Procedures for determining the ages of patrons.
- C. A plan to control loitering and bicycle parking in the vicinity of the amusement center.³
- D. A description of proposed operations to show proper control of noise, glare and overcrowding.
- E. Hours of operation (daily, as well as Sundays and holidays).
- F. The maximum number of persons permitted on the premises as determined by the Jaffrey Fire Department.
- G. Location of the posting of the rules and regulations.

§ 107-11. Display of license.

The license to operate the amusement center shall be displayed in a conspicuous place.

§ 107-12. Duration of license.

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

3. Editor's Note: For related provisions, see Ch. 113, Bicycles.

§ 107-13. Licensing existing centers.

- A. Any amusement center now in operation must pay all the fees and apply for a license within thirty (30) days of the effective date of this chapter.⁴
- B. Owners of establishments with fewer than four (4) devices now in operation must file in a like manner and pay all fees

§ 107-14. Renewal of license.

Licenses will be reviewed annually by the Selectmen and renewed upon payment of fees if the person, firm, corporation or association applying for renewal has been found to comply with the provisions of this chapter.

§ 107-15. Revocation or suspension of license.

Such license may be revoked or suspended upon a determination that a violation of this chapter has been committed by the license holder, his agent or employee. Such revocation or suspension shall be carried out by the Selectmen only after due notice and hearing.

§ 107-16. Additional requirements.

The Selectmen may, from time to time, amend this chapter to modify, add or delete any provisions hereof. Nothing in this chapter shall be construed to abrogate, limit or contradict any state or federal law or regulation.

§ 107-17. Violations and penalties.

Any person, firm, corporation or association found to have violated this chapter shall be guilty of a violation. This violation shall be assessed at the rate of one hundred dollars (\$100.) per day.

§ 107-18. Severability.

Each separate provision of this chapter shall be deemed independent of all other provisions herein, and it is further ordained that if any provisions of this chapter are found to be invalid by a court of competent jurisdiction, all other provisions hereof shall remain valid and enforceable.

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4. Editor's Note: The effective date of this chapter is 8-4-82, the date of its adoption by the Board of Selectmen.

BICYCLES

Chapter 113

BICYCLES

- § 113-1. Registration required.
- § 113-2. Enforcing and registering officer.
- § 113-3. Fees.
- § 113-4. Expiration date.
- § 113-5. Operation on sidewalks not permitted.
- § 113-6. Number of riders per bicycle restricted.
- § 113-7. Light required at night.
- § 113-8. Warning signal required.
- § 113-9. Brakes required.
- § 113-10. Unsafe operation unlawful.
- § 113-11. Revocation and suspension.
- § 113-12. Violations and penalties.
- § 113-13. Severability.
- § 113-14. Rules of the Road for Bicycles.

[HISTORY: Adopted 5-11-43 by the adjourned Annual Town Meeting.¹ *amended 3/16/96 at the Annual Town Meeting Article 27.* Amendments noted where applicable.]

GENERAL REFERENCES

Bicycles at amusement centers - See Ch. 107.
Vehicle and traffic regulations - See Ch. 185.
Operation in Conant Cemetery - See Ch. A196.

1. Editor's Note: Article 13 of the 1943 Annual Town Meeting, which presented the original by-laws regulating bicycles, was referred to a committee. The committee was directed to present its report at the adjourned meeting on 5-11-43.

§ 113-1. Registration required.

It shall be unlawful for any resident of Jaffrey to operate or cause to be operated on any public way within the town any bicycle, unless the same shall have been registered as provided herein or while the registration of said bicycle is suspended.

Repealed 3/16/96 Article 27

§ 113-2. Enforcing and registering officer.

The Chief of Police is hereby designated as the registering officer.

- A. Any expenses incurred by him under authority of this chapter shall constitute a just charge against the town.
- B. All fees collected by him under authority of this chapter shall belong to the town.
- C. He shall render a separate account annually in the same manner as is required of other town officers.
- D. He is authorized to purchase and issue registration plates, printed registration certificates and printed copies of these regulations.

Repealed 3/16/96 Article 27

§ 113-3. Fees.

- A. The registration fee for each registration period shall be twenty-five cents (\$0.25) and shall be in advance.
- B. The fee for transfer shall be ten cents (\$0.10).

Repealed 3/16/96 Article 27

§ 113-4. Expiration date.

All registrations shall expire at midnight upon March 31 after their date of issue.

Repealed 3/16/96 Article 27

§ 113-5. Operation on sidewalks not permitted.

It shall be unlawful to operate a bicycle on any sidewalk in the Town of Jaffrey.

§ 113-6. Number of riders per bicycle restricted.

It shall be unlawful for more than one (1) person to ride on a bicycle, unless it is a tandem.

§ 113-7. Light required at night.

It shall be unlawful to operate a bicycle during the period between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise, unless the same is equipped with a light visible from the front and a reflector visible from the rear.

§ 113-8. Warning signal required.

It shall be unlawful to operate a bicycle unless the same is equipped with an adequate audible warning signal.

§ 113-9. Brakes required.

It shall be unlawful to operate a bicycle unless the same is equipped with an adequate brake.

§ 113-10. Unsafe operation unlawful.

It shall be unlawful to operate a bicycle in such a manner as to endanger the safety of any person.

§ 113-11. Revocation and suspension.

The Chief of Police shall revoke or suspend any registration for just cause. An appeal to the Municipal Court may be had by any person whose registration has been revoked or suspended.

§ 113-12. Violations and penalties.

Any person violating any provision of this chapter may be fined not more than fifteen dollars (\$15.). *Amended to read: Any person violating any provision of this chapter may be fined not more than twenty-five dollars (\$25). 3/16/96 Article 27*

§ 113-13. Severability.

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are declared to be separable.

§ 113-14. “Rules of the Road for Bicycles”

The rules for operating of bicycles in public ways or public property shall be as set forth in the New Hampshire Revised Statutes Annotated. Added New Section 3/16/96 Article 27

BINGO

Chapter 117

BINGO

[Article 22, voted in the affirmative 3-14-67 by the Annual Town Meeting, reads as follows:
“Shall the provisions of Chapter 287 of the New Hampshire Revised Statutes Annotated relating
to games of Beano be accepted in this Town?”¹]

GENERAL REFERENCES

Amusement devices - See Ch. 107. Sweepstakes tickets - See Ch. 178.

1. Editor's Note: Article 22 is the latest in a series of annual acceptances of RSA 287. Such annual acceptances appear not to have been necessary and Article 22 is considered to be in effect in Jaffrey. RSA 287, which regulated and provided for beano and lucky 7, was repealed 1983, 417:2, eff. July 1, 1983, which provided that “Any town or city which has approved by referendum former RSA 287 shall be deemed to have given approval to bingo and lucky 7 under the provisions of RSA 287-E.”

BUILDINGS, UNSAFE & DESTROYED

Chapter 120

BUILDINGS, UNSAFE AND DESTROYED

§ 120-1. Removal or repair of ruins required.

[HISTORY: Adopted 3-9-65 by the Annual Town Meeting, Art. 2(3). Amendments noted where applicable.]

GENERAL REFERENCES.

Zoning - See Ch. 193

§ 120-1. Removal or repair of ruins required.

No owner or occupant of land shall permit fire or other ruins to be left for a period of more than one (1) year and shall within said year remove or refill the same to clear ground level or repair, rebuild or replace the structure.

DOGS AND OTHER ANIMALS

Chapter 125

DOGS AND OTHER ANIMALS

ARTICLE I

Animals on Town Recreation Property; Nuisances

§ 125-1. Animals on town recreation property.

§ 125-2. Nuisance dogs.

§ 125-3. Service dogs excepted.

§ 125-4. Violations and penalties.

§ 125-5. Responsibility of owner.

§ 125-6. Relation to other legislation.

ARTICLE II

Running at Large

[History: Art. 1, adopted 3-2-76 by the Annual Town Meeting, Art. 30. Amendments noted where applicable.]

GENERAL REFERENCES

Farms - See Ch. 193, Zoning, Part 2.

ARTICLE III

Animals on Town Recreation Property; Nuisances

[Adopted 3-2-76 by the Annual Town Meeting, Art. 30]

§ 125-1. Animals not allowed on town recreation property.¹

It shall be unlawful for any animal or reptile to be on land owned and/or used by the Town of Jaffrey or any of its departments for bathing or playground purposes. The bathing and playground areas are hereby defined and described as the public beaches at Contoocook Lake, Gilmore Pond and Thorndike Pond and the playground at Humiston Field and Community Field. Exceptions may be granted by an appropriate town official.

1. Editor's Note: Original Section I of the Animal Control Ordinance, which was adopted by Article 30 of the 1976 Annual Town Meeting immediately preceded this section and was superseded by the adoption of RSA 466:30-a in 1980. For current provisions, see Article 11 of this chapter.
2. Select Board voted on 6/10/13 to prohibit dogs from Humiston Field and Community Field. See also Ch. 115, Parks and Playgrounds

§ 125-2. Nuisance dogs.

- A. Under this section, a dog is considered to be a nuisance, a menace, or vicious to persons or to property under any or all but not limited to the following conditions:
- 1) If a dog is “at large,” which means it is off the premises of the owner or keeper and not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such dog, unless accompanied by the owner or custodian.;
 - 2) If it barks for sustained periods of more than ½ hour, or during the night hours so as to disturb the peace and quiet of a neighborhood or area;
 - 3) If it digs, scratches, or excretes, or causes waste or garbage to be scattered on property other than its owner’s;
 - 4) If any female dog in season (heat) is permitted to run at large or be off the premises of the owner or keeper during this period except when being exercised on a leash by a responsible adult. At all other times such dog shall be confined within a building or enclosure in such manner that she will not come in contact (except for intentional breeding purposes) with a male dog. A female dog in heat shall not be used for hunting.
 - 5) If it growls, snaps at, runs after, or chases any person or persons not on the premises of the owner or keeper;
 - 6) If it runs after, or chases bicycles, motor vehicles, motorcycles, or other vehicles being driven, pulled or pushed on the streets, highways, or public ways;
 - 7) If, whether alone or in a pack with other dogs, it bites, attacks, or preys on game animals, domestic animals, fowl or human beings.

§ 125-3. Service dogs excepted.

This Article shall not apply to Seeing Eye dogs, so called.

§ 125-4. Penalties.

- A. *Any person that does not pay the civil forfeiture specified in paragraph 2 shall have the case disposed of in the Eighth Circuit Court in Jaffrey.*
- B. *Any person who violates any of the provisions of this ordinance shall be liable for a civil forfeiture, which shall be paid to the Jaffrey Town Clerk within 96 hours of the date and time notice is given by any law enforcement officer to the owner or keeper of a dog in violation of this ordinance. The forfeiture shall be in the amount as specified for the following violations:*

- 1) *\$25 for the first nuisance offense as described under sections 125-2,(1),(2),(3) or (4); \$50 for the second nuisance offense committed within 12 months of the first nuisance offense under those same sections.*
- 2) *\$50 for the first menace offense under 125-2, (5), (6); \$100 for the second or subsequent menace offense committed within 12 months of the first menace offense under those same sections.*
- 3) *\$100 for the first vicious offense under 125-2, (7);*
- 4) *\$200 for the second or subsequent vicious offense committed within 12 months of the first vicious offense under that same section.*
- 5) *In the case of a vicious dog, as described in 125-2 (f), where its behavior presents a threat to public safety, immediate circuit court proceedings may be initiated in lieu of the civil forfeiture.*

§125-5. Responsibility of owner.

The owner/keeper of the dog shall be presumed to be responsible for its conduct in the absence of proof to the contrary.

§ 125-6. Relation to other legislation.

This Article shall in no way supersede the New Hampshire Revised Statutes Annotated or any other laws or ordinances relating to dogs, other animals or reptiles. In the event of conflict, the more stringent restriction shall prevail.

ARTICLE II
Running at Large

[Article 5, voted in the affirmative 11-4-80 by the town at the Biennial Election by ballot, reads as follows: "Shall we adopt the provisions of RSA 466:30-a which makes it unlawful for an owner of any dog licensed or unlicensed to allow said dog to run at large, except when accompanied by the owner or custodian, and when used for hunting, herding, supervised by competition and exhibition for training for such?"]

DRUG PARAPHENALIA ORDINANCE

CHAPTER 126

DRUG PARAPHENALIA ORDINANCE

[HISTORY: Adopted 9-12-94 by Board of Selectmen. Amendments noted where applicable.]

SECTION I – DEFINITIONS

The term “drug paraphernalia” means all intended for use, or customarily intended for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of New Hampshire Revised Statutes Annotated. It includes but is not limited to:

- A. Kits used, intended for use, or customarily intended for use in planting, propagating, cultivating, growing, or harvesting or any species of plant which is a controlled substance or from which a controlled substance can be derived.
- B. Kits including, but not limited to cocaine kits, used or intended or use or customarily intended for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
- C. Isomerization devices used, intended for use, or customarily intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
- D. Testing equipment used, intended for use, or customarily intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
- E. Scales and balances used, intended for use, or customarily intended for use in weighing or measuring controlled substances.
- F. Dilatants and adulterants, such as quinine, hydrochloride, mannitol, mannite, Inositol, dextrose and lactose, used, intended for use, or customarily intended for use in cutting controlled substances.
- G. Separation gins and sifters used, intended for use, or customarily intended for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana.

- H. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or customarily intended for use in compounding controlled substances.
- I. Capsules, balloons, envelopes and other containers used, intended for use, or customarily intended for use in packaging small quantities of controlled substances.
- J. Containers and other objects used, intended for use or customarily intended for use in storing or concealing controlled substances.
- K. Hypodermic syringes needles and other objects used, intended for use, or customarily intended for use, or customarily intended for use in parentally injected controlled substances into the human body.
- L. Objects used intended for use, or customarily intended for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body such as:
 - 1. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.
 - 2. Water pipes.
 - 3. Carburetion tubes and devices.
 - 4. Smoking and carburetion masks.
 - 5. Roach clips – meaning objects used to hold burning materials such as marijuana cigarettes that have become too small or too short to be held in the hand.
 - 6. Miniature cocaine spoons and cocaine vials.
 - 7. Chamber pipes.
 - 8. Electric pipes.
 - 9. Air driven pipes.
 - 10. Chillums.
 - 11. Bongs.
 - 12. Ice pipes or chillers.

SECTION II – DETERMINATION

In determining whether an object drug paraphernalia, a court or other authority should consider, in addition to all logically relevant factors, the following:

- A. Statements by an owner or by anyone in control of the object concerning its use.
- B. Prior convictions, if any, of an owner or of anyone in control of the object under any State or Federal law relating to any controlled substances.
- C. The proximity of the object, in time and space, to a direct violation of New Hampshire Revised Statutes Annotated.
- D. The proximity of the object to controlled substances.
- E. The existence of any residue of controlled substances on the object.
- F. Direct or circumstantial evidence of the intent of the owner, or of anyone in control of the object, to deliver it to persons who he or she knows, or should reasonably know, intended to use the object to facilitate a violation of New Hampshire Revised Statutes Annotated; the innocence of an owner, or of anyone in control of the object as to a direct violation of New Hampshire Revised Statutes Annotated should not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.
- G. Instructions, oral or written, provided with the object concerning its use.
- H. Descriptive materials accompanying the object which explain or depict its use.
- I. National and local advertising concerning its use.
- J. The manner in which the object is displayed for sale.
- K. Direct or circumstantial evidence of the ratio of sales of the object (s) to the total sales of the business enterprise.
- L. Whether the object is customarily intended for use as drug paraphernalia and the existence and scope of other legitimate use for the object in the community.
- M. Expert testimony concerning its use.

SECTION III – POSSESSION OF DRUG PARAPHERNALIA

It shall be unlawful for any person to use, or to possess with intent to use, drug paraphernalia knowing that it will be used or is customarily intended to be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body controlled substances in violation of New Hampshire Revised Statutes Annotated. Any person violating this section shall be guilty of a violation and shall incur a fine of one hundred dollars (\$100.00) for the first offense, two hundred dollars (\$200.00) for the second offense, and five hundred dollars (\$500.00) for any and all subsequent offenses.

SECTION IV – MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA

It shall be unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia knowing that it will be used or is customarily intended to be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of New Hampshire Revised Statutes Annotated. Any person violating this section shall be guilty of a violation and shall incur a fine of one hundred dollars (\$100.00) for the first offense, two hundred dollars (\$200.00) for the second offense, and five hundred dollars (\$500.00) for any and all subsequent offenses.

SECTION V – DELIVERY OF DRUG PARAPHERNALIA TO A MINOR

It shall be unlawful for any person eighteen (18) years or older to knowingly deliver, or solicit, direct, or hire someone to deliver any drug paraphernalia, as defined in Section I, Definitions, to a person seventeen (17) years of age or younger. Any person violating this section shall be guilty of a violation and shall incur a fine of one hundred dollars (\$100.00) for the first offense, two hundred dollars (\$200.00) for the second offense, and five hundred dollars (\$500.00) for any and all subsequent offenses.

SECTION VI – ADVERTISEMENT OF DRUG PARAPHERNALIA

It is unlawful for any person to place in any newspaper, magazine, handbill or other publication any advertisement, knowing or under circumstances where one reasonably should know, that the purpose of the advertisement, when viewed in whole or in part, is to promote the sale of objects intended for use or customarily intended for use as drug paraphernalia. Any person violating this section shall be guilty of a violation and shall incur a fine of one hundred dollars (\$100.00) for the first offense, two hundred dollars (\$200.00) for the second offense, and five hundred dollars (\$500.00) for any and all subsequent offenses.

EXCAVATIONS

Chapter 128

EXCAVATIONS

[HISTORY: Originally Adopted 12-11-79 by the Planning Board.¹ Current Regulations adopted by the Planning Board on March 20, 2008.]

The Regulations governing Earth Excavations are located with the Jaffrey Zoning Ordinances as updated and published annually by the Planning Board.

GENERAL REFERENCES

Conservation Commission - See Ch. 23.

Planning Board - See Ch. 42.

Wetlands - See Ch. 189.

Land use - See Ch. 193.

1. Editor's Note: These regulations were adopted pursuant to RSA 155-E:11 in order to enforce the provisions RSA 155-E.

FIREARMS

Chapter 130

FIREARMS

ARTICLE I

Cheshire Pond Area

[Article 21, voted in the affirmative 3-14-87 by the Annual Town Meeting, read in the warrant as follows: "To see if the Town will vote to prohibit the discharge of firearms within 1500 feet of an occupied dwelling surrounding the area known as 'Cheshire Pond.'"

Article 21 was moved and voted upon as follows: "To see if the Town will vote to prohibit the discharge of firearms within 500 feet of the high water mark surrounding the area known as 'Cheshire Pond.'""]

FIREWORKS

Chapter 131

FIREWORKS

REPEALED – THE SELECT BOARD ON APRIL 28, 2014 VOTED TO ADOPT THE PROVISIONS OF RSA 160-C:6 TO PROHIBIT THE ISSUANCE OF PERMITS OR LICENSES TO SELL PERMISSIBLE FIREWORKS.

POLICY FOR WHOLESALE/RETAIL SALES OF PERMISSIBLE FIREWORKS POLICY STATEMENT

I. Authority

In accordance with RSA Chapter 160-A (as amended), the Board of Selectmen as the governing body of the Town of Jaffrey for the Town of Jaffrey hereby adopts this policy intended to regulate the sale of Class C “Permissible” fireworks as described in RSA 160-A:1,5, within the limits of the Town of Jaffrey.

Persons wishing to conduct the aforementioned retail/wholesale sales of Class C “permissible fireworks” shall obtain a permit from the Board of Selectmen prior to any such activities.

II. Application

Persons wishing to apply for a sales permit under this policy shall do so in writing to the Board of Selectmen on forms that may be prescribed by the Board. Completed applications shall be submitted to the Board of Selectmen no less than thirty (30) days prior to the desired date of proposed activity.

III. Eligibility Requirements

All persons wishing to obtain a permit for the sale of Class C Permissible Fireworks shall in addition to applicable State and Federal regulations, conform to the following guidelines:

Under no circumstances shall the Board issue a permit for the retail/wholesale sales of these products by any individual under the age of twenty one (21).

Persons wishing to obtain a permit for the retail/wholesale sale of Class C Permissible Fireworks must hold a Federal sale permit issued under USC Title 18. This permit shall not become valid until the applicant successfully obtains a sales license from the State of New Hampshire’s Department of Safety.

§131.4 WHOLESALE/RETAIL SALES OF PERMISSIBLE FIREWORKS §131.6

IV. Site Location

Retail sales shall, only be conducted at such locations as listed upon the applicants federal license.

At no time shall the product be sold from temporary structures which are not those permanently affixed to the property (i.e., motor vehicles, trailers, campers, roadside stands, etc.). Wholesale/retail sales locations must have successfully completed Site Plan Review with the Jaffrey Planning Board prior to approval of the requested permit. Sales will only be permitted from those sites which meet all applicable land use regulations.

All sales locations within the Town of Jaffrey must undergo physical inspection of the property by the Fire Chief or his/her designee prior to issuance of the actual permit and be in compliance with all applicable building, life and fire safety codes. The Fire Chief of the Town of Jaffrey retains the right to disapprove any site at any time due to the existence of safety/fire hazards.

The holder of this permit shall assume all responsibility for liabilities arising from the storage, sale and display of Class C Permissible Fireworks.

V. Conditions of Sales

Persons permitted to sell Class C Permissible Fireworks (or their agents) must, prior to the sale, require the purchaser of these products to furnish photographic identification (State issued I.D. or Driver's license) indicating that they are at least 21 years of age. Persons engaged in the retail sales of Class C Permissible Fireworks shall not allow sales by persons (or their agents) who are under the age of eighteen (18).

No permits shall be issued under this policy for the retail/wholesale sales of Class C Permissible Fireworks when sales are to take place before 7:00 a.m. or after 9:00 p.m.

All permits referenced herein shall be kept at the site permitted for sales and readily available for inspection by local authorities.

Applicants are expected to comply with all provisions of applicable Federal and State Regulations (Chapter 160-B).

VI. Duration

Permits issued by the Board of Selectmen for this purpose will be issued on an annual basis and expire at the end of the calendar year.

§131.7 WHOLESALE/RETAIL SALES OF PERMISSIBLE FIREWORKS §131.8

VII. Fees

An annual fee shall be assessed by the Board of Selectmen for said permit. The permit fee shall be \$500.00 until such time as amended by the Board.

VIII. Revocation

The Board of Selectmen shall have the authority to revoke any permits pertaining to C Permissible Fireworks. Any violation of the above terms shall be deemed sufficient reason for revocation without a refund of the required fees paid.

Any appeal of a permit revocation must be made to the Board of Selectmen in writing, indicating the reason to reconsider the action of the Board. This submission must be made to their office within five (5) calendar days of revocation. The Board will convene to consider the appeal within ten (10) calendar days of the receipt of an appeal.

The sale of Class C Permissible Fireworks without or after the revocation of a permit from the Town of Jaffrey is subject to criminal prosecution and penalty under State statute.

**[HISTORY: Originally Adopted 5-6-92 by the Board of Selectmen.
Select Board adopted RSA 160-C:6 on 4-28-14 to prohibit issuance of permits to sell
permissible fireworks.]**

FLOOD HAZARDS

Chapter 133

FLOOD HAZARDS

[HISTORY: Originally Adopted 9-16-75 by a Special Town Meeting, Art. 2.¹ Subsequent revisions in 2001, 2006 and 2008 Amendments.]

The Regulations governing Flood Hazards are located with the Jaffrey Zoning Ordinances as updated and published annually by the Planning Board.

GENERAL REFERENCES

Planning Board - See Ch. 42.
Public works - See Ch. 51.
Historic district - See Ch. 139.
Site plans - See Ch. 167.
Wetlands conservation - See Ch. 189.
Zoning - See Ch. 193.

1. Editor's Note: Article 2 of the 9-16-75 Special Town Meeting adopted the resolution which constitutes this chapter. The preamble to the resolution reads as follows: "Whereas, the Town of Jaffrey has adopted and is enforcing a Land Use Plan, Zoning Ordinances, A Wetland Conservation District and Rules and Regulations to Control Sub-Division, and Whereas; Sections 11, VIII, 0, VII respectively, of the aforesaid prohibits any person, firm or corporation from erecting, constructing, enlarging, altering, repairing, improving, moving or demolishing any building or structure without first obtaining a separate building permit for each building or structure from the Board of Selectmen and the Planning Board, and Whereas, the Board of Selectmen and the Planning Board must examine all plans and specifications for the proposed construction when application is made to them for a building permit. Now Therefore, Be it Resolved by the Inhabitants of the Town of Jaffrey at a special Town Meeting as follows:"
2. Editor's Note: For building permit provisions, see Ch. 193, Zoning.
3. Editor's Note: For mobile home provisions, see Ch. 151.

GENERAL ASSISTANCE GUIDELINES

Chapter 136

GENERAL ASSISTANCE GUIDELINES

Guidelines as amended periodically by the Select Board are available in the Town Manager's Office.

GROUNDWATER MANAGEMENT ZONE

Chapter 137

GROUNDWATER MANAGEMENT ZONE – ELITE LAUNDRY

I. General

Having determined that health and safety of the people of the Town of Jaffrey requires restrictions at this time on the use of groundwater in areas impacted by the release of hazardous materials from the former Elite Laundry site, the Health Officer of the Town of Jaffrey has promulgated this regulation. The regulation has been duly approved by the Board of Selectmen and constitutes a valid health safety regulation issued pursuant RSA 147:1.

As a requirement of the hazardous materials remediation of the former Elite Laundry site, located at 4, 6, & 10 Laundry Way, Jaffrey, NH (M238: L292, L290, & L290-01), DES Site #199908001, the Town has applied for and been issued a Groundwater Management Permit (“Permit”). Per RSA 485-C:6-b and with the approval of the NH Department of Environmental Services, in lieu of recording notice of the Permit with the Cheshire County Registry of Deeds for each lot within the Groundwater Management Zone (GMZ), the Town shall implement this regulation as an alternative form of notice.

The Permit establishes a GMZ, an area within which groundwater use must be controlled and monitored due to the presence of groundwater contaminants that exceed the State’s Ambient Groundwater Quality Standards (“AGQS”). For the former Elite Laundry site, the GMZ means the subsurface area in which groundwater contamination associated with a discharge is contained. The Permit includes conditions to and restrictions upon the use of the properties within the GMZ, including restrictions on the use of groundwater.

The Permit was issued on [Date] and expires on [Date], unless renewed for subsequent five-year period(s). The Permit is available for review at the New Hampshire Department of Environmental Services, 29 Hazen Drive, Concord, NH 03301, or can be viewed online by searching under the Department’s OneStop data and Information Site at <http://www2.des.state.nh.us/DESONestop/BasicSearch.aspx>.

The “Groundwater Management Zone” defining the limit of included properties is depicted on the map dated (April 14, 2011) drawn by (consultant name), PE at Tighe and Bond, the Town’s consultant for the clean-up of the site. The map of the GMZ shall be kept on file with the Jaffrey Town Clerk.

13701

II. Requirements

All lots of record within the designated GMZ shall be provided with potable water via connection to Town Water. All new building construction, renovation, demolition and replacement shall be required to be serviced by Town Water within the GMZ. Any existing lots with private wells used for drinking water will be required to connect to Town Service within 60 days of this regulation. No lots within the GMZ shall use private wells for drinking water. Each year, notice shall be mailed by the Town of Jaffrey to all property owners of record within the GMZ with a fact sheet summarizing the Permit requirements and explaining the status of the remediation of the former Elite Laundry Site.

III. Water Works Rules

All current Water Works rules shall apply to connections within the GMZ, including rates, additional service fees, metering and other services.

[HISTORY: Originally Adopted 01-25-16 by the Select Board.]

13702

HISTORIC DISTRICT

Chapter 139

HISTORIC DISTRICT

[HISTORY: Originally Adopted 3-11-69 by the Annual Town Meeting, Art. 11.]

The Regulations governing the Historic District are located with the Jaffrey Zoning Ordinances as updated and published annually by the Planning Board.

(Article 34, voted in the affirmative 3/13/89, by Official Ballot, reads as follows: “Are you in favor of amending the Historic District Ordinance by adding to the Membership of the Historic District Commission, up to three (3) alternate members as proposed by the Planning Board?”)
Amended 3/13/89 Article 34

GENERAL REFERENCES

Conservation Commission - See Ch. 23.

Planning Board - See Ch. 42.

Land use and building permits - See Ch. 193.

1. Editor's Note: Article 14, voted in the affirmative 3-11-69 by the Annual Town Meeting created the Historic District Commission as originally constituted and empowered and reads as follows: “To see if the Town will vote to establish and/or create an Historic District Commission in accordance with Chapter 31, Sections 89C and 89D of the Revised Statutes Annotated of the State of New Hampshire; said commission to consist of five (5) members; said members to be appointed in the first instance by the Moderator with the approval and consent of the Selectmen, in accordance with Section 89D of said Statute, succeeding appointments shall be made by the Moderator with the approval and consent of the Selectmen; and said commission shall present such a plan to the Town in accordance with Chapter 31, Section 63A, Revised Statutes Annotated of the State of New Hampshire.”
2. Editor's Note: For provisions relating to the Planning Board, see Ch. 42.

HOUSE NUMBERING ORDINANCE

Chapter 141

HOUSE NUMBERING ORDINANCE

Article I TITLE

1. This ordinance is entitled and may be referred to as the “House Numbering Ordinance of the town of Jaffrey, New Hampshire.”

Article II PURPOSE & AUTHORITY

1. The purpose of this ordinance is to enhance the rapid location of properties for the delivery of public safety and emergency services.
2. This ordinance is adopted pursuant to and consistent with the NH RSA 31:39 & NH RSA 231:133-a.

Article III DEFINITIONS

1. For the purpose of this ordinance, the following definitions shall apply:
 - A. Road is any highway, road street, avenue, lane, private way, fire road, or similar paved, gravel, or dirt way within the Town of Jaffrey.
 - B. Improved property is any property on which a more or less permanent structure has been erected or placed.
 - C. Owners are defined as the person or persons who are listed on the current assessment records of the Town of Jaffrey.

Article IV OFFICIAL MAP

1. The Board of Selectmen shall be responsible for maintain the following records of the numbering system:
 - A. Dispatch Map of the Town of Jaffrey; and
 - B. An alphabetical list of all property owners as identified by current assessment records, by last name, showing the assigned numbers; and

C. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

Article V NAMING AND NUMBERING SYSTEM

1. Property Numbers

A. Each residence and business property shall have a number indicating its position on the road on which it is located.

B. In general, one whole number on each side of the road shall be assigned for every fifty (50) feet interval of road frontage.

C. Every improved property with more than one principal use or occupancy shall have a separate designator for each use or occupancy (i.e. 123 Any Road, Apt. 2).

Article VI NUMBERS AND NAMES TO BE POSTED

1. Every owner of an improved property shall, within thirty (30) days of notification as defined in Article IX, Section 5 of this ordinance, or within thirty (30) days of new habitation, display and maintain in a conspicuous place on said property the number assigned.

A. The number assigned shall be displayed in numeral form and be no less than three inches (3") high. Numerals shall be a contrasting color from the background, and preferably reflective in nature.

B. Assigned numbers of each improved property shall be posted near the principal entrance to the property and in a manner as to be legible from the road on which the property is located, and which can be seen when approaching from either direction.

C. Owners of buildings which are not visible from the road shall place the assigned number on both sides of a post or mailbox at the entrance to the property.

2. Every person whose duty it is to display the assigned number shall remove any different number which might be mistaken for, or confused with, the number or name assigned in conformance with this ordinance.

Article VII
PROPOSED ROADS AND STRUCTURES

1. Proposed roads shall be named and numbered in accordance with the provisions of Article V of this ordinance. All proposals for road names shall be subject to confirmation a possible alteration by the Board of Selectmen.
2. On any final plan submitted to the Planning Board showing proposed roads, applicants shall mark on the [plan lines or dots, in the center of the proposed roads every fifty (50) feet so as to aid the town in assigning numbers to properties.
3. No building or occupancy permits for new structures will be issued in the Town unless the applicant demonstrates that they have applied for or received the assignment of a property number from the Board of Selectmen.

Article VIII
VIOLATIONS AND PENALTIES

1. Unlawful to deface assigned numbers or road signs.
 - A. No person may knowingly alter, deface, or remove any number placed on any property in accordance with this ordinance.
 - B. No person may alter deface, or remove any road sign erected in the Town of Jaffrey.
2. Any violation of any provision of this article of this ordinance shall be subject to a civil fine assessed by the Board of Selectmen, payable to the Town of Jaffrey of twenty-five dollars (\$25.00) for the first offense, fifty dollars (\$50) for the second offense and one hundred dollars (\$100) for the third or subsequent offenses, together with attorney's and other legal fees incurred by the Town in the enforcement of this ordinance.

Article IX
AMENDMENT AND OTHER LEGAL PROVISIONS

1. Interpretation: Interpretation of what may not be clear in this Ordinance shall be according to the intent of the Ordinance and the Comprehensive Plan.
2. Conflict with Other Ordinances: Whenever the regulations of this Ordinance conflict with those of another Ordinance the stricter shall apply.

3. Severability: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.
4. Amendment:
 - A. No regulation or amendment of this ordinance shall be adopted until after the Selectmen of the Town have held a public hearing.
 - B. Amendments to this Ordinance shall be considered following petition, recommendation of the Police and Fire Department, the Ambulance Squad, or motion of a Selectman.
5. Effective Date:
 - A. This ordinance shall be enacted and be of full force and effect on June 1, 1999.
 - B. It shall be the duty of each property owner assigned a property number to comply with this ordinance within thirty (30) days of notification in accordance with Article VI of this ordinance.
 - C. It shall be the duty of each property owner of a new structure assigned a property number to comply with this ordinance within thirty (30) days of habitation in accordance with Article VI of this ordinance.

[HISTORY: Originally Adopted 6-1-99 by the Board of Selectmen]

JUNKYARDS

Chapter 143

JUNKYARDS

§ 143-1. Fencing or screening from highway required.

[History: Adopted 3-8-60 by the Annual Town Meeting, Art.20. Amendments noted were applicable.]

GENERAL REFERENCES

Landfill – See Ch. 147

Zoning – See Ch. 193

§ 143-1. Fencing or screening from highway required.

No person shall locate or maintain in the town a motor vehicle junkyard or machinery junkyard (both as defined by New Hampshire Revised Statutes Annotated, as amended by Ch. 267, Section 1-4¹) unless the yard is fenced or screened so as to be completely hidden from view from any highway.

1. Editor's Note; See also RSA 236:91 and RSA 236:112

LITTER ORDINANCE

Chapter 149

LITTER ORDINANCE

1. PURPOSES AND PRINCIPLES

The purposes of this ordinance are to minimize the presence of litter and other waste material deposited on the ground within the Town of Jaffrey, to reduce the potential for problems related to public health and welfare, to enhance the quality of life for the town's inhabitants and visitors, to protect and support property values, to maintain the town as an attractive community, and to raise public awareness of these purposes.

These purposes will be accomplished by establishment and enforcement of Town ordinances and by Town support of related State and Federal laws.

2. AUTHORITY

This ordinance is adopted pursuant to and consistent with the New Hampshire *Revised Statutes Annotated (RSA) 31:39*.

3. DEFINITIONS

a) Animal carcass means the body of a dead animal or parts thereof.

b) Garbage (including refuse) means and includes any waste product, solid or having the character of a solid, that is composed wholly or in part of such materials as refuse, swill, sweepings, cleanings, trash, rubbish, industrial or domestic solid wastes; organic wastes, residue of animals sold for consumption, fruit, vegetables, offal, animal excreta, or the carcasses of animals; brick, plaster, or other waste material resulting from demolition, alteration, or construction of buildings or other structures; accumulated waste material, cans, containers, tires, junk, or part of these materials; furniture or parts thereof; clothing or cloth; appliances or parts thereof; or such other substances that may become a nuisance if not properly disposed.

c) Junk means parts of motor vehicles, machinery, or intact motor vehicles or mechanized equipment (whether or not motorized) that is dysfunctional and no longer

planned for use and that has been inactive for a period of one year or more or that has been left or deposited in an unpermitted location for a period of seven (7) days or more; and scrap (such material includes, but is not limited to, metals, glass, paper, cordage, wiring, fabric, or rubber).

d) Litter means waste or scrap paper, bottles, cans, plastic beverage or food containers, or parts thereof or similar waste materials that have been discarded in an unauthorized location.

e) Liquid waste means any waste material in liquid form.

f) Septage means the residue from septic tanks containing a mixture of liquid and solid particles.

g) Solid waste is a term that may be used interchangeably with the terms refuse and garbage.

h) Sludge means a liquid/solid mixture that generally has a water or other liquid content ranging from 1% to 40% by weight and that is either organic or inorganic in nature and that is derived from an industrial process or a water treatment process.

i) Yard waste means any material resulting from cleanup or landscaping of residential, commercial, or industrial yards or property (including materials such as grass cuttings, leaves, shrubbery or tree clippings, cones, needles, bark, weeds, stakes, or similar materials).

4. PROVISIONS

Except as qualified below, it is unlawful for any person or party to dump, deposit, throw, leave, or place; or to cause or allow to be dumped, deposited, thrown, left, or blown; onto any public place within the Town of Jaffrey (or onto any private property within the Town of Jaffrey), in a location where the waste material is visible from any public place or where it will be detrimental to public health, any of the materials defined in Section 3 (DEFINITIONS) above.

The provisions of this section do not apply to the following:

a) Waste materials in approved containers, receptacles, or bags that are temporarily placed for pickup by a public or private hauler permitted by the State of New Hampshire, provided the materials are not left outside for more than one day (as raccoons and the like go after garbage).

b) Solid recyclable materials set aside for pickup by a public or private hauler permitted by the State of New Hampshire, provided the materials are not left outside for more than three days.

c) Materials resulting from construction work, provided the materials are removed and stored indoors by the end of each working day or provided the waste materials are removed within three days.

5. ENFORCEMENT

a) Evidence of a violation of the above-stated prohibitions may include, with the limits of State law regarding evidence and testimony, the following:

- 1) Testimony by law enforcement officials or by other Town departmental employees of an observed violation in progress;
- 2) Material collected or documented that relates the deposited litter or other waste material to an individual or party; or
- 3) Photographic evidence of a violation.

b) When possible and legal, the parents or guardians of any person under the age of eighteen (18) shall be held liable.

c) Any person or party who, in a systematic, frequent, or regular manner, violates the prohibitions described above (in the same location or with significant quantities of waste material) shall be considered to have violated State laws under *New Hampshire Revised Statutes Annotated (RSA) 149-M*.

6. PENALTIES

Individuals or parties found guilty of violating the provisions described shall be subject to:

- a) a \$25.00 fine for a first offense; or
- b) a \$50.00 fine for subsequent offenses.

7. RELATIONSHIP TO OTHER LAWS

Where authorized or allowed by State laws, the Town of Jaffrey and designated officials of the Town government shall enforce State statutes and regulations that address litter and waste materials, and they shall enforce other Town ordinances (*e.g.*, Town of Jaffrey Waste Transfer/Recycling Facility Ordinance, Town of Jaffrey Junkyard Ordinance, Town of Jaffrey Land Use Plan/Zoning Ordinance).

[History: Adopted 11-16-99 by the Board of Selectmen. Amendments noted were applicable.]

MOBILE HOMES AND TRAILERS

Chapter 151

MOBILE HOMES AND TRAILERS

[HISTORY: Originally adopted 3-12-68 by the Annual Town Meeting, Art. 17. Amended in its entirety 10-20-70 by the Planning Board, with subsequent amendments at various Town Meetings.]

The Regulations governing Mobile Homes/Manufacture Housing are located with the Jaffrey Zoning Ordinances as updated and published annually by the Planning Board.

GENERAL REFERENCES

Airport vicinity restrictions - See Ch. 99.

Flood hazard areas - See Ch. 133.

Sewers - See Ch. 159.

Site Plan review - See Ch. i67.

Subdivision of land - See Ch. 175.

Wetlands - See Ch. 189.

Zoning - See Ch. 193.

NOISE ORDINANCE

Chapter 153

Article I TITLE

This ordinance is entitled and may be referred to as the *Noise Ordinance of the Town of Jaffrey, New Hampshire*.

Article II PURPOSE AND AUTHORITY

1. The purpose of the ordinance is to promote an environment free from excessive noise that unnecessarily jeopardizes the health and welfare of the residents of Jaffrey and degrades the quality of life in this community.
2. This ordinance is adopted pursuant to and consistent with New Hampshire *Revised Statutes Annotated (RSA) 31:39*.

Article III DEFINITIONS

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

1. **Intraproperty Real Property Division:** Shall mean the ceilings, walls, floors, doors, and windows of any duplex, multifamily, or condominium dwelling, or structure that separates the real property leased or owned by one person from that owned or leased by another person.
2. **Person:** Any individual, association, partnership, or corporation, and including any officer, employee, department, agency, or instrumentality of a state or any political subdivision of a state.
3. **Public Right-of-way:** Any street, avenue, highway, sidewalk, or alley or similar place that is owned or controlled by a governmental entity.
4. **Public Space:** Any real property or structure thereon that is owned or controlled by a governmental entity.

5. **Real Property Boundary:** Any imaginary line along the ground surface and its vertical extension that separates the real property owned by one person from that owned by another person.
6. **Noise Disturbance:** Any sound created or allowed to continue within a real property boundary or intraproperty real property division or public right-of-way or public space that can be heard across said boundary or intraproperty real property division in the a public confines of another or adjacent real property or intraproperty real property division or a public right-of-way or public space that annoys or disturbs a reasonable person of normal sensitivities.

Article IV ZONING DISTRICTS

The Zoning districts in use by the Town of Jaffrey are as follows:

1. Rural (both with and without Town water);
2. Residence A and Residence B;
3. Commercial and General Business; and
4. Industrial

Article V NOISE DISTURBANCES – PROHIBITED TIME RESTRICTIONS

1. It shall be unlawful to cause a noise disturbance as defined herein during the following hours and within the following zoning districts:
 - A. **Between 10:00 p.m. and 6:00 a.m.:** Including, but not limited to, disturbances created by the loading, unloading, opening, closing, or otherwise handling boxes, crates, containers, building materials, trash cans, dumpsters or similar objects, or compressors in the Commercial and General Business district and Industrial district.
 - B. **Between 10:00 p.m. and 7:00 a.m.:** Including, but not limited to, disturbances created by the loading, unloading, opening, closing, or otherwise handling boxes, crates, containers, building materials, trash cans, dumpsters or similar objects, in the Rural and Residential districts.

- C. **Between 10:00 p.m. and 7:00 a.m.: (Monday through Saturday) and 10:00 p.m. and 9:00 a.m. (Sunday):** Disturbances created by the operation or use of construction vehicles including, but not limited to, bulldozers, graders, dump trucks, backhoes, earth moving equipment, front-end loaders, and log skidders on the job site; and the operation or use of tools or construction equipment including, but not limited to, cement mixers, hammers, staple or nail guns, power tools, lawnmowers, and jack hammers; and the operation or use of agricultural equipment including, but not limited to, tractors and balers in ALL districts.
2. It shall be unlawful to operate a motor vehicle in the following manner:
- A. An amplified sound system in a motor vehicle shall not be operated to allow the system to produce sound that is clearly audible in a public right-of-way or public space more than fifty (50) feet from the motor vehicle.
- B. A motor vehicle operator shall not make any loud, unusual, or unnecessary noise occasioned by one or more of the following:
- 1) Misuse of power, exceeding tire traction limits in acceleration (sometimes known as “laying down rubber,” or “peeling rubber), or excessive acceleration when there is no emergency;
 - 2) Misuse of braking power exceeding the tire traction limits in deceleration when there is not emergency;
 - 3) Rapid acceleration by means of quick up-shifting of transmission gears with either a clutch or manual transmission or automatic transmission;
 - 4) Rapid deceleration by means of quick downshifting of transmission gears with either a clutch or manual transmission; or
 - 5) Racing of engines by manipulation of the accelerator, gas pedal, carburetor, exhaust system, or gear selection, whether the vehicle is either in motion or standing still.

Article VI EXEMPTIONS

The following uses and activities shall be exempt from noise level regulations:

1. Noise of safety signals, warning devices, and emergency pressure relief valves;
2. Noises from any authorized vehicle when responding to an emergency call or acting in time of an emergency;
3. Noises from emergency maintenance work as performed by the Town, State, or public utility companies, including snow removal operations;
4. Municipal or State maintenance work in any public right-of-way.
5. Any other noise resulting from activities of a temporary duration permitted by law and for which a permit has been granted by the Town;
6. Snowblowers and other types of private or commercial snow removal operations;
7. Parades and public gatherings for which the Town has issued a permit;
8. Bells, chimes, or carillons while being used for religious purposes or in conjunction with religious services or to signal the time of day; or
9. The unamplified human voice, except where otherwise prohibited by the provisions of this ordinance.

Article VII TEMPORARY SPECIAL PERMITS

The Board of Selectmen or their designee is authorized to issue special permits for periods not exceeding seven (7) days to persons wishing to exceed those limits provided for herein, based upon a demonstration as follows:

1. Activity sought to be engaged in is in furtherance of a substantial public interest or benefit and will not be inconsistent with the statement of purpose of this ordinance; or
2. Activity sought to be engaged in is necessary in order to avoid undue hardship and will not be inconsistent with the statement of purpose of this ordinance.

**Article VIII
VIOLATIONS AND PENALTIES**

1. Any person, firm, or corporation who violates the provisions of this ordinance shall be guilty of a violation for each offense and shall be subject to a fine of one hundred dollars (\$100) for each offense.
2. Any person, firm, or corporation who violates the provisions of this ordinance three or more times in a twelve-month period shall be fined five hundred dollars (\$500) for each violation beyond three in a twelve-month period.

**Article IX
SEVERABILITY**

If any provision of this ordinance or the application of such provisions to any person or circumstances shall be held invalid, the validity of the remainder of the ordinance and applicability of such provisions to other persons or circumstances shall not be affected thereby.

[History: Adopted 5-6-02 by the Board of Selectmen, which supersedes ordinances adopted by the Selectmen on 6-20-00 and 8-10-88 . Amendments noted were applicable.]

NUDITY

Chapter 154

NUDITY

(Article 33, voted in the affirmative 3/14/95, by Official Ballot, reads as follows: "To see if the Town will vote, by Official Ballot, to adopt an ordinance under the provisions of RSA 31:39 to prohibit:

- 1.) Any person to knowingly or intentionally be nude in a public place or in any other place that is readily visible to the public, It shall also be unlawful for any person or entity maintaining, owning, or operating any public place to operate and to knowingly, or reason to know, permit or allow any person to appear nude in such public places;
- 2.) No employee of any person conducting public dances shall be unclothed or in such less than opaque and complete attire, costume or clothing so as to expose any human genitals, breasts or buttocks;
- 3.) No employee of any person conducting public dances shall mingle with patrons of such dances while nude or in such attire, costume or clothing as is described in Section 2 above;
- 4.) No employee of any person conducting public dances shall encourage or knowingly permit any person upon the premises to touch, caress or fondle the genitals, breasts or buttocks of any other person;
- 5.) No employee of any person conducting public dances shall perform acts of or acts which simulate sexual acts or the touching of any person, nor shall any employee use any artificial devices or objects to depict sexual acts;
- 6.) No employee of an person conducting public dances shall conduct or participate in public dancing except upon a stage at least 18 inches above the immediate floor area and removed at least 6 feet from the nearest patron.) New Section Approved 3/14/95

PARKS AND PLAYGROUNDS

Chapter 155

PARKS AND PLAYGROUNDS

ARTICLE I

Shattuck Park at Thorndike Pond

[Article 35, voted in the affirmative 3-11-86 by the Annual Town Meeting, reads as follows: “To see if the Town will authorize the Board of Selectmen to turn over to the Recreation Committee the responsibility of supervision and operation of Shattuck Park at Thorndike Pond for the purpose of supervision, control, public safety and maintenance and to raise and appropriate the sum of five thousand six hundred dollars (\$5,600.) for said operation and supervision or act in any way relating thereto.”]

ARTICLE II

DOGS PROHIBITED

It is unlawful for the owner or caretaker of any dog to allow said dog onto Humiston or Community Field. (Adopted by Select Board 5-13-13).

ARTICLE III

NO TRESPASSING

On August 10, 1988 the Board of Selectmen adopted the No Trespassing Ordinance for Parks, Commons and Cemeteries:

:It shall be unlawful for any person or persons not licensed or privileged to do so, to knowingly enter or remain in, or on, any Town owned public common or park within the Town of Jaffrey between the hours of 11:00 PM and 6:00 AM without the express written permission of the Board of Selectmen.

Furthermore, it shall be unlawful for any person or persons not licensed or privileged to do so, to knowingly enter or remain in, or on, any Town owned public cemetery within the Town of Jaffrey between the hours of 9:00 PM and 6:00 AM without the express written permission of the Board of Selectmen.

Anyone violating said ordinance shall be guilty of criminal trespass pursuant to RSA 635:2 and shall be punishable thereunder.”

GENERAL REFERENCES

Recreation Committee - See Ch. 55.

Cemeteries – See Ch. 17

Dogs and Other Animals – See Ch. 125

RECYCLING/WASTE TRANSFER STATION

Chapter 156

RECYCLING/WASTE TRANSFER STATION

(Article 28, voted in the affirmative 3/17/89, by voice vote, at the Annual Town Meeting as follows: "To see if the Town will vote to establish a mandatory recycling program to become effective no later than September 1, 1989 and to authorize the Board of Selectmen to adopt an ordinance establishing a recycling program in accordance with RSA's 31:39, 147 and 149:13.")
Added New Section 3/17/89 Article 28

(Article 32, voted in the affirmative 3/13/04, by voice vote, at the Annual Town Meeting as follows: "To see if the Town will vote to amend the Transfer Station/Recycling Ordinance as included herein:")

TRANSFER STATION/RECYCLING ORDINANCE

Article I

TITLE

This ordinance is entitled and may be referred to as the "Transfer Station/Recycling Ordinance of the Town of Jaffrey, New Hampshire."

Article II

PURPOSE & AUTHORITY

The purpose of this Ordinance is to provide for the regulations necessary for the disposal of waste and recyclables by the residents of Jaffrey. This Ordinance is adopted pursuant to and consistent with NH RSA 31:39 and RSA 149-M:17.

Article III

DEFINITIONS

For the purpose of this Ordinance, the following definitions shall apply:

- A. Commercial Enterprise: Any sole proprietorship, partnership or corporation which conducts any type of business operation, profit or non-profit.
- B. Household Refuse: means and includes any waste product, solid or having the character of a solid rather than a liquid in that it will not flow readily without additional liquid, and which is composed wholly or partly of such materials as garbage, sweepings, cleanings, trash, rubbish, litter.
- C. Person: any individual, association, partnership, or corporation, and including any officer or employee of any association, partnership or corporation.

- D. Resident: any individual person who makes residency in Jaffrey by actions such as, but not limited to, owning and living in a home, renting and living in an apartment or other rental unit, registering any automobiles, or registering to vote in Jaffrey.
- E. Non-resident property owner: Any individual person who owns a home in Jaffrey and lives in that home for at least 30 days out of any year.

Article IV USE OF FACILITY

The use of the Transfer Station/Recycling Center shall be restricted to residents of Jaffrey and non-resident property owners, proof of which must be provided at the time of application for a permit. Further, the use of the facility is restricted to waste generated from their residential properties in Jaffrey. Any commercial enterprise shall not be issued a permit for use of the facility, except for the specific purpose of depositing recyclables.

Article V ISSUANCE OF PERMITS FOR USE OF THE FACILITY

Permits shall be issued from the Town Clerk's Office subject to the following restrictions:

- A. Permits shall be issued on an annual basis. The amount of permits issued to a household shall not exceed the number of vehicles registered to that household address.
- B. Permits shall be inscribed with the license plate number for the vehicle to which it shall be affixed.
- C. Permits shall be affixed to the passenger side window or right front bumper of a vehicle.
- D. Permits shall not be transferred from one vehicle to another.
- E. Permits shall be effective from June 1st through May 31st of each year.
- F. If a vehicle is sold, the owner may remove the permit to the extent possible, and along with evidence of the vehicle sale, return it to the Town Clerk's Office for the issuance of a new permit for a replacement vehicle at no charge for the balance of the effective year.

Article VI
ACCEPTABLE WASTES

The following constitutes acceptable wastes to be disposed at the Transfer Station/Recycling Center:

- A. Household refuse;
- B. Recyclables, all of which shall be separated from all other waste and shall be deposited in the marked containers within the Recycling Center, but are not limited to: cardboard, newspaper, magazines, glass, aluminum cans, plastic jugs, plastic bottles;
- C. Construction and demolition waste;
- D. Motor vehicle waste oil, tires and batteries;
- E. Brush less than 5" in diameter;
- F. Scrap metal including appliances.

The Selectmen may impose fees for the disposal of the items listed above to recover costs incurred by the Town. "The Selectmen, may upon good cause shown, allow exceptions for the use of the facility for civic groups or other similar organizations which may be providing a public benefit such as a road-side or community clean-up day."

Article VII
UNACCEPTABLE WASTE

The following waste items shall not be accepted at the Transfer Station/Recycling Facility:

- A. Harmful, hazardous, or toxic substances except when the Town may provide a "Hazardous Waste Collection Day";
- C. Medical or veterinary waste;
- D. Sludge or septic waste;
- E. Any material the Board of Selectmen or its agents may deem to be harmful or hazardous to the public or facility.

Article VIII
MISCELLANEOUS

It shall be unlawful to conduct any of the activities listed below on the Transfer Station/Recycling Center property or on the capped landfill abutting the Transfer Station/Recycling Center:

- A. Hunting;
- B. Discharge of any type of firearm except by authorized town personnel;
- C. Operation of any Off-Highway Recreational Vehicle;
- D. Operation of any motor vehicle except on the roadway in and out of the Transfer Station/Recycling Center and the areas immediately adjacent to the Center in order to dispose of waste;
- E. Dump-picking, except when provided verbal permission from a Transfer Station Attendant. The Town assumes no liability for any person who chooses to dump-pick with or without the express permission from an Attendant.

Article IX
VIOLATIONS AND PENALTIES

1. Any person, firm or corporation who violates any provisions of this Ordinance shall be guilty of a violation for each offense and shall be subject to a fine of one hundred dollars (\$100) for each offense.
2. Any person, firm or corporation who violates any provisions of the Ordinance three or more times in a twelve month period shall be fined five hundred dollars (\$500) for each violation beyond three in a twelve month period.

Article X
SEVERABILITY

If any provisions of this Ordinance or the application of such provisions to any person or circumstances shall be held invalid, the validity of the remainder of the Ordinance and applicability of such provisions to other persons or circumstances shall not be affected thereby.

SEWERS

Chapter 159

SEWERS

The Sewer Ordinance is currently under revision by the Department of Public Works and will be inserted into the Code upon its approval by the Select Board.

Chapter 162¹

(R E S E R V E D)

1. Editor's Note: Former Ch. 162, Signs, adopted 3-11-86 by ballot by the Annual Town Meeting, Art. 40, was superseded 3-8-88 by the Annual Town Meeting. For current sign provisions, see Ch. 193, Zoning.

SITE PLAN REVIEW

Chapter 167

SITE PLAN REVIEW

**[HISTORY: Adopted by the Planning Board 5-13-80; amended 6-10-80; 6-9-81.
Subsequent amendments noted where applicable.]**

The Regulations governing Site Plans are located with the Jaffrey Zoning Ordinances as updated and published annually by the Planning Board.

GENERAL REFERENCES

Planning Board - See Ch. 42.
Airport vicinity regulations - See Ch. 99.
Flood hazard areas - See Ch. 133.
Historic District - See Ch. 139.
Mobile home parks - See Ch. 151.
Sewers - See Ch. 159.
Subdivision of land - See Ch. 175.
Wetlands - See Ch. 189.
Land use - See Ch. 193.

1. Editor's Note: Article 39 of the 1979 Annual Town Meeting provided for nonresidential site plan approval powers of the Planning Board.
Article 24 of the 1981 Annual Town Meeting conferred multifamily residential site plan review authority on the Planning Board.

SMOKING POLICY

Chapter 168

SMOKING POLICY

§ 168-1. Designated no-smoking areas.

§ 168-2. Posting of signs.

§ 168-1. Designated no-smoking areas.

A. In accordance with RSA 155:45^I, the following town-owned buildings, in their entirety, are hereby designated as no-smoking areas.

- (1) Storage building, Humiston Field.
- (2) Warming hut, skating rink.
- (3) Toolshed, Conant Cemetery.
- (6) Hearse House.
- (5) Little Red School House.
- (6) Horse sheds.
- (7) Old Meeting House.
- (8) Clock Tower, Woman's Club.
- (9) Library Building.
- (10) Bathhouse Contoocook Beach.
- (11) Jaffrey Center Fire Station.
- (12) AU sewer pumping stations.
- (13) Sewer Chlorinator Building.
- (14) Salt shed.

B. In addition to the above buildings, the following areas within town buildings shall be deemed no-smoking areas.

- (1) Main fire station: All
- (2) Police station: All
- (3) Town offices: All
- (4) Town highway facility: All

§ 168-2. Posting of signs.

In accordance with the statutory authority of RSA 155, New Hampshire Code of Administrative Rules, Part He-C 3001.21, smoking and no-smoking signs shall be posted in appropriate areas within each public building listed above.

Editor's Note: ¹ The current RSA citation is RSA 155:64-78.

**[HISTORY: Adopted by the Board of Selectmen 2-2-87.
Amendments noted where applicable.]**

SPECIAL EVENTS PERMIT

Chapter 170

Special Events Permit

Article I

PURPOSE

The Town of Jaffrey recognizes the benefit that festivals and special events contribute to community spirit and well-being. With special event permit the Town anticipates broad cooperation in the delivery of such events but expects the following guidelines be met:

- The event is led by a single entity with clear direction and responsibility;
- All participants are demonstrably insured, with the Town listed as additional insured if events are proposed on Town owned property;
- An estimate of cost and submission of bond or surety if Town expenses exceed licensing fee;
- The event organization can be incorporated to give it independent status.

Article II

TIMELINE

While the event organizers may proceed with publicity prior to permitting with the Town, it is at their discretion. Advance planning with the Town is imperative beginning with a minimum of:

90 days out	Pre-planning with Selectmen and appropriate departments;
60 days out	Town approvals in place and Fire Marshal approval if applicable;
30 days out	Insurance certificates, final event plan, health approvals if food vendors;
Post Event Debrief.	

Article III

AUTHORITY

The Town of Jaffrey through RSA 286:1 has the authority to license special events prior to such events occurring within the community. Further, the Jaffrey Police Chief has the authority through RSA 105:9 to require special detail for events which have the potential to involve traffic related problems, cause a nuisance, public disturbance or endanger public health or safety. In addition the Jaffrey Fire Chief has the authority through the State Fire Code and National Fire Protection Association Codes and Standards to regulate outdoor events and indoor public assemblies. See specific list of applicable statutes and municipal codes attached to this policy.

Article IV DEFINITIONS

1. Special Event – Is a pre-planned event, whether publicly and/or privately sponsored which is expected to draw 100 or more people at any one time as participants or spectators.
2. Organized Competitive Event – any planned race, walk, derby or event, whether human powered or otherwise that involves a contest of skills and takes place on a public right of way, park or waterway.
3. Procession/Parade - a public or private march, run, walk, car show, or parade of any kind, or other gathering of persons that occurs upon a public right of way, park or both that is used for vehicular purposes.
4. Community Event – is a special event sponsored by the Town of Jaffrey.
5. Public Assembly – any public gathering, demonstration, picket, rally, gala, ceremony, celebration or other gathering on right of way, park space, that does not occur on the right of way used for vehicular traffic.
6. Event Site Plan – sketch of the proposed event site including pedestrian and vehicle access, parking, vendor locations, and facilities such as porta-potties, first aid, public safety and emergency support.

Article V APPLICATION PROCEDURE

All Special Events within the Town of Jaffrey require a license from the Jaffrey Board of Selectmen. The application shall be reviewed by the Town Manager, Police Chief, Fire Chief, Director of Public Works, Code Enforcement Officer and Director of Planning & Economic Development.

Article VI
ITEMS TO ACCOMPANY SPECIAL EVENT PERMIT APPLICATION

Identity of Event Sponsor/Co-Sponsors	Ambulance/Medical Service Plan
Certificate of Insurance	Ticket Distribution Plan
Event Site Plan	Sanitary Facilities Plan
Security/Crowd Control Plan	Food Service Plan
Traffic Control/Parking Plan	Electrical Services Plan
Fire Emergency Plan	Estimate of Cost – Municipal Services

Article VII
CRITERIA FOR EVALUATING AND SCHEDULING SPECIAL EVENTS

1. The Town of Jaffrey shall have the sole authority to determine whether or not a particular applicant shall be entitled to hold a special event. The Town of Jaffrey shall also take into account the frequency with which such events are held and the convenience of the public in relation thereto.
2. The Town of Jaffrey will also consider:
 - a. How well the applicant, insofar as it can be determined, appears capable or incapable of executing the planned special event.
 - b. Whether any inconvenience which the general public may suffer is outweighed by the potential benefit to the community as a whole.
 - c. Whether budgetary considerations at the time of the application create such a heavy burden upon the Town of Jaffrey's financial and/or human resources that it would not be practical to hold the proposed special event at the time requested.
 - d. Whether the holding of the special event as planned would create an undue burden upon the manpower resources of the Town of Jaffrey, and whether the health and safety of the public would be compromised.

Article VIII
SPECIFIC STATUTES AND MUNICIPAL CODES

RSA 286 **Licensing Shows, Open Air Meetings, Billiard Tables, and Bowling Alleys**
Specifically 286:2 and 4, 4-a
286:2 Theatricals; Parades; Meetings.
286:4 Licenses; Fees.
286:4-a Added Expense to Town.
<http://www.gencourt.state.nh.us/rsa/html/xxiv/286/286-mrg.htm>

RSA 31 **Powers and Duties of Towns**
Specifically 31:39 Purpose and Penalties
<http://gencourt.state.nh.us/rsa/html/III/31/31-39.htm>

RSA 105 **Police Officers and Watchmen**
Specifically 105:9 Police Attendance at Public Meetings
<http://www.gencourt.state.nh.us/rsa/html/vii/105/105-9.htm>

RSA 160:B **Fireworks**
Specifically 160-B:3 Display; Penalty
<http://www.gencourt.state.nh.us/rsa/html/xii/160-B/160-B-3.htm>

NH State Fire Code, NFPA 1, 2009

Jaffrey Municipal Code
Chapter 187 Regulating Outdoor Vendors and Transient Sales

IBC Building Code
Electrical Permit
Health Inspections
Portable restrooms

STREETS, SIDEWALKS & BRIDGES

Chapter 171

STREETS, SIDEWALKS & BRIDGES

ARTICLE I Encroachments

[Article 18, voted in the affirmative 3-8-49 by the Annual Town Meeting, read in the warrant as follows: ‘To see if the Town desires to, take any action with regard to encroachments upon the Town Highways by private firms and individuals.’]

Article 18 was moved and voted upon as follows: “Whereas in times past without proper authorization various acts have been committed and structures erected within the limits of highways; and Whereas, such acts have resulted in an infringement upon the rights of the public and the Town; and Whereas, such uses adverse to the interests of the Town seem in recent years to have increased despite the efforts of the selectmen to keep our roads free from them; Now, Therefore, Be It Resolved, that the selectmen are hereby instructed to investigate all such private encroachments, actual and potential, upon the rights of the Town, and in their judgment after such investigation either order the removal of the same or cause same to be removed, all at no expense to the Town; and Be It Further Resolved, That after proper warning, the selectmen be instructed to prosecute any further infringement upon town property through appropriate court action.”]

ARTICLE II Snow and Ice Removal [Adopted 1-9-74 by the Board of Selectmen]

§ 171-1. Prohibited acts; fines; exceptions.

If any person shall put or place, or cause to be put or placed, any snow or ice upon the surface of the traveled portion of any town road or town maintained portion of any town road for any purpose, except to provide a place necessary for crossing, re-crossing and traveling upon said roads by sleds, logging or farm equipment, he shall be subject to a fine. The provisions of this Article shall not apply where snow or ice is pushed across the traveled surface of said highways for the purpose of snow removal from land adjoining said highways.

§ 171-2. Obstructions.

Any person plowing driveways either for himself or for hire will not be allowed by the town to obstruct the traveled portion of the sidewalks and roads of the town. This shall pertain to either before or after the town plowing the sidewalks and roads.

§ 171-3. Violations and penalties.

Any violation of the above Article shall be punishable by a fine of not less than twenty-five dollars (\$25.) for each conviction.

ARTICLE III
Town Bridges – Posting

[HISTORY: Adopted on 10-21-87 by the Board of Selectmen. Amendments noted where applicable.]

The Town of Jaffrey prohibits the crossing of all the municipal owned bridges in the Town of Jaffrey by any truck “certified” by the New Hampshire Department of Safety to carry additional weight on any way (road) other than the interstate and defense highway system as per the New Hampshire Revised Statutes Annotated (RSA) Chapter 266.

Penalty for violation of this ordinance shall be as prescribed in RSA 266:25.

[HISTORY: Article 11, adopted by the Board of Selectmen 1-9-74. Amendments noted where applicable.]

GENERAL REFERENCES

Public works - See Ch. 51.

Bicycles - See Ch. 113.

Mobile homes - See Ch. 151.

Vehicles and traffic - See Ch. 185. Land use - See Ch. 193, Part 2.

ARTICLE IV
Winter Maintenance Policy

(Includes Highway, Sidewalks, Transfer Station and Parking Areas)

§ 171-4 Equipment.

The Highway Department utilizes all the assets needed to address snow emergencies. A list of the current rolling stock assets is maintained by the Town Mechanic.

§ 171-5 Routes

Currently, the town is divided into eleven (11) plow routes and four (4) treatment routes. Major through-roads and school bus routes are prioritized as much as possible noting that major arterials (Routes 202, 124, 137) are maintained by the NHDOT.

§ 171-6 Manpower

Full-time Public Works employees, including Water Division employees assist the Highway Department with winter road maintenance. In addition, several contractors, as deemed necessary by the Director or designee are contracted with seasonally to assist. This includes the contract operator of the wastewater treatment facility.

§ 171-7 Materials

The department anticipates using approximately 2000 tons of salt and 750-900 cubic yards of sand each season. Salt is typically obtained from supplier utilizing the NHDOT bid pricing annual contract. Locally procured sand is used as an abrasive for dirt roads and is applied to improve the public's motor vehicle traction. On paved roads salt is deposited by mechanical spreader in the middle of the road (where traffic allows) creating a liquid super salt (brine) effect. Depending upon the type of treatment required for road conditions, the salt may be broadcast over the travel way to deice. Department may also employ additional anti-icing compounds such as calcium chloride.

At the beginning of each winter season, it is the goal of the department to begin the season with a full salt shed. As material is used, salt is ordered to keep the shed stocked.

Unless weather conditions require a different approach, winter maintenance routes are usually treated first with salt. If a mixture of sand and salt is used the ratio used is approximately 2 parts sand to 1 salt. The salt is applied as close to the center of the roadway as possible, where traffic can work the mix traveling either way (this sometimes requires spreading the material). The mixture, in conjunction with traffic action, creates a watery brine melting snow and / or ice, and resists snow and ice packing on the roadway. The road crown further assists with the spreading of the mixture brine. Depending on temperatures and other weather conditions, the Public Works Director or his designee will make the determination as to when to stop applying salt and change to other add materials that are available for use at the time.

The following roads (or sections thereof) are designated "No or Reduced Salt Zones" and may be treated with salt alternatives:

- Gilmore Pond Road
- Squantum Road

Gravel roads receive no anti-icing materials. Sand is spread on these roads as an abrasive.

§171-8 Communications

The Public Works rolling stock is equipped with two-way radios capable of transmitting and receiving on a town owned frequency. Most private contractors working for the town communicate with DPW using cell phones. Department radios also have the ability to monitor police and fire channels to address concerns of those departments.

§171-9 Schools

Public Works is not responsible for maintenance activities at the Jaffrey-Rindge schools.

The school superintendent or designated official representative may contact the Public Works Department to determine the condition of the municipality's roads. The school representative shall make the decision to cancel or postpone school for that day.

§171-10 Parking

The Town enacts a winter parking ban effective from November 1st to April 15th annually. This ban prohibits parking in or on the town's roads or right-of- ways between 11:00 PM and 6:00 AM. The Town has the right to tow at the owner's expense. The purpose of the winter parking ban is to allow winter maintenance crews unobstructed snow removal and ice control routes, as much as possible, and to maintain the maximum effectiveness of their efforts. Overnight parking is also restricted in Blake Street parking lot and the Town Office parking lot. Overnight parking is permitted in the Blake Street lot in designated areas only. Violators may be ticked and/or towed.

§171-11 Snow & Ice Operations

At the commencement of inclement weather, based upon reported and observed road conditions and traffic, salting of roadways commences. Dependent upon intensity of precipitation, salting operations may be halted or skipped and plowing commencing immediately. Once plowing of public roadways, sidewalks and parking lots begins, it will continue until precipitation has ceased and all roads are clear. Once plowing ceases, based on road conditions, salt or other materials may be spread. For gravel roads, application of sand is done typically upon completion of application of anti-icing materials on paved roadways and/or availability of equipment.

§171-12 Plow Route Priorities

With a total of over 64 miles of town roads from which to remove snow and ice and finite pieces of equipment to handle these responsibilities, the Highway Department has to assign priorities for winter maintenance route activity in order to maximize the effectiveness of their efforts for the motoring public.

§171-12 Plow Route Priorities (continued)

- Main roadways will be given first priority. Efforts will be made that school bus routes will be given the first priority during school days.
- Sidewalks will receive winter maintenance concurrent with maintenance of roadways subject to limitations of manpower, equipment and size of storm.
- Public parking areas at the Town Office, Library, Police Station, and Fire Station will be maintained by plowing during the winter storm. The application of slip resistant materials will be applied as determined by the Highway Foreman or his designee.
- Transfer Station / Recycling Center: If the facility is open during the snow or ice storm, personnel or contractor will plow this area prior to opening for public use. Public areas shall be kept as clear as possible to provide as safe access as is reasonably possible.
- Sand and other slip resistant materials to be used in public areas. It often will not be possible to maintain clear ground, but a reasonable effort will be made during storms.

§171-13 Roads not receiving Winter Maintenance

The town of Jaffrey does not maintain a number of roadways as part of its ongoing winter maintenance activities. The areas not maintained by the Town includes:

- Town roads classified as Class VI roads.
- Private roads
- Private subdivision roads
- Class V roads closed for winter (Witt Hill Road- Section)

§171-14 Damage to Private Property

It should be noted that the municipality isn't held responsible for damage to private property that is located within the public right of way. The right of way (ROW) is often varies but can be up to 50' wide, and is often confused by property owners as their own property. In most cases, the ROW extends ten to twenty feet on either side of the paved or gravel road. Homeowners cultivate extensions of their lawns, place mailboxes, erect fences or stonewall in these areas, which improves the appearance of the street greatly, but is obstructive to good maintenance from being conducted on the roadway.

Homeowners should not put bark mulch, crushed rock, stone walls, fences (visible and invisible), irrigation systems, trees or lawns in the town right-of-way. The town is not liable for damage that may occur to property in its right-of-way. Many items interfere with heavy equipment and become a hazard for vehicles and pedestrians. They often cause drainage failures, and thereby road deterioration.

Location of Mailboxes: Mail and newspaper boxes are allowed, at the owner's risk within the right-of-way for purposes of convenience. United States Postal Bulletin 22102 states:

“The Postal Service suggests using a semi-arch or extended arm support which allows snowplows to sweep near or under mailboxes without damaging supports and provides easy access to the mailboxes by carriers and customers.”

§171-14 Damage to Private Property (continued)

The following suggestions for reducing the possibility of damage and liability:

- Mailboxes should be installed at least three feet from the edge of pavement
- Installations should be sufficiently sturdy to withstand the weight of heavy snow resulting from plowing operations.

§171-15 Post Storm Operations

Snow bank removal operations will occur in the downtown business parking area at a time determined by the Director or his designee. The Department will strive to remove the snow as soon as practical, but limitations such as manpower, equipment, fatigue, traffic, and forecasted weather will factor into the decision on when snow is to be removed. The department will endeavor to complete this task in the overnight to minimize impacts to vehicular traffic and pedestrians and disruptions to businesses.

As determined by the Director of Public Works or his designee, the snow banks resulting from the previous accumulations may be pushed back, or shelved, using the plow and wings of the dump trucks, grader, or other suitable equipment to make space for future snow storms.

Roads will be scraped in those areas subject to drifting snow, on an as needed basis.

§171-16 Sidewalk Snow Removal

Sidewalks are constructed at the outer edge of the right-of-way creating a conflict between snow removal equipment and some structures such as fences. Every effort is made to minimize damage to private property. Should damage occur, after inspection, public works personnel will negotiate extent of repairs.

Sidewalk snow removal will be done as soon as possible within the limitations of manpower, equipment, and storm size. If there are insufficient personnel available to conduct sidewalk snow removal operations, as well as street and road clearance, the streets and roads shall take priority. The sidewalks will be treated with ice control materials as quickly as possible after the storm if required.

Total operations for a moderate sized snowfall will typically require 3-4 days from beginning to end.

[HISTORY: Adopted by Department of Public Works, February 21, 2012; ratified by Select Board, Resolution #2016-04, January 25, 2016]

GENERAL REFERENCES

Public works - See Ch. 51.

SUBDIVISION OF LAND

Chapter 175

SUBDIVISION OF LAND

[HISTORY: Adopted by the Planning Board, effective 9-10-73; amended at various Town Meetings.]

The Regulations governing the Subdivision of land are located with the Jaffrey Zoning Ordinances as updated and published annually by the Planning Board.

GENERAL REFERENCES

Planning Board - See Ch. 42.
Regional Planning Association - See Ch. 64.
Airport vicinity - See Ch. 99.
Flood hazard areas - See Ch. 133.
Mobile homes - See Ch. 151.
Sewers - See Ch. 159.
Site Plan Review - See Ch. 167.
Wetlands - See Ch. 189.
Land use - See Ch. 193.

SWEEPSTAKES TICKETS

Chapter 178

SWEEPSTAKES TICKETS

[Article 30, voted in the affirmative 3-10-64 by the Annual Town Meeting by ballot, reads as follows: “Shall Sweepstake Tickets be sold in this Town?”]

GENERAL REFERENCES

Bingo - See Ch. 117.

TAXATION

Chapter 181

TAXATION

ARTICLE I

Payment on Account

[Article 16, voted in the affirmative 3-10-64 by the Annual Town Meeting, reads as follows: “To see if the Town will vote to permit the Tax Collector to accept payment on account of the annual property tax in multiples of not less than \$10.00 in accordance with the provisions of Chapter 36, Section 1, R.S.A 1963.’]

ARTICLE II

Exemptions For the Elderly

[Article 28, voted in the affirmative 3-8-77 by the Annual Town Meeting, reads as follows: “To see if the Town will vote to adopt the provisions of RSA 72:43-b and 43-c for expanded exemptions on real estate which provide for a resident sixty-five years of age up to seventy-five, a five thousand dollar exemption; a resident seventy-five years up to eighty, a ten thousand dollar exemption; a resident eighty years or older, a twenty thousand dollar, exemption, provided that the resident owns the real estate individually or jointly with another or his spouse with whom he has been living for at least five years as man and wife; said resident has a net income of less than seven thousand dollars or combined-income with spouse of less than nine thousand dollars; and owns assets of any kind, tangible or intangible, less bona fide encumbrances, not in excess of thirty-five thousand dollars.”]

The amended provisions of the RSA were adopted by Article 29, voted in the affirmative 3-14-78 by the Annual Town Meeting, which reads as follows: “Shall we adopt the new provisions of RSA 43-C relative to expanded exemption on real estate for the elderly, changing the eligibility requirement that a person may own no more than \$35,000.00 in assets of any kind to a requirement that a person may own no more than \$50,000.00 in assets of any kind.”; and by Article 30, voted in the affirmative 3-14-78 by the Annual Town Meeting, which reads as follows: “Shall we adopt the new provisions of RSA 72:43-B relative to expanded exemption on real estate for the elderly, changing the basis of the exemption from the equalized assessed value to the actual assessed valuation.”]

[Article 33, voted in the affirmative 3-14-87 by ballot by the Annual Town Meeting, reads as follows: “Shall we adopt the provisions of RSA 72:43-f for the adjusted elderly exemptions from property tax? These statutes provide for the following exemptions, based on assessed value, for qualified taxpayers: for a person 65 years of age up to 75 years, \$10,000; for a person 75 years of age up to 80 years, \$15,000; for a person 80 years of age or older, \$20,000. To qualify, the person must have been a New Hampshire resident for at least 5 years; own the real estate individually or jointly, or if the real estate is owned by his spouse, they must have been married for at least 5 years. In addition, the taxpayer must have a net income of less than \$10,000 or if married, a combined net income of less than \$12,000, and own net assets of \$30,000 or less, excluding the value of the person’s residence.”]

(Article 19, voted in the affirmative by ballot vote at the Annual Town Meeting, reads as follows, “Shall we modify the elderly exemptions from property tax in the Town of Jaffrey, based on assessed value, for qualified taxpayers, to be as follows: for a person 65 years of age up to 75 years of age, \$20,000; for a person 75 years of age up to 80 years of age, \$30,000; for a person 80 years or older, \$40,000? To qualify, the person must have been a New Hampshire resident for at least five years, own the real estate individually or jointly, or if the real estate is owned by such person’s spouse, they must have been married for at least five years. In addition, the taxpayer must have a net income of not more than \$18,000 or, if married, a combined net income of less than \$25,000; and own net assets not in excess of \$50,000, excluding the value of the person’s residents. The change to the elderly exemptions will take effect April 1, 1998. This question shall be voted on by ballot.) Approved 3/14/98 Article 19

As of April 1, 2013, the following exemption amounts and income limits are in effect:

Income Limit – Single	\$24,000	April 1, 2009
Married	\$30,000	April 1, 2009
Exemption Amount – Ages 65-70	\$40,000	April 1, 2005
Ages 70-75	\$60,000	April 1, 2005
Ages 75-80	\$75,000	April 1, 2005
Disabled	\$60,000	April 1, 2005

ARTICLE III

Prepayment

[Article 24, voted in the affirmative 3-15-80 by the Annual Town Meeting, reads as follows: “To see if the Town will vote to authorize prepayment of resident taxes and to authorize the tax collector to accept prepayment as provided by RSA 80:1-a.”]

ARTICLE IV

Solar Energy Exemption

[Article 27, voted in the affirmative 3-11-80 by the Annual Town Meeting by ballot, reads as follows: “Shall we adopt the provision of RSA 72:62 for a property tax exemption on real estate equipped with a solar energy heating or cooling systems which exemption shall be in an amount equal to the actual cost of the solar energy system, but not to exceed \$10,000.00?”]

ARTICLE V

Semiannual Billing

[Article 16, voted in the affirmative 3-13-82 by the Annual Town Meeting, reads in the warrant as follows: “To see if the Town will vote to have semi-annual tax billing in accordance with R.S.A. 76:15-a, b, or act in any way relating thereto.” Article 16 was moved and voted upon as follows: “That the Town vote to have semi-annual tax billing in accordance with R.S.A. 76:15-a, b.”]

ARTICLE VI

Discount for Prompt Payment

[The Annual Town Meeting votes annually to determine if the town will vote to allow a discount for real estate taxes paid within fifteen (15) days of the postmarked date of the tax bill or act in any way relating thereto.¹]

(Article 7, was defeated by voice vote on 3/17/89, reads as follows: “To see if the Town will vote to allow a discount of two and one half percent (2 1/2%)¹ for real estate taxes paid within fifteen (15) days after the postmarked date of the tax bill.”)²

1. Editor’s Note: Article 5, voted in the affirmative 3-17-84 by the Annual Town Meeting, was moved and voted on as follows: “Move to see if the Town will vote to allow a discount of 2% for real estate taxes paid within 15 days of the postmarked date of the tax bill.” Currently effective provisions regarding discount for taxes paid promptly are on file in the office of the Town Clerk.

2. Editors’ Note: Article 7, was voted down on 3/17/89 at the Annual Town Meeting because as it was explained to the editor “the discounting of the property tax had to made up someplace else in order to satisfy the bottom line of the budget for that year.” The money had to come from somebody.

ARTICLE VII
Exemption for the Blind

[Article 37, voted in the affirmative 3-11-86 by ballot by the Annual Town Meeting, reads as follows: "Shall we adopt the provisions of RSA 72:37 for the Exemption for the blind from property tax? This statute provides that every inhabitant who is legally blind shall be exempt each year from the property tax on a residence to the value of \$15,000."]

Exemption amount - \$30,000 April 1, 2005

ARTICLE VIII
Real Estate Tax Lien Procedure

(Article 17, voted in the affirmative on 3/12/88 by voice vote at the Annual Town Meeting, reads as follows: "Shall we adopt the provisions of RSA 80:58-86 for a Real Estate Tax Lien Procedure? These statutes provide that tax sales to private individuals for non-payment of property taxes on real estate are replaced with a real estate tax lien procedure under which only a municipality or county where the property is located or the state may acquire a tax lien against land and buildings for unpaid taxes.") Added New Section 3/12/88 Article 17

ARTICLE IX
Veteran's Exemption

(Article 16, voted in the affirmative on 3/17/90 by ballot at the Annual Town Meeting, reads as follows: "Shall we adopt the provisions of RSA 72:28, V and VI for an optional veteran's exemption? The option veteran's exemption is \$100, rather than \$50.") Adopted 3/17/90

Exemption Amount:	\$300.00	April 1, 2010
Exemption Amount:	\$400.00	April 1, 2015
Exemption Amount:	\$500.00	April 1, 2016

ARTICLE X
Service Disability Tax Exemption

(Article 17, voted in the affirmative on 3/17/90 by voice vote at the Annual Town Meeting, reads as follows: “Shall we adopt the provisions of RSA 72:35, IV for an optional property tax exemption on the residential property for a service-connected total disability?”) Adopted 3/17/90 Article 17

ARTICLE XI
Resident Tax

(Article 21, voted in the affirmative on 3/17/90 by voice vote at the Annual Town Meeting, reads as follows: “Shall we adopt the provisions of RSA 72:1-c which authorizes any Town or city to elect not to assess, levy and collect a resident tax.” Adopted 3/17/90 Article 21

GENERAL REFERENCES

Listing of tax-exempt property - See Ch. 8, Art. 1. Budget - See Ch. 13.
Selectmen - See Ch. 59.
Tax Collector - See Ch. 71.
Town Treasurer - See Ch. 88.

TOWN LAND

Chapter 182

TOWN LAND

ARTICLE I CAMPING ON TOWN OWNED LAND

§182-1. Definitions

- **Campsite** refers to those locations where bedding, sleeping bag or other sleeping matter or any stove or fire is placed, established or maintained whether or not such place incorporates the use of any tent, lean-to or any other structure, or any vehicle or part thereof. An established campsite refers to locations where a camp structure exists on town property.
- **Camp structure:** Huts, lean-tos, or tents used for shelter.

§182-2 Regulations

1. Camping is NOT permitted on any developed town properties or places of assembly (including but not limited to Town Offices, Town Libraries, Town Commons, Town Cemeteries, Schools, etc.) nor on any protected well-head property.
2. Camping is allowed by permit only in undeveloped open space areas owned by the Town (on non-well head property).
3. Camping on town lands without a permit and/or after expiration of a permit shall constitute trespass.
4. Camping permit applications must be made 14 days in advance of the planned camping event.
5. Permit applications shall include the name and address of all persons in the group, and include the location or area in which the group will camp.
6. Permit applications shall include a description of the planned activities of the group on municipal property, and the dates and times that the group will be on town properties.
7. Permits shall be limited to a length of no more than three days.

8. In the event an applicant intends to have a campfire, they shall provide a signed written approval from the Fire Chief with their application.
9. No permit shall be issued to any group or person if that group (including any individual in that group) or person has been issued a permit within the last 45 days.
10. In the event of (1) prior damage to town properties by members of the group, (2) failure of a group to clean and properly dispose of waste, (3) failure of a group to remove any camp structures after vacancy, and/or (4) holding-over on the campsite after expiration of a permit, the Board may withhold future permits against any group or member of the group.
11. If the Board of Selectmen finds that the application is complete and that the applicant has met all the above requirements, they shall issue a permit. Any permit issued shall clearly state the dates for which it is valid, and whether campfires are permitted or not. In addition, they shall contain the following:

NOTICE:

**CAMPING ON TOWN LANDS WITHOUT A
PERMIT AND/OR AFTER EXPIRATION OF A
PERMIT SHALL CONSTITUTE TRESPASS
PURSUANT TO NEW HAMPSHIRE REVISED
STATUTES ANNOTATED 635:2.**

[HISTORY: Adopted on 10-26-09 by the Board of Selectmen. Amendments noted where applicable.]

**ARTICLE III
LEASING LANDFILL PROPERTY**

[Article 22, voted in the affirmative 3/14/15 by the Annual Town Meeting, by voice vote, reads as follow: “To see if the Town will vote to authorize the Select Board to enter into a long-term agreement with Borrego Inc., or its successors or assigns, to lease land at the Jaffrey Landfill to facilitate the development of a solar array, with the energy generated to reduce costs to operate the municipal sewer system. “]

ARTICLE IV
Leasing Land on Union Street

[Article 24, voted in the affirmative 3/14/15 by the Annual Town Meeting, by voice vote, reads as follow: “To see if the Town will vote to enter into a long-term agreement to lease land on Union Street (Map 239, Lots 212 & 213, known as the Community Center Property) to the Community Center of Jaffrey, Inc., a non-profit corporation, with the purpose of facilitating the construction of a privately-funded community center under terms and conditions to be negotiated by the Select Board. “]

VEHICLES AND TRAFFIC

Chapter 185

VEHICLES AND TRAFFIC

ARTICLE I

General Provisions

- § 185-1. Amendment.**
- § 185-2. Repealer.**
- § 185-3. Severability.**
- § 185-4. Violations and penalties.**

ARTICLE II

Traffic Regulations

- § 185-5. One-way streets.**
- § 185-6. U-turns.**
- § 185-7. Stop intersections.**
- § 185-8. Yield intersections.**
- § 185-9. Through trucking restricted.**
- § 185-10. Road weight limits.**
- § 185-11. Parking prohibited at all times.**
- § 185-12. Parking prohibited certain hours.**
- § 185-13. Time limit parking.**
- § 185-14. Double parking.**

ARTICLE III

Schedules

- § 185-15. Schedule 1: One-Way Streets.**
- § 185-16. Schedule 11: U-Turn Prohibitions.**
- § 185-17. Schedule III: Stop Intersections.**
- § 185-18. Schedule IV: Yield Intersections.**
- § 185-19. Schedule V: Through Trucking Restrictions.**
- § 185-20. Schedule VI: Road Weight Limits.**
- § 185-21. Schedule VII: Parking Prohibited at All Times.**
- § 185-22. Schedule VIII: Parking Prohibited Certain Hours**
- § 185-23. Schedule IX: Time Limit Parking.**

Article IV
Non-motorized Vehicles
Added 3/16/96

§ 185-24. Schedule X: Sidewalks and Parking Areas.

§ 185-25. Schedule XI: Shopping Plazas.

§ 185-26. Schedule XII: Skateboards.

§ 185-27. Schedule XIII: Exceptions.

[HISTORY: Adopted by the Board of Selectmen at time of adoption of Code. *amended 3/16/96 at the Annual Town Meeting.* Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages - See Ch. 103.

Bicycles - See Ch. 113.

Mobile homes - See Ch. 151.

ARTICLE I
General Provisions

§ 185-1. Amendment.

The provisions of this chapter may be amended by ordinance of the Board of Selectmen.

§ 185-2. Repealer.

All prior ordinances and other enactments, or parts of such, of this town regulating traffic and parking are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or other enactment hereby repealed prior to the taking effect of this chapter.

§ 185-3. Severability.

If any Article, section, subsection, paragraph, sentence, clause or provision of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the Article, section, subsection, paragraph, sentence, clause or provision thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 185-4. Violations and penalties.

Any person found to be in violation of any of the regulations contained in this ordinance will, at a minimum, be subject to receiving a parking ticket. In addition, penalties and fines may be imposed for specific violations as follows: (12-20-10)

- A. Any person found to be in violation of §185-12 above may be towed to an appropriate containment facility at the expense of the owner(s) of such vehicle, and/or said owner(s) may be fined an amount of ten dollars (\$10.00) for the first offense within a calendar year and twenty-five dollars (\$25.00) for any subsequent violation of the same section of the ordinance within one year of the prior offense.
- B. A person who violates the provisions of §185-11 shall be fined a minimum of fifty dollars (\$50.00)

ARTICLE II

Traffic Regulations

§ 185-5. One-way streets.

The streets and parts of streets described in Schedule 1: One Way Streets (§ 185-15) are hereby designated as one-way streets, and traffic shall proceed thereon only in the directions indicated.

§ 185-6. U-turns.

No person shall, for the purpose of parking on the street, cross the opposite lane of travel on any of the streets or parts of streets described in Schedule II (§ 185-16), attached to and made a part of this chapter.

§ 185-7. Stop intersections.

The intersections described in Schedule III: Stop Intersections (§ 185-17) are hereby designated as stop intersections, and any vehicle approaching such intersections on the first-named streets shall come to a full stop before entering said intersections.

§ 185-8. Yield intersections.

The intersections described in Schedule IV: Yield Intersections (§ 185-18) are hereby designated yield intersections at which vehicles approaching on the first-named streets shall yield the right-of-way to vehicles approaching on the second-named streets.

§ 185-9. Through trucking restricted.

Through trucking shall not be permitted on any of the streets and parts of streets indicated in Schedule V: Through Trucking Restrictions (§ 185-19) during the periods indicated. Violation of the provisions of this section shall be punishable by a fine not to exceed fifty dollars (\$50.) for the first offense and not to exceed one hundred dollars (\$100.) for the second offense.

§ 185-10. Road weight limits.

It shall be unlawful for any person to operate any vehicle having a gross weight in excess of that herein respectively prescribed upon any of the streets or portions thereof described in Schedule VI: Road Weight Limits (§ 185-20), except for the purpose of making local deliveries on that street.

§ 185-11. Parking prohibited at all times.

No person shall stop, stand or park a vehicle, except temporarily for the purpose of and while actually engaged in loading and unloading of passengers or merchandise:

- A. On the roadway side of any vehicle stopped or parked at the edge or curb of a street (i.e. no “double” parking);
- B. On a sidewalk;
- C. Within twenty (20) feet of a crosswalk at an intersection;
- D. Within fifteen (15) feet of a hydrant;
- E. In front of a public or private driveway;
- F. At any place where official signs prohibit stopping or parking (School Street “No Stopping/Standing” restrictions do not allow for the temporary loading or unloading of passengers or merchandise);
- G. On any street or parts of streets with white “fog lines” where the vehicle would extend over the white line into the travel lane;
- H. In any parking place, whether public or private property, specifically designed for a person with a walking disability by means of a sign as required by Revised Statutes Annotated (RSA) 265:73-a stating that the space is reserved for a person with a walking disability or displaying the international accessibility symbol, unless that person has special numbered plates, decals or a card issued by another state or country displaying the international accessibility symbol and that person who qualifies for the plate, decal, or card is being transported to or from the parking place; or
- I. Upon any of the following described streets or parts of streets in Schedule VII: Parking Prohibited at All Times (§ 185-21), attached to and made a part of this chapter. (12-20-10)

§ 185-12. Parking prohibited certain hours.

- A. No person shall park any vehicle on any street in the Town of Jaffrey between the hours of 11:00 p.m. and 6:00 a.m. from November 1 to April 15. This prohibition also applies to all Town-owned parking lots, with the exception of all outer row spaces on the North and East side of the Blake Street Lot and the spaces on Memorial Drive immediately in front of the Police Station. In the event of a snowstorm, vehicles parked in the spaces identified above (Blake Street lot and Memorial Drive) must be removed before 7:30 a.m. Vehicles that are not removed from the above-identified spaces will be towed without notice after 7:30 a.m.
- B. There shall be no parking on any street in Jaffrey on Thursday evenings from 11:00 p.m. until Friday morning at 6:00 a.m. to allow for the cleaning of the town's streets. This also applies to all Town-owned parking lots, except for designated spaces in the Blake Street parking lot. (12-20-10)
- C. No person shall park a vehicle between the hours specified in Schedule VIII: Parking Prohibited Certain Hours (§185-22) of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said Schedule VIII, attached to and made a part of this chapter.

§ 185-13. Time limit parking.

- A. No person shall park a vehicle for longer than two (2) hours in any of the marked parking spaces on the list shown in Schedule IX: Time Limit Parking (§ 185-23).
- B. No person shall park a vehicle for longer than four (4) hours in any of the marked parking spaces on the following described areas:

Blake Street parking lot. (12-20-10)

§ 185-14. Additional Parking Regulations

The following additional parking regulations also apply:

- A. Except as otherwise provided in this ordinance, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be stopped or parked with the right-hand wheel of such vehicle parallel to the right-hand curb, or, if upon a roadway where there are no curbs, said vehicle shall be so stopped or parked with the right-hand wheels of such vehicle parallel to the right-hand side of the traveled portion of the way.

- B. Every vehicle stopped or parked upon a one-way roadway shall be so stopped and parked parallel to the curb or edge of roadway in the direction of authorized traffic movement with its right-hand wheels within twelve (12) inches of the right-hand curb or edge of the roadway or its left-hand wheels within twelve (12) inches of the left-hand curb or edge of the roadway. No person driving or in charge of a vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key and effectively setting the brake thereon, and, when standing upon any grade, turning the front wheels to the curb or side of the way. (12-20-10)

ARTICLE III

Schedules

§ 185-15. Schedule I: One-Way Streets.

As provided in §185-5, the following described streets or parts of streets are hereby designated as one-way streets, and vehicles traveling on them shall proceed only in the direction indicated:

Name of Street	Direction of Travel	Limits
Memorial Square	East	Entire length
Triangle Lane (road between Stratton Road and Turnpike Road)	North	Entire length
School St. (1995)	South	Entire length
Charlonne St. (1995)	North	Entire length

§ 185-16. Schedule II: U-Turn Prohibitions.

In accordance with the provisions of § 185-6, no person shall, for the purpose of parking on the street, cross the opposite lane of travel at any of the following locations:

Name of Street	Location
Main Street	East side of River Street

§ 185-17. Schedule III: Stop Intersections.

As provided in § 185-7, the following described intersections are hereby designated as stop intersections at which vehicles approaching such intersections shall come to a full stop before entering such intersections, and stop signs shall be installed as follows:

Stop Sign On	Direction of Travel	At Intersection of
Aetna Street	East	Stratton Road
Amboy Circle	South	Squantum Road
Amos Fortune Road	North	Squantum Road
Blake Street	North	Main Street
Charlonne Street (Contoocook Road)	North	Main Street
Now Woodbound Rd - 1995	North	Squantum Road
Crestview Drive	North	Bryant Road Now Town Farm Rd – 1995
Crestview Drive	South	North Street
Cross Street	North	Old Peterborough Road Now Nutting Rd – 1995
Cross Street	South	Peterborough Street
Darcie Drive	South	Squantum Road
Dublin Road	South	Mountain Road
Fitzgerald Drive	North	Route 124 (Turnpike Road)
Fitzwilliam Road	North	Mountain Road
Gilmore Pond Road	West	Main Street
Gilmore Pond Road	East	River Street
Goodnow Street	North	North Street
Goodnow Street	South	Main Street
Great Road	North	Gilmore Pond Road (06-14-10)
Grove Street	South	East Main Street Now Turnpike Road - 1995
Hadley Road	East	Pierce Crossing Road
Hadley Road	North/ South	Old Sharon Road
Harkness Road	East	Proctor Road
Harkness Road	West	Main Street
Hillcrest Road	West	Route 124 (Main Street)
Hillcrest Road	East	Route 202 (Peterborough Street)
Howard Hill Road	North	Stratton Road
Howard Hill Road	South	Squantum Road
Hunt Road	North/South	Squantum Road
Lawrence Street	East	Stratton Road
Letourneau Drive	West	Nutting

Stop Sign On	Direction of Travel	At Intersection of
Meeting House Road		
Now First Tavern Rd - 1995	West	Dublin Road
Milliken Road	North	Mountain Road
North Street	South	Main Street
Oak Street	North/ South	Pine Street Turnpike Road
Oak Street	North	Webster Street
Old County Road		
Now Bullard Rd – 1995	North	Mountain Road
Old Peterborough Road.		
Now Nutting Rd - 1995	West	North Street
Old Peterborough Road		
Now Dean Farm Rd –1995	South	Nutting Road
Old Peterborough Road		
Now Dean Farm Rd – 1995	North	Bryant Road Now Town Farm Road - 1995
Plantation Drive	South	Squantum Road
Ridgecrest Road	South	Route 202 (Peterborough Street)
Sawtelle Road West	South	South Hill Road Now Gilmore Pond Rd – 1995
Sawtelle Road	North	Main Street
School Street	South	River Street
Sharon Road	North	Hadley Road
Squantum Road	West	Howard Hill Road
Stratton Road	North	Main Street
Thorndike Pond Road	South	Main Street
Webster Street	West	Peterborough Street

§ 185-18. Schedule IV: Yield Intersections.

As provided in §185-8, the following described intersections are hereby designated as yield intersections at which vehicles approaching such intersections on the controlled streets shall yield the right-of-way to traffic approaching on the unregulated streets, and yield signs shall be installed as follows:

Yield Sign On	Direction of Travel	At Intersection of
Amos Fortune Road	East	Old Peterborough Road Now Nutting Rd - 1995 18508

§ 185-18. Schedule IV: Yield Intersections.

Coll's Stand Road	West	Hadley Road
Coolidge Road	West	Old Peterborough Road Now Nutting Rd - 1995
Ellison Street	East	East Main Street Now Turnpike Rd - 1995
Great Road	South	Gilmore Pond Road (06-14-10)
Lehtinen Road	North	Old Peterborough Road
		Now Town Farm Rd 1995
Spruce Street	South	Knight Street

§ 185-19. Schedule V: Through Trucking Restrictions.

In accordance with the provisions of §185-9, there shall be no through trucking on the following streets or parts of streets:

Name of Street	Hours/Days	Limits
Charlonne Street	All	Entire length
Ellison Street	All	Entire length
Harkness Road	All	Entire length
Hunt Road	All	Entire length
School Street	All	Entire length
Squantum Road	All	Entire length
Stratton Road	All	Entire length

§ 185-20. Schedule VI: Road Weight Limits.

In accordance with the provisions of § 185-10, gross weight limits are established for vehicles as indicated upon the streets or portions thereof described below, except as provided in § 185-10.

Name of Street	Max. Gross Weight (pounds)	Location
Bryant Road	30,000	Entire length
Dean Farm Road	30,000	Entire length
Dublin Road	30,000	From State Park to town line
Gilmore Pond Road	30,000	From Route 202 (River Street) to Ingalls Road
Hillcrest Road	33,400	Entire length
Old Fitzwilliam Road	30,000	Entire length
Now Great Road - 1999		

§ 185-21. Schedule VII: Parking Prohibited at All Times.

Proctor Road	30,000	Entire length
(Slade Road)	30,000	Entire length in town
Now Thorndike Pond - 1995		
South Hill Road	30,000	Entire length
Now Gilmore Pond Road – 1995		
Thorndike Pond Road	30,000	Entire length

In accordance with the provisions of § 185-11, no person shall park a vehicle at any time upon any of the following described streets or parts of streets:

Name of Street	Side	Location
Blake Street	East	From old depot building to Main Street (12-20-10)
Grove Street	West	From Turnpike Road to Spruce Street (6-17-87)
Main Street	Both	Any area that is not marked parking space from Charlonne Street to Blake Street. (12-20-10)
North Street	East	Beginning at a point 120 feet from the intersection of Main Street northerly to Nutting Road (12-20-10)
North Street	West	Beginning at the intersection with Main Street northerly 162 feet. (12-20-10)
Peterborough Street	West	From Bourgeois Street to Main Street (12-20-10)
Stratton Road	North	From Main Street to Squantum Road (08-25-14)
Turnpike Road	North/ South	From Oak Street to Grove Street

§ 185-22. Schedule VIII: Parking Prohibited Certain Hours.

In accordance with the provisions of § 185-12C, no person shall park a vehicle between the hours of 7:00a.m. – 3:00 p.m. Monday through Friday upon any of the following described streets or parts of streets:

Name of Street	Side	Location
Aetna Street	East	From Stratton Rd. to End of street
Wheeler Street	Both	From Aetna Street to Lawrence Street
Burrington Street	Both	From Aetna Street to Lawrence Street
Lawrence Street	East	From Stratton Road to Burrington Street
Stratton Road (08-25-14)	South	From Main Street to Squantum Rd.

§ 185-23. Schedule IX: Time Limit Parking.

In accordance with the provisions of § 185-13, no person shall park a vehicle for longer than two (2) hours in any of the marked parking spaces on the following described streets or parts of streets:

Name of Street	Side	Location	Effective Time/Dates
Main Street	Both	From School to Blake	7:00a.m. – 7:00 p.m., M-S
Goodnow Street	East	Beginning 25 feet northerly Of the intersection with Main Street and continuing 135 feet Northerly	7:00a.m. – 7:00 p.m., M-S
	West	Beginning 25 feet northerly Of the intersection with Main Street and continuing 211 feet Northerly	7:00a.m. – 7:00 p.m., M-S
North Street	East	Beginning 33 feet northerly Of the intersection with Main Street and continuing 87 feet Northerly	7:00a.m. – 7:00 p.m., M-S
Blake Street	West	From Main Street to last marked Parking space.	7:00a.m. – 7:00 p.m., M-S

(12-20-10)

ARTICLE IV
Non-motorized Vehicles

§ 185-24. Schedule X: Sidewalks and Parking Areas.

Roller-blading, roller skating, in-line skating, skateboarding and the riding of scooters and any other similar non-motorized wheeled or unwheeled vehicles or devices for recreation or transportation may be ridden on all public sidewalks and parking areas in the Town of Jaffrey with the following exceptions:

Stratton Road from Main Street to Squantum Road/Howard Hill Road;
Turnpike Road from Main Street to Post Office Entrance;
Peterborough Street from Main to Sunset Lane;

Webster Street from Peterborough Street to Oak Street;
Blake Street - entire length;
Blake Street - municipal parking lot;
Main Street from intersection of Peterborough Street, Turnpike Road, Stratton
Road & Blake Street to Highland Avenue;
Memorial Drive from Main Street to North Street including the Memorial
Square Common;
All parking areas designated for the Town of Jaffrey including, but not limited to,
parking areas and walkways in front of the Town Office Building, Police
Department and all other Town-owned/Town leased parking areas; School
Street from River Street to Main Street & Charlonne Street from River Street
to Main Street;
River Street from Main Street to School Street.
Added New Section 3/16/96 Article 27

§ 185-25. Schedule XI: Shopping Plazas.

No person shall operate a non-motorized vehicle as described in 185-24 contrary to lawful posted restrictions, or in a manner contrary to this code on privately owned property that is specifically posted by the owner or lawful agent. Added New Section 3/16/96 Article 27

§ 185-26. Schedule XII: Skateboards.

No skateboard will be operated upon the ways as previously listed in section 185-24. For purposes of this ordinance “way” will be defined pursuant to RSA 259:125. Added New Section 3/16/96 Article 27

§ 185-27. Schedule XIII: Exceptions.

In the foregoing areas where the riding of or use of said vehicles or devices is prohibited, devices used by the handicapped, baby carriages, hand tools or hand equipment for delivery of goods, tools or equipment in authorized use for construction in the vicinity shall be permitted. Notwithstanding the foregoing, no person shall ride, propel or use any vehicle, device or equipment in the Town of Jaffrey in such a manner as to obstruct, endanger or interfere with any pedestrian Added New Section 3/16/96 Article 27.

VEHICLES, MOTOR, PERMITS FOR

Chapter 186

VEHICLES, MOTOR, PERMITS FOR

ARTICLE I

Waiver of Fees for Certain Veterans

[Article 19, voted in the affirmative 3-11-86 by the Annual Town Meeting, reads as follows: “To see if the Town will adopt the policy of waiving the municipal motor vehicle permit fee for a permit to (a) register one motor vehicle, (b) owned by a person who was captured and incarcerated for 30 days or more, (c) while serving in a qualifying war or armed conflict as defined in RSA 72:28, IV, (d) and who was honorably discharged, (3) provided they provide the Town Clerk with satisfactory proof of these circumstances.”]

**AN ORDINANCE
REGULATING OUTDOOR VENDORS AND TRANSIENT SALES**

(CHAPTER 187)

KNOW ALL PERSONS BY THESE PRESENTS, the Jaffrey Select Board hereby ordains to adopt these procedures providing for the licensure and regulation of itinerant vendors, hawkers, peddlers, traders and merchants or other persons who sell, offer to sell, or take orders for merchandise from temporary or transient sales locations within the corporate limits of the Town of Jaffrey.

§187-01 AUTHORITY:

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

§187-02 PURPOSE:

The purpose of this Ordinance is to provide for the health and safety of Jaffrey residents and visitors by means of requiring Permits for certain types of temporary outdoor businesses and/or transient sales activity, to ensure, in so much as possible, that every person engaged in such sales is (1) authorized to do business in the State of New Hampshire; (2) held to reasonable standards in the preparation and delivery of food and other consumables; (3) held accountable in the event of fraudulent or illegal activities; and (4) compliant with all other applicable State of New Hampshire and Town of Jaffrey rules and regulations governing such sales transactions, the use of public property and conditions imposed by the Jaffrey Planning Board for site plan approval.

§187-03 REPEAL OF PREVIOUS REGULATIONS

This Ordinance shall supersede and replace the Ordinance Relative to Vendors as adopted on April 27, 1988.

§187-04 **DEFINITIONS**

1. The terms "hawker" and "peddler" shall mean and include any person, as defined by NHRSA 358-A:1, either principal or agent, who:
 - a. Travels from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter or exposing therefor, any goods, wares, or merchandise, either on foot or from any animal, cart, or vehicle; or
 - b. Travels from town to town, or place to place in the same town, offering to perform personal services for household repairs or improvements, or solicits or induces any person to sign any contracts relating to household repairs and improvements, including contracts for the replacement or installation of siding on any residence or building; or
 - c. Keeps a regular place of business, open during regular business hours at the same location, but who offers for sale or sells and delivers, personally or through his agents, at a place other than his regular place of business, goods, wares, or merchandise.
2. The term "itinerant vendors" mean all persons (as defined by RSA 358-A:1), both principals and agents, including those persons whose principal place of business is not in this state, who engage in a temporary or transient business in this state, either in one locality or traveling from place to place, selling goods, wares and merchandise, with a total value greater than \$500, from stock or by sample for future delivery, and who, for the purpose of carrying on such business, hire or occupy a temporary place of business. A "temporary place of business" means any public or quasi-public place including, but not limited to, a hotel, motel, rooming house, storeroom, building, part of a building, tent, vacant lot, railroad car, or trailer temporarily occupied for the purpose of making retail sales of goods to the public.

§187-05 **PERMIT PROCEDURES****1. Pre-Application Requirements**

Permit applications are to be submitted to the Jaffrey Code Enforcement Officer who shall be the Issuing Authority. Any person aggrieved by a decision of the Code Enforcement Officer may submit a written appeal to the Select Board whose decision shall be final.

- A. All applicants for a Town of Jaffrey Permit under this Ordinance must first obtain either a Hawkers and Peddlers License or an Itinerant Vendors License from the New Hampshire Secretary of State's Office. Copies must be provided with each Town of Jaffrey application. (Notes: Permits shall not be required for sales activity that is not subject to regulation under RSA 320 or RSA 321. Any person that is required to obtain a State License shall also be required to obtain a Town of Jaffrey Permit, unless otherwise specifically exempt as set forth herein.)

- B. All applicants for food or other sales that are subject to regulation under NH law (He-P 900 - massages, 1100 – body art, 1300 – electrology or 2300 - food), must first obtain a Permit from the NH Department of Public Health. Copies must be provided with each Town of Jaffrey application.
- C. All vendor applicants who will be utilizing a motor vehicle must provide the Town with a copy of the vehicle registration and proof of insurance.
- D. An incomplete application as determined by the Jaffrey Code Enforcement Officer shall be returned to the applicant with an indication of corrective action that is necessary to process the Permit.
- E. Per RSA 321:12, every application for a Town of Jaffrey Vendor Permit by an itinerant vendor shall be signed by the holder of the accompanying State License, and shall specify the type of goods that are offered for sale in the Town of Jaffrey, the name of the town from which said goods were last shipped, and the name of the town in which they were last offered for sale. (Attach a separate sheet if necessary.)

2. Permit Locations

Permits shall only be issued for sales activity regulated under this Ordinance that takes place under the following scenarios:

- A. On the grounds of publicly owned property upon proof approval by the agency with jurisdiction over such lands, including, but not limited to recreation areas, parking lots, school facilities, etc.;
- B. Along the public streets or within public rights-of-way within the Town of Jaffrey from a vehicle (such as an ice cream vendor) equipped with adequate warning lights, provided that such vehicle does not obstruct the public way or pose an undue safety hazard, as determined by a Jaffrey Police Officer;
- C. From a private vehicle for door-to-door sales, provided such vehicle shall not obstruct the public way and that no sales tactics shall be utilized except upon the invitation of a household resident over the age of eighteen (18);
- D. On the grounds of private property that has obtained specific site plan approval from the Jaffrey Planning Board for outdoor vending.

3. Permit Conditions

- A. Permits are limited to a single vehicle, booth, tent, trailer or defined sales area, as determined solely by the Town. Each additional vehicle, booth, tent, trailer or defined sales area shall require a separate Permit.
- B. Every Permittee is required to comply with all applicable local, state and federal laws and regulations that may pertain to their specific sales operations and any general criteria (such as the Americans with Disabilities Act, employment laws, sign regulations, noise restrictions, etc.) that may also apply.
- C. All Hawker & Peddlers and Itinerant Vendors Licenses issued by the State of New Hampshire and Vendor Permits issued by the Town of Jaffrey must be publicly displayed at all times.
- D. Due to the transitory nature of outdoor temporary and transient sales and the inability of the Town of Jaffrey to closely monitor such activities, Permits will not be issued under this Ordinance to any person that has been convicted of a felony involving morale turpitude, acts of violence or crimes related to sales activity or an applicant who employs such a person. In addition, the Town reserves the right to deny a Permit to any person upon the refusal of the Chief of Police to recommend an applicant based upon motor vehicle and/or criminal background checks in accordance with RSA 31:102 (b).
- E. Permittees are responsible for the legal disposal of all trash generated from their sales activity.
- F. Permittees in a stationary setting shall not emit lights or sounds beyond the confines of their vending area.
- G. Permittees in a mobile setting shall comply with the directions of any enforcement official as it pertains to lights and broadcasting of sounds based on safety factors or public complaints.
- H. The Town reserves the right to limit Permits issued under this Ordinance to daylight hours only.
- I. Permits issued under this Ordinance shall not be transferred, sublet or assigned to any person other than the Permittee.
- J. The Town reserves the right to impose any special conditions on the issuance of a Permit as may be deemed necessary in the interests of public safety.

- K. All applicants who will be utilizing cooking apparatus (other than warming devices or microwave ovens) must obtain a Fire Permit from the Jaffrey Fire Department to ensure that such devices comply with applicable fire prevention and life safety codes. Copies of these Fire Permits must be displayed along with the Town of Jaffrey Vendor Permit. (There is no additional fee for this Permit – see Appendix A as attached for Fire Permit Requirements.)
- L. The Town shall notify applicants upon approval of their Permit. Thereafter, Permits may either be picked up at the Town Office (upon payment of fees) during regular business hours, (M-F, 8am-4:30pm) or a Permit will be mailed to the applicant if the Town is provided with a self-addressed, stamped envelope.

§187-06. EXEMPTIONS

The following activities are exempt from this Ordinance:

- A. The sale of agricultural products or home-made crafts on private property. (Note the sale of such goods by a any person selling the product of his/her own labor or the labor of his/her family or the product of his/her own farm or the one he/she tills is not subject to a Permit under this Ordinance, however no such sales shall take place on public property within the Town of Jaffrey unless the seller has first obtained written permission from the agency with jurisdiction over such property.)
- B. Vendor sales from within the confines of a permanent structure that is privately owned and recognized as legally in existence by the Town of Jaffrey Planning Board or outdoor sales displays that are ancillary to an existing business and approved by the Planning Board.
- C. Political activity that consists of soliciting signatures or the free distribution of handouts.
- D. Charitable, educational or religious sales activity, (including raffles), provided that absolutely no part of any sales proceeds are used as compensation or for the benefit of any private shareholder or individual.
- E. Vendor sales that take place on Town property as part of Riverfest or other Team Jaffrey events sanctioned by the Select Board shall be exempt from this Ordinance.
- F. Yard sales or the use of private property for the exclusive sale of homemade products, antiques, used goods or vintage items.
- G. Additional exemptions from any of the provisions set forth in this Ordinance may be requested upon written application to the Select Board for good cause, as determined solely by the Selectmen acting at a duly posted, public meeting.
- H. Concession sales at Town-owned recreation areas that have been approved by the Recreation Director.

§187-07. VIOLATIONS

- A. It shall be a violation of this Ordinance to engage in any outdoor sales activity as regulated herein without a valid Permit issued by the Town of Jaffrey.
- B. It shall be a violation of this Ordinance to engage in any outdoor sales activity in a manner that is not consistent with the terms and conditions of the Permit or the provisions of this Ordinance.
- C. It shall be a violation of this Ordinance to engage in any outdoor sales activity on Town property without the written consent of the Select Board.
- D. Each continuing day of a violation after notice shall constitute a separate offense.

§187-08 ENFORCEMENT

- A. This Ordinance shall be enforced by any duly certified Jaffrey Police Officer or a duly appointed Jaffrey Code Enforcement Official. Enforcement may consist of (1) an order to cease operations; (2) the issuance of a citation; (3) the revocation of a Permit; (4) issuance of an arrest summons; and/or (5) any combination of these actions at the discretion of the enforcement official based upon the severity and egregiousness of the violation(s).
- B. Any duly certified Jaffrey Firefighter may revoke a Permit for repeated or willful violations of fire safety requirements upon notice to the Permittee and a Jaffrey Police Officer.

§187-09. FEES

- A. The fee structure for a Permit under this Ordinance shall be as follows upon submission of a completed application at least seven (7) days prior to the sales activity:

Daily: \$65 1st Permit; \$50 2nd Permit and all others

Weekly: \$400 1st Permit; \$300 2nd Permit and all others
(Applies to any 7 consecutive day period)

Monthly: \$1,500 1st Permit; \$1000 2nd Permit and all others
(Applies to any 30 consecutive day period)

Annual: \$2,500 1st Permit; \$2,000 2nd Permit and all others
(Applies to any 365 consecutive day period)

- B. The fee for an expedited Permit upon submission of a completed application that is less than seven (7) days prior to the event shall be a twenty-five percent (25%) surcharge based on the entire Permit fee.

§187-10. PENALTIES

- A. Any person who has committed a violation of this Ordinance shall be subject to a fine as follows:

First Offense: The amount due shall be one hundred fifty dollars (\$150.00)

Second Offense: The amount due shall be two hundred fifty dollars (\$250.00)

Third (or more) Offense: The amount due shall be five hundred dollars (\$500.00)

- B. Upon receipt of a citation, a person who submits payment to the Town of Jaffrey Office of the Town Clerk within five (5) days of issuance shall be eligible for a ten percent (10%) fine reduction.
- C. Failure to make payment for a fine as indicated on a citation within thirty (30) days of issuance shall result in prosecution in Jaffrey District Court. Any person found guilty in a court of law for violating this Ordinance shall thereafter not be eligible for a Permit issued hereunder for a period of three (3) years from the date of conviction.

§187-11. SEVERANCE

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

§187-11. EFFECTIVE DATE

This Amended Ordinance shall be in effect immediately as of the date noted below.

[HISTORY: Adopted on 4-27-88 by the Board of Selectmen. Entire Ordinance Amended on 08-10-15.]

**TOWN OF JAFFREY, NH
HAWKERS, VENDORS AND TRANSIENT SALES
PERMIT APPLICATION**

DATE: _____ STATE PERMIT # _____

APPLICANTS NAME: _____

ADDRESS: _____

HOME TELEPHONE: (_____) _____

BUSINESS PHONE: (_____) _____

EMERGENCY PHONE: (_____) _____

E-MAIL ADDRESS: _____

TYPE OF BUSINESS: _____

REGULATED SERVICES: ☐ NO ☐ YES (IF YES, ATTACH NH HEALTH PERMIT)

FOOD SALES: ☐ NO ☐ YES (IF YES, ATTACH NH HEALTH PERMIT)

COOKING DEVICE: ☐ NO ☐ YES (IF YES, JAFFREY FIRE PERMIT SHALL BE REQUIRED)

MOTOR VEHICLE: ☐ NO ☐ YES (ATTACH REGISTRATION AND INSURANCE PROOF)

TYPE/SIZE OF VEHICLE: _____

TYPE/SIZE OF EQUIP: _____

SALES LOCATION: _____

SALES AREA SIZE: _____

SALES DATES & TIMES: _____

PERMIT TYPE: ☐ DAILY ☐ WEEKLY ☐ MONTHLY ☐ ANNUAL ☐ EXPEDITED

EMPLOYEE IDENTIFICATION: (LIST THE NAMES OF ALL EMPLOYEES INCLUDING THE APPLICANT)
(ATTACH A COPY OF DRIVER'S LICENSE OR GOV'T ID FOR EACH NAME)

I, _____, hereby certify that I have read and understand the Town of Jaffrey Outdoor Vendor and Transient Sales Ordinance. I am aware that a Permit issued under this Ordinance applies only to the information listed herein. I promise that my employees and I will comply with the terms of the Ordinance at all times and I understand that this Permit may be revoked as provided in the Ordinance. Furthermore, I certify that my employees and I are legally qualified to work in the United States.

SIGNATURE OF APPLICANT _____

RECOMMENDATION OF POLICE CHIEF: ☐ APPROVE ☐ DENY; INITIALS: _____

PERMIT ISSUED: ☐ NO ☐ YES (ATTACH COPY) AMOUNT DUE: _____

SPECIAL CONDITIONS: _____

SIGNATURE OF CODE ENFORCEMENT OFFICER: _____

cc: Police Department; Fire Department, Select Board's Office

WATER DEPARTMENT REGULATIONS

CHAPTER 188

WATER DEPARTMENT REGULATIONS

[HISTORY: Adopted on XX-XX-XX by the Board of Selectmen. Amendments noted where applicable.]

WETLANDS CONSERVATION

Chapter 189

WETLANDS CONSERVATION

[HISTORY: Adopted 3-13-79 by the Annual Town Meeting, with amendments at the 1990 and 1993 Town Meetings.]

The Regulations governing Wetlands Conservation are located with the Jaffrey Zoning Ordinances as updated and published annually by the Planning Board.

GENERAL REFERENCES

Conservation Commission - See Ch. 23.
Planning Board - See Ch. 42.
Regional Planning Association - See Ch. 64.
Excavations - See Ch. 128.
Flood hazard areas - See Ch. 133.
Mobile homes - See Ch. 151.
Sewers - See Ch. 159.
Site plan review - See Ch. 167.
Subdivision of land - See Ch. 175.
Zoning and land use - See Ch. 193.

ZONING

Chapter 193

ZONING

[HISTORY: Part 1, adopted 3-13-62 by the Annual Town Meeting, Art. 9; Part 2, adopted 3-4-75 by the Annual Town Meeting, Art. 8; amended in its entirety 3-8-88 by the Annual Town Meeting. Amendments approved a various subsequent Town Meetings.]

GENERAL REFERENCES

Conservation Commission - See Ch. 23.
Planning Board - See Ch. 42.
Regional Planning Association - See Ch. 64.
Airport vicinity - See Ch. 99.
Excavations - See Ch. 128.
Flood hazard areas - See Ch. 133.
Historic district - See Ch. 139.
Junkyards - See Ch. 143.
Mobile homes - See Ch. 151.
Sewers - See Ch. 159.
Site plan review - See Ch. 167.
Subdivision of land - See Ch. 175.
Wetlands - See Ch. 189.

APPENDIX

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INDEX INSTRUCTIONS

The main **INDEX**, beginning on page 1, will guide you to the legislation contained within the Code at the time the main **INDEX** was originally prepared. As new legislation is adopted, or existing legislation is amended, the Code pages are replaced by supplementary pages which include the new material, thereby causing some **INDEX** entries to become obsolete. **INDEX** entries to the new material will be provided for in the **SUPPLEMENTAL INDEX**, beginning on page SI-1.

The **SUPPLEMENTAL INDEX** should, therefore, be consulted first, since it refers to the more recent legislation. Then reference should be made to the main **INDEX**.

When received, **SUPPLEMENTAL INDEX** pages should be placed directly following this page and in front of the main **INDEX**, according to the instructions accompanying the supplement.

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