

Code of the Town of Jaffrey

COUNTY OF CHESHIRE

STATE OF NEW HAMPSHIRE

2013

Latest Revision/Amendment – March 18,2023

**OFFICIALS
OF THE
TOWN OF JAFFREY**

Town Office

10 Goodnow Street
Jaffrey, New Hampshire 03452
Telephone: (603) 532-7445

2023

SELECT BOARD

*Franklin W. Sterling, Jr. (Chairman)
John E. Belletete
Kevin Chamberlain*

TOWN MANAGER

Jon R. Frederick

TOWN 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. I
2703	Land Use Change Tax Allocation (2003 Town Meeting)	Ch. 27, Art. I
2703	Municipal Buildings Maintenance Capital Reserve – Designated Selectmen as Agents to Expend	Ch. 27, Art. I
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. I
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. I
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
18104	Veterans Exemption to \$500	Ch.181, Art. IX

2017

2704	Establish Fire Special Details Revolving Fund	Ch. 27, Art. I
2704	Establish Town Office Capital Reserve Fund	Ch. 27, Art. I
2704	Establish TIF District Capital Reserve Fund	Ch. 27, Art. I
2704	Establish Bridge Rehabilitation Capital Reserve Fund	Ch. 27, Art. I
6201	Social Media - Communication and Social Media Policy & Guidelines	Ch. 62, Art. I
12502	Dog Penalties Updated	Ch. 125, Art. II
15801	Discontinue Cheshire Street	Ch. 158, Art. I
15901	Sewer Ordinance Added to the Code	Ch. 159
18104	All Veterans’ Tax Credit of \$500	Ch. 181, Art. IX

18510 Sandy Lane Designated as No Parking Ch. 185, Art. III

2018

1702 Added 2010 Update to Cemetery Regulations Ch. 17, Art. IV
2704 Town Forest Revenue 50/50 with Conservation Fund Ch. 27, Art. I
16801 Designated No-Smoking Areas – Contoocook Beach Ch. 168-1
18507 Stop Signs on Ellison Street, Great Road Ch. 185, Art. III
15603 Selectmen to Utilize Outside Sources for Construction Demo Ch. 165, Art. VI
11701 Keno Games Allowed in Town Ch. 117
2705 Create Water Capital Reserve Fund Ch. 27, Art. I

2019

1702 Incorporated Cemetery Committee Bylaws Ch. 17, Art. IV
2701 Place Funds in Chronological Order and Consolidated Ch. 27, Art. I
2702 Selectmen Agents to Expend from Gravestone Fund Ch. 27, Art. I
2705 Create Police Cruiser Capital Reserve Fund Ch. 27, Art. I
2705 Create Water Capital Reserve Fund for New Supply Ch. 27, Art. I
10301 Prohibit Alcoholic Beverages on Beaches Ch 103, Art. I
11101 Veterans Day Observance on Armistice Day Ch. 111, Art. I
18505 Vehicles Removed for Snow Removal Ch. 185, Art. II
18507 Stop Intersections Replaced in Whole w/ Jurisdictions Ch. 185, Art. III
18510 Two Yield Intersections Removed for Stop Intersections Ch. 185, Art. III

2020

2204 Community Revitalization Tax Relief Incentive Ch. 22, Art. V
2705 Establish Jaffrey 250th Reserve Fund Ch. 27, Art. I
2706 Establish Jaffrey Sewer Capital Reserve Fund Ch. 27, Art. I
4202 Land Use Board Alternates Ch. 42, Art. IV
15502 Parking at Town Beaches Ch. 155, Art. IV

2021

2706 Establish Road Paving Capital Reserve Fund Ch. 27, Art. I
2706 Establish Recreation Equipment Capital Reserve Fund Ch. 27, Art. I
2706 Establish Retirement Buyout Expendable Trust Fund Ch. 27, Art. I
5904 Engraving Veterans on Town-Owned War Memorials Ch. 59, Art. X
18102 Update Elderly, Disabled, Blind Exemptions Ch. 181, Art. II
15502 Parking at Town Beaches Ch. 155, Art. IV
15801 Convert Class VI Carey Road to Class B Trail Ch. 158, Art. I
15801 Convert Class VI Sherwin Hill Road to Class A Trail Ch. 158, Art. I
18504 Revise Parking Prohibitions in Specified Places Ch. 185, Art. II
18508 Stop Intersection on Three Legs of Proctor & Harkness Ch. 185, Art. III

2022

2302	Authority to Place Conservation Easements on Town Land	Ch. 23, Art. V
2706	Establish Stone Arch Bridge TIF Capital Reserve Fund	Ch. 27, Art. I
5905	Lighting Policy for the Downtown Historic District	Ch. 59,Art.XI

2023

2702	Designate Selectmen as Agents for Highway Equipment CRF	Ch. 27, Art. I
2702	Designate Selectmen as Agents for Fire Equipment CRF	Ch. 27, Art. I
2203	Downtown TIFD Expanded to Include WW Cross Site	Ch. 22, Art.II
12201	Community Power Plan	Ch.122,Art. I
18102	Income and Asset Increase for Elderly Exemption	Ch.181,Art.II
18103	Income and Asset Increase for Disabled Exemption	Ch.181,Art.II

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 or 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 Ranch 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 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.”

Note: The No Trespassing Ordinance is cited in Cemeteries 1702, Parks and Playgrounds 15501 and Town Land 18202.

ARTICLE IV CEMETERY COMMITTEE BYLAWS

Article I

Section 1 - Creation and Authority

Pursuant to Chapter 41 of the laws of the State of New Hampshire the Board of Selectmen hereinafter referred to as the Board, may assemble, create or abolish committees, for the purpose of assisting the Board in matters of community interest.

Therefore, the Board of Selectmen having deemed it desirable to create such a committee hereby appoints and authorizes the formation of a committee which shall henceforth be officially known as the **Cemetery Committee**.

The Committee shall be advisory in nature and shall serve at the pleasure of the Board of Selectmen. The Committee's charge and composition may be altered from time-to-time as the Selectmen may deem appropriate.

Article II

Section 2 - Mission

Taking direction from the Board of Selectmen, the Committee shall be responsible to assist the Town in the operation, management, maintenance, and preservation of Jaffrey's publicly owned cemeteries (both active and inactive), the repair and conservation of the memorials, markers and landscape elements situated in these cemeteries, and in the keeping of records pertaining to such and to interments, sales and transfers of lots, and other such data, and in any other matters related to the Town's cemeteries. This mission is to be accomplished through recommendations made by the Committee to the Town Manager and to the Director of Public Works with specific regard to but not necessarily limited to:

- Cemetery Rules and Regulations
- Fees and charges
- Maintenance and operations including gravestone repair
- Recordkeeping and data management
- Other areas of concern that may be deemed necessary or appropriate

As this Committee is advisory in nature, it shall take no action that might in any way result in the expenditure or obligation of public funds. All such recommendations are to be directed through and approved by the Director of Public Works.

Article III

Section 1 - Membership

The Board intends that this Committee shall represent the best long-term interests of both the Town and its cemeteries. Therefore, the Board directs that the Cemetery Committee shall be composed of the following:

- Jaffrey Historical Society - One (1) representative
- Cournoyer Funeral Home - One (1) representative
- American Legion/Veterans of Foreign Wars - One (1) representative from each or one to serve for both
- Board of Selectmen - One (1) representative
- Members At Large - Up to five (5) selected from interested citizens of the Town
- Director of Public Works, *ex officio*, and/or his designee(s)

Section 2 - Terms of Service

The Board of Selectmen shall appoint each of the persons/positions noted above. Members-at-large shall be appointed for terms of three years. All other appointments shall remain in place indefinitely until such time as the Board may appoint their replacements.

Should a vacancy occur at any time, the Board of Selectmen will appoint a replacement for the unexpired portion of the term.

Article IV

Section 1 - Meetings

The Committee will meet according to a schedule that it may deem necessary. However, in no case will it meet less than twice (2) each calendar year.

The Committee shall visit and inspect the active Town-owned cemeteries at least once a year and report on their condition to the Director of Public Works.

The Committee shall meet with the Town Manager and the Director of Public Works no later than November 1st of each year so as to discuss its recommendations for the ensuing year related to cemetery policy, cemetery rules and regulations, contractor performance, cost projections, recordkeeping, warrant articles related to cemeteries, etc. This information shall be considered by the Town Manager and the Director of Public Works when preparing the overall annual budget for the Town.

The Committee shall not meet or conduct any business without a majority of its membership being present.

Minutes of each meeting shall be kept and made available to the public within the period of time required by law. Approved minutes will become a permanent record of the Town.

Section 2 - Voting

Prior to taking any action the Committee shall obtain the affirmative vote of a majority of its membership present at any duly called and announced meeting.

In all cases where the Committee wishes to make a recommendation regarding an expenditure, policy adoption, etc., the membership shall be polled for its vote, i.e., yes/no/abstain. Matters shall, if passed in the affirmative, be communicated to the Town Manager and the Director of Public Works.

Section 3 - Conduct of Meetings

During each calendar year, the Committee shall nominate and appoint at any duly called and announced meeting, its Chairperson by popular election.

It shall be the responsibility of the Chairperson to conduct each meeting and to record the minutes.

Article V

Section 1 - Prior Resolutions

This resolution supplants any other resolutions previously adopted and/or implemented by the Board of Selectmen related to a Jaffrey Cemetery Committee.

Article VI

Section 1 - Amendments

This resolution may from time-to-time be amended as recommended and approved by the Board of Selectmen.

NOTE FOR CLARIFICATION

The Cemetery Committee has existed since 1991 when it was created by the Selectmen and the Town Manager. It was largely inactive until July 31, 1997 when it was re-established by a charge issued by the Selectmen. Since then the present committee has been operating under that charge:

"In order to provide involvement from the residents of Jaffrey, we, the Jaffrey Board of Selectmen do hereby establish a Cemetery Committee. The purpose of this Committee will be to advise and assist the Town Manager and Public Works Director on the care and maintenance of all the cemeteries owned and maintained by the Town of Jaffrey. The purpose of the Committee, and its authority, does not extend into the authority of the Town Manager as established by RSA

37. The Committee will meet on a regular basis established by a need as determined by the Committee and/or Town Manager. The Committee will consist of five members, three members appointed on an at-large basis, one member as recommended by the VFW, one member as recommended by the American Legion, one member as recommended by the Historical Society, one member from Cournoyer's Funeral Home and one Selectmen. The terms of the Committee members will be three years in length."

Approved by the Board of Selectmen as its meeting on Monday April 13, 2009.

ARTICLE V
RULES AND REGULATIONS

Adopted November 10, 2014 by the Board of Selectmen and incorporated herein on the following pages.

TOWN OF JAFFREY

CEMETERY RULES AND REGULATIONS



Approved by the Board of Selectmen: November 10, 2014

Copies of the signed Regulations can be obtained by
contacting the Jaffrey Department of Public Works at
603-532-6521

**TOWN OF JAFFREY
CEMETERY RULES AND REGULATIONS**

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**TOWN OF JAFFREY
CEMETERY RULES AND REGULATIONS**

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. Cremains. The remains of a cremated person and any container within which the body was placed.

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

4. 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.

5. 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.

6. 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.

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

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

9. Lot Owner. The owner of a burial lot.

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

11. 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.

12. 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: This article removed.

Article 12: No persons shall sit on, lean against, climb on or otherwise be in contact with any monument.

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 **POLICE OFFICES OR** 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, other than those of monument companies, funeral directors or tree services carrying out cemetery business, 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, disinterments 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, **UNLESS OTHERWISE APPROVED BY THE DIRECTOR.**

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 cremains, 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 owner 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 **LOT** 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 LOT 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, 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. Seasonal annual flowers in non-fragile containers are permitted as well as annual bulbs. The director reserves the right to remove any permitted vegetation that has wilted or died or has spread and become invasive to either the monument or surrounding lots.

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, **STONE BENCHES**, 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 or the pruning of shrubs and trees.

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 without the expressed permission of the Director, 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 shall be made to the Office of the Town Manager 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 lithochrome 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: The location and design, plans and specifications of any mausoleum or tomb, either wholly or partially above ground, are subject to the review and approval of the Director.

Article 106: Lot owners and their descendants shall be responsible for the maintenance and repair of the monuments on their lots. In instances where no lot owners or their descendants can be found, the Town may undertake any necessary repairs although 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 concrete in the foundation has had time to cure 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 shall 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 of a depth determined by the monument company sufficient to sustain the weight of the monument. The foundation shall be constructed so as to not impact abutting lots.

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 **RELOCATED WITHIN OR** 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 this 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.

Reviewed and Approved:

Kathleen Batchelder
Donald MacIsaac
Thomas Rothermel

David Caron
Town Manager

Board of Selectmen

Date Approved: November 10, 2014

Donald MacIsaac, Selectmen

**TOWN OF JAFFREY
CEMETERY RULES & REGULATIONS**

ADDENDUM - BURIAL LOT SIZES AND PRICING:

A. Burial Lot Sizes and Pricing

Single Grave Lot (3.5'W x 12'L)	\$450.00
Double Grave Lot (7.0'W x 12'L)	\$900.00
Four Grave Lot (14'W x 12'L)	\$1,800.00
Cremation Lot (3.5'W x 6'L)	\$350.00

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)

Weekdays	\$500.00
Weekends	\$600.00
Holidays	\$700.00
Children (under the age of 12)	\$150.00
Simultaneous Burials (in same lot; above charges plus an additional. . .)	\$100.00

Interments or Disinterments (cremation)

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

Lot Transfers (change of ownership) \$25.00

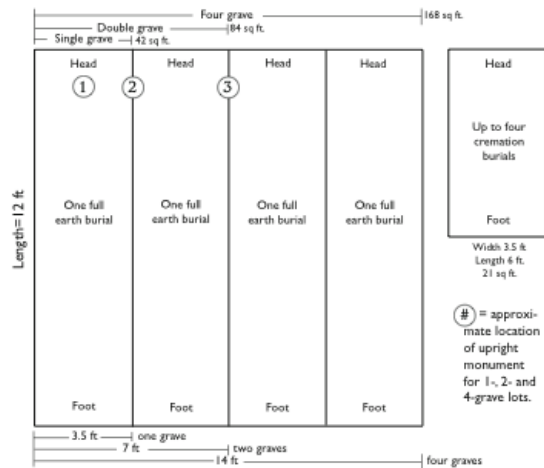
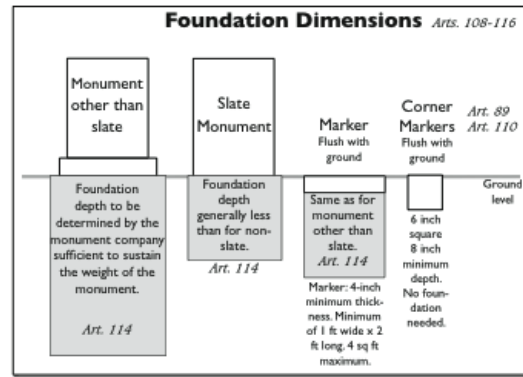
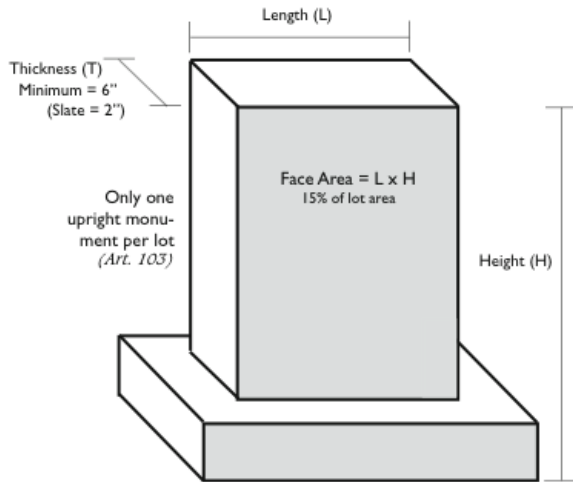
Approved by the Board of Selectmen after a public hearing on August 9, 2021.

RATES SUBJECT TO CHANGE

APPENDIX A - Graphical Explanation of Monument Sizing and Lot and Grave Relationship

Lot & Monument Sizes and Dimensions			
	Single Grave	Double Grave	Four Grave
Width of lot in feet	3.5	7.0	14.0
Length of lot in feet	12.0	12.0	12.0
Lot area in square feet (WxL)	42.0	84.0	168.0
Maximum monument face area in square feet (15% of lot area)	6.3	12.6	25.2
Maximum monument length not to exceed 60% of average lot width	2.1	4.2	8.4
Corresponding height in feet (C/D)	3.0	3.0	3.0

Art. 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.



Appendix A: Graphical Explanation of Monument Sizing and Lot and Grave Relationship. Not to scale.

Drawn by Robert Stephenson, April 2014

Please Contact the Jaffrey Department of Public Work for further information or a copy of this Appendix

**603-532-6521
603-532-4290 fax**

APPENDIX B - State Law Relating to Cemeteries

TITLE III TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

CHAPTER 37 TOWN OR VILLAGE DISTRICT MANAGERS

37:6 Powers and Duties in Particular. – The town manager shall have the power and it shall be his duty:

I. To organize, continue, or discontinue, from time to time, such departments as the selectmen may from time to time determine.

II. To appoint, upon merit and fitness alone, and to remove, all subordinate officers and employees under his control, and to fix their compensation.

III. To attend such regular or special meetings of the selectmen as they shall require.

IV. To keep full and complete records of the doings of his office, and to render to the selectmen an itemized monthly report in writing, showing in detail the receipts and disbursements for the preceding month; and annually, or oftener at the request of the selectmen, to make a synopsis of all reports for publication.

V. To keep the selectmen fully advised as to the needs of the town, within the scope of his duties, and to furnish them on or before the thirty-first day of January of each year a careful, detailed estimate in writing of the probable expenditures of the town government for the ensuing fiscal year, stating the amount required to meet the interest on maturing bonds and notes or other outstanding indebtedness of the town, and showing specifically the amount necessary to be provided for each fund and department; and to submit at the same time an estimate in writing of the amount of income from all sources of revenue, exclusive of taxes upon property, and of the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the town. For the purpose of enabling the town manager to make up the annual estimate of expenditures, all boards, officers, and committees of the town shall, upon his written request, furnish all information in their possession and submit to him in writing a detailed estimate of the appropriations required for the efficient and proper conduct of their respective departments during the fiscal year.

VI. To examine or cause to be examined, with or without notice, the affairs of any department under his control, or the conduct of any officer or employee thereof; and for that purpose he shall have access to all town books and papers, for the information necessary for the proper performance of his duties.

VII. To have charge, control, and supervision, subject to the direction of the selectmen and to the bylaws of the town, if any, of the following matters:

- (a) The management of municipal water works, lighting, and power systems.
- (b) The construction, maintenance, and repairing of all town buildings and of all town roads, highways, sidewalks, and bridges, except as otherwise specially voted by the town.
- (c) The purchase of all supplies for the town.

- (d) The police and fire departments of the town, if any.
- (e) The system of sewers and drainage, if any.
- (f) The lighting of streets, highways, and bridges.
- (g) The sprinkling of streets and highways, the laying of dust, and the removal of snow.
- (h) The maintenance of parks, commons, and playgrounds.
- (i) **The care of cemeteries when the town has adopted the provisions of RSA**

289:6, II. [Emphasis added]

- (j) The letting, making, and performance of all contracts for work done for the town.

In municipalities adopting the provisions hereof, the town manager shall supersede any board of commissioners or other supervisory officer or officers previously established, elected, or appointed to have superintendence of any of the matters specified in the foregoing paragraphs (a) to (j) inclusive; except that he shall not supersede, nor shall adoption of this chapter in any way impair the authority and duties of, fire engineers, the commissioner of public works and highways and his assistants, or any police commission created by act of the legislature.

VIII. To administer the poor relief of the town, either directly or through a person or persons appointed by him, and under the supervision of the selectmen.

IX. To perform such other duties, consistent with his office, as may be required of him by vote of the selectmen.

TITLE XXVI CEMETERIES; BURIALS; DEAD BODIES

CHAPTER 289 CEMETERIES

289:1 Definitions. – In this chapter, unless the context clearly requires otherwise:

- I. “Burial ground” means a private cemetery on private property and not available for use by the public.
- II. “Burial space” means a lot in any cemetery as designed and intended for the interment of a human body or bodies, but presently not used for such purpose.
- III. “Cemetery” means any cemetery owned, managed, or controlled by any municipality within this state or owned and managed by any cemetery corporation chartered by the state.
- IV. “Cemetery association” means a cemetery corporation, the voting members of which are the owners of burial spaces in the cemetery owned and operated by the association.
- V. “Cemetery corporation” means a corporation organized for the purpose of operating a cemetery.
- VI. “Cemetery trustees” means town cemetery trustees elected pursuant to the provisions contained in this chapter.
- VII. “Corporate officer” means the elected or appointed managing officer of a corporation established to operate a cemetery for public interment.
- VIII. “Owner” means any person or persons owning or possessing the privilege, license, or right of interment in any burial space, as determined under RSA 290:24.

289:2 Municipality to Provide. – Every municipality shall provide one or more suitable cemeteries for the interment of deceased persons within its boundaries, which shall be subject to such regulations as the municipality may establish. In the absence of regulations established by vote of the legislative body, the cemetery trustees may establish such regulations pursuant to RSA 289:7, I(a). The operation and maintenance of all cemeteries owned and maintained by the municipality shall be in the charge of the cemetery trustees.

289:3 Location. – All cemeteries and burial grounds shall be laid out in accordance with the following requirements:

I. No cemetery shall be laid out within 100 feet of any dwelling house, schoolhouse or school lot, store or other place of business without the consent of the owner of the same, nor within 50 feet of a known source of water or the right of way of any classification of state highway. Existing cemeteries which are not in compliance with the above set-back requirements may be enlarged, provided that no portion of the enlargement is located any closer to the above-listed buildings, water sources or highways than the existing cemetery, and provided further that no such enlargement shall be located within 50 feet of any classification of state highway.

II. Burials on private property, not in an established burial ground, shall comply with local zoning regulations. In the absence of such regulations, such burial sites shall comply with the requirements in paragraph I. The location of the burial site shall be recorded in the deed to the property upon transfer of the property to another person.

III. New construction, excavation, or building in the area of a known burial site or within the boundaries of an established burial ground or cemetery shall comply with local zoning regulations concerning burial sites, burial grounds or cemeteries, whether or not such burial site or burial ground was properly recorded in the deed to the property. In the absence of such regulations, no new construction, excavation, or building shall be conducted within 25 feet of a known burial site or within 25 feet of the boundaries of an established burial ground or cemetery, whether or not such burial site or burial ground was properly recorded in the deed to the property, except when such construction, excavation, or building is necessary for the construction of an essential service, as approved by the governing body of a municipality in concurrence with the cemetery trustees, or in the case of a state highway, by the commissioner of the department of transportation in concurrence with the cemetery trustees.

IV. Nothing in this section shall be construed to conflict with RSA 290, local ordinances, or cemetery rules concerning burials and disinterments of human remains.

289:4 Maintenance. – Every municipality shall raise and appropriate sufficient funds, by taxation or otherwise, to provide for the suitable care and maintenance of the municipal public cemeteries within its boundaries which are not otherwise provided for, and to provide and maintain around all such cemeteries a good and sufficient fence, and to supply the fence with necessary gates. Every municipality may raise and appropriate annually a sufficient sum to provide for the suitable care and maintenance of deserted burial grounds and cemeteries which have been declared abandoned in accordance with RSA 289:19-21.

289:5 Cemetery Records. – The corporate officer or designee of a cemetery corporation or town cemetery trustees charged with the responsibility of operation and administration of any cemetery under their control 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, plot, or part of

such plot or lot, in which the burial was made. Such records shall also be kept of every private burial site within a municipality by the owner of the land containing the burial site, and a copy of the information shall be supplied to the cemetery trustees who will maintain the municipal records of such sites. A copy of such record, duly certified, shall be furnished to any person on demand and payment of a fee established in compliance with RSA 91-A:4. The location of each cemetery and private burial site may be annotated on the municipal tax map.

Cemetery Trustees

289:6 Cemetery Trustees. –

I. Every municipality shall elect a board of cemetery trustees consisting of 3 members, unless a town at an annual or special town meeting votes that the board shall consist of 5 members. In the initial election of cemetery trustees, they shall be elected by ballot at an annual town meeting. One shall be elected for a one-year term, one for a 2-year term and one for a 3-year term. In towns with a board of 5 trustees the 2 additional trustees shall be appointed by the selectmen, one for one year and one for 2 years. Subsequent trustees shall be elected by ballot at the annual town meeting to replace those whose terms expire. The term of each trustee shall be 3 years. Vacancies shall be filled by the selectmen for the remainder of the term. In cities the trustees shall be chosen and hold their office for such term as shall be provided by city ordinance. Trustees shall organize by electing one of their number chairperson and another bookkeeper, who shall keep the records and books of the trustees, and shall issue vouchers as necessary for funds to be expended. The chairperson and the bookkeeper may be the same member.

II. Any town that has the town manager form of government may vote to not have cemetery trustees by delegating all of the duties and responsibilities of cemetery trustees to the town manager, as specified in RSA 289. This option may be adopted by a vote of the town meeting. The warrant article question to be voted shall be: “Shall we discontinue the board of cemetery trustees by delegating their duties and responsibilities to the town manager?” If the majority votes in the affirmative, then the discontinuance shall take effect 90 days after adoption.

II-a. (a) Any town, with a traditional town meeting form of government, may adopt by a vote of the town meeting to have the board of selectmen serve for the term of elected office as the cemetery trustees. The warrant article to be voted shall be:

“Shall we delegate the duties and responsibilities of the cemetery trustees to the board of selectmen?”

(b) If the majority vote in the affirmative then the delegation shall take effect 90 days after adoption and shall continue until rescinded by vote of the town meeting.

III. At any subsequent town meeting, the town may vote to reinstate the board of cemetery trustees. A new board of cemetery trustees shall be elected at the town meeting next following the vote to reinstate the board of cemetery trustees.

IV. Any town that has a municipal charter form of government may specify in its charter the procedure to be utilized for the election or appointment of cemetery trustees. Such procedure shall be adopted under the provisions of RSA 49-B.

Cemetery Trustees

289:7 Powers and Duties. –

I. Except in those municipalities in which other provisions have been made by a general or special act of the legislature, all cemetery trustees in the state shall:

(a) Adopt bylaws and regulations for their transaction of business and for the establishment and management of all municipal cemeteries within their responsibility.

(b) Prepare an annual budget indicating what support and maintenance of the municipal public cemeteries will be required out of public funds for submission to the appropriate agency of the municipality. A separate budget request shall be submitted for planning and establishment of a new public cemetery and for capital improvements or expansion of an existing public cemetery.

(c) Expend all moneys raised and appropriated by the municipality for cemetery purposes. Such funds shall be maintained in the general fund and paid in the same manner that funds of other municipal departments are paid.

(d) Expend income from all trust funds for cemetery purposes in accordance with the conditions of each donation or bequest accepted by the municipality. Such trust funds shall be held in the custody and under the management of the trustees of trust funds. The trust income shall be transferred to the cemetery trustees by the trustees of trust funds in response to vouchers executed by the cemetery trustees, if the requested funds are available. Such trust fund income shall not be commingled with the moneys raised and appropriated by the municipality.

(e) Prepare deeds of cemetery lots for the governing body to sign.

II. Cemetery trustees may appoint a cemetery custodian or sexton who shall not be a trustee and who shall be responsible to the cemetery trustees for supervising work done in the cemeteries.

Cemetery Trustees

289:8 Enforcement. – Any person designated as a cemetery trustee failing to comply with the provisions of RSA 289:7 shall be guilty of a violation. Any other person who violates this chapter or any regulation established under the authority of this chapter shall be guilty of a violation.

Cemetery Trustees

289:9 Use of Trust Funds. – Cemetery corporations and the trust fund trustees of municipalities may take and hold funds in trust, and may apply the income of the trust to the improvement, watering, or embellishment of the cemetery, or to the care, preservation, or embellishment of any lot or its appurtenances.

Cemetery Trustees

289:10 Investments. – Cemetery corporations holding funds in trust as provided in RSA 289:9 may establish, maintain, and operate common trust funds as provided in RSA 31:27-30.

Cemetery Trustees

289:11 Accounting. – Whenever any cemetery corporation shall take and hold trust funds according to the provisions of RSA 289:9, such corporation shall keep in its books an account of all funds received and held by it in the same manner as required of municipalities, and the account of any such fund shall be open to inspection by any person having an interest in the proper administration of the trust.

Cemetery Trustees

289:12 Reports. – A copy of the annual financial report of such corporations shall be filed with the attorney general, unless otherwise required by law to file such a report with any town, city, county, or state agency.

Cemetery Trustees

289:13 Cemetery Association Termination. – Any cemetery laid out by an individual or corporation and located within the municipality, in which all lots have been sold and for the care of which trust funds are held by the municipality, may be deeded to the municipality with no implied financial liability to the municipality for the maintenance of the cemetery over and above the trust fund income, provided the municipality votes to accept such cemetery transfer. Municipalities may raise and appropriate additional funds for the care of such cemeteries. Upon the transfer of the title to the cemetery, the municipal cemetery trustees shall have the sole management responsibility for the cemetery.

Cemetery Trustees

289:14 Right of Way to Private Burial Ground. – Any person wishing to have a temporary right of entry over private land in order to enter a private burial ground enclosure to which there is no public right of way may apply in writing to the selectmen of a town or the mayor of a city stating the reason for such request and the period of time for which such right is to be exercised. The applicant shall also notify in writing the owner or occupier of the land over which the right of way is desired. The selectmen or mayor, in the exercise of discretion and in consultation with the cemetery trustees, may issue a permit for such temporary right of entry designating the particular place where the land may be crossed. The owner or occupier of the land may recommend the place of crossing which, if reasonable, shall be the place designated by the selectmen or mayor.

Cemetery Trustees

289:15 Discontinuance. – Whenever there is a public necessity for the discontinuance of any municipal cemetery and the removal of the remains of persons buried in such cemetery, the cemetery may be discontinued by a 3/4 vote of the legal voters present and voting at any town meeting held for the purpose, or by 3/4 of each board of the city councils present and voting.

Cemetery Trustees

289:16 Reinterment. – The governing body may, at the expense of the municipality, disinter all the remains of persons buried in such cemetery and reinter the same in the unoccupied part of another cemetery within the municipality, such reinterment to be in the place designated by the nearest surviving relatives of the deceased persons or, in the absence of such surviving relative, by the cemetery trustees. Such removal and reinterment shall be done prudently and with proper care and attention.

Cemetery Trustees

289:17 Removal of Monuments. – The monuments, gravestones, and other appurtenances attached to the graves shall be carefully removed and properly set up at the place of reinterment with as little injury as the nature of the case will admit. In case of injury to any monument, gravestone, or appurtenance, the damages shall be assessed by the governing body in the same manner and with the same right of appeal as in the case of alteration of the grade of highways.

Abandoned Burial Spaces

289:18 Forfeiture Procedures. –

I. Whenever a burial space or spaces in any cemetery subject to the provisions of this subdivision have remained unused for a period of 50 years, and the owner has not improved such space or spaces by causing a monument, gravestone, or other permanent appurtenance to be placed on the burial space, the person, corporate manager, or cemetery trustees having jurisdiction over such cemetery may institute proceedings for the termination and forfeiture of the rights and interests of such owner. All purchase contracts for burial spaces executed after August 7, 1994, shall include a notice that this procedure may be invoked in the future.

II. Whenever such person, corporate manager, or board of trustees determines that the conditions stated in paragraph I have been met, then they may send to the owner a notice of the intent to terminate and forfeit the owner's rights, served on the owner personally by a competent person or sent by certified mail with return receipt requested to the owner's last known address.

III. When the owner receives the forfeiture notice, the owner may notify the cemetery management of continued intent to use the space, in which case this procedure shall be cancelled, or the owner may return the space to the cemetery and receive in compensation the same amount the owner paid for the space, less any portion of the original purchase price that was specified for inclusion in a perpetual care trust fund.

IV. If no response is received from the owner for 60 days, the cemetery management may advertise in a paper of local distribution for information regarding the present whereabouts of the owner. If information is forth-coming, the notification process shall be repeated using the new address information. If no information is received, the original purchase contract may be voided and the space sold to a new owner. Any owner contacting the cemetery management after the space has been resold shall be reimbursed the amount he originally paid, including the portion set aside for perpetual care.

Abandoned Burial Grounds

289:19 Neglected Burial Ground. – Whenever a burial ground within the boundaries of the town has been neglected for a period of 20 years or more, the municipality may declare it abandoned for purposes of preservation, maintenance or restoration.

Abandoned Burial Grounds

289:20 Procedure. – To declare a burial ground abandoned:

I. The municipality shall place an advertisement in at least one newspaper having general distribution in the municipality and surrounding area. The advertisement shall state the intent of the municipality, identifying the burial ground by name, if known, and by names and dates of the oldest stones in the burial ground, with a request for any direct descendent to contact the town selectmen's office, the town manager, or mayor, as applicable. If the burial ground contains no stones with legible inscriptions, the site may be identified by a detailed description of its location.

II. Not less than 60 days nor more than 90 days after the notice of the intent has been published, the notice shall be read at a regularly scheduled selectmen's meeting or in the case of a city, a city council meeting.

III. If any descendants were located and grant permission, or if no descendants were located, then, after a public hearing, the municipality may declare the burial ground abandoned by a majority vote of the selectmen or city councilmen present and voting.

Abandoned Burial Grounds

289:21 Rights and Responsibilities. – Any burial ground declared abandoned under these provisions shall become a municipal cemetery for management purposes and shall be managed by the cemetery trustees, who shall assume all the authorization and rights of natural lineal descendants.

Prohibited Conduct

289:22 Stone Rubbings. – No person shall make gravestone rubbings in any municipal cemetery or burial ground without first obtaining the written permission of the town selectmen or the mayor of a city or designee. Before granting such permission, the selectmen or mayor will ascertain to the best of their ability that the person making the request knows the proper precautions to be taken and the proper materials to be used for this activity. The town selectmen or city mayor or their designee shall notify the cemetery trustees of the request and its disposition. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

Prohibited Conduct

289:23 Other Unauthorized Acts. – All other unauthorized conduct under RSA 635:6 and 635:7 regarding the abuse of cemeteries shall be penalized as provided in RSA 635:8. [See below]

CHAPTER 290 BURIALS AND DISINTERMENTS

290:1 Death Records. – Whenever a person shall die, the physician attending at the last sickness shall complete and deliver to the funeral director, next-of-kin as defined in RSA 290:16, IV, or designated agent under RSA 290:17 or shall complete electronically and forward immediately to the division of vital records administration, a death record, duly signed, setting forth, as far as may be, the facts required by rules of the department of state, division of vital records administration as provided in RSA 5-C:7. The cause or causes of death shall be printed or typed on all records required to be furnished under this section. The funeral director, next-of-kin, or designated agent shall transmit electronically the record of death to the division of vital records administration.

290:1-a Fetal Death Records. – Whenever a fetal death shall occur, the attending physician shall fill out a fetal death record. This will be solely a statistical report.

290:1-b Pronouncement of Death by Registered Nurses. – If an anticipated death occurs in a hospital, a nursing home, a private home served by a home health care provider licensed under

RSA 151, or a hospice, the registered nurse attending at the last sickness may pronounce the person dead and release the body to the funeral director, next-of-kin as defined in RSA 290:16, IV, or designated agent after certifying the fact of death and completing the death record by hand or other approved electronic process. If a contagious disease is known to be present at the time of death, that fact shall be indicated on the death record in accordance with RSA 5-C:7.

290:2 Repealed

290:2-a Release of Body. – No dead body of a human being shall be removed from a hospital, a nursing home, a private home served by a home health care provider licensed under RSA 151, or a hospice without a pronouncement of death certified by hand or other approved electronic process by a physician or a registered nurse in accordance with RSA 290:1-b, including the time and date of death. Whenever a contagious disease is involved, the death record shall so state before the body shall be released from the facility.

290:3 Burial Permits, Obtaining. – It shall be the duty of the funeral director, next-of-kin as defined in RSA 290:16, IV, or designated agent under RSA 290:17 to add to the death record the date and place of burial, and having certified the same by hand or other approved electronic process, to forward it to the division of vital records administration or as otherwise directed by the registrar of vital records, and to obtain a permit for burial from the division of vital records administration in accordance with RSA 5-C:7. In case of a contagious or infectious disease the record shall be completed and transmitted immediately.

290:3-a Burial Permit for a Fetus. – Whenever it shall be determined that a dead fetus will be disposed of by means of burial or cremation, the burial permit will be issued in accordance with the rules and regulations of the department of health and human services.

290:3-b Emergency Burial Permit. – The division of vital records administration, department of state, may issue an emergency burial permit in an emergency as defined by RSA 5-C:7.

290:4 Repealed

290:4-a Record of Interment Date. – In any case in which the town where the death occurred and the town of residence or burial is different, the burial permit shall indicate the actual date of interment where the dead body is stored in a tomb or vault prior to burial.

290:5 Burial Permit Required. – No interment of the dead body of a human being, nor disposition of the body in a tomb or vault, shall be made without a permit, and only in accordance with it. No disinterment, except as otherwise provided in this chapter, of the dead body of a human being shall be made without a permit from the department of health and human services, countersigned by the local health officer, and only in accordance with such permit. Such disinterment permit shall not be required for removal of such dead body from a tomb or vault for the purpose of burial, for reinterment of dead bodies after discontinuance of a public cemetery, as provided in RSA 289:15 and 289:16, if a body is to be removed within the geographic boundaries of the same cemetery, nor in a case where an autopsy has been ordered by a county attorney or the attorney general. No person shall assist in, assent to, or allow an

interment or disinterment to be made until a permit has been obtained under this section. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

290:6 Return. – It shall be the duty of every funeral director, next-of-kin as defined in RSA 290:16, IV, or designated agent under RSA 290:17, or other person having charge of a burial place, who shall receive the permit, to complete it and forward it to the town clerk within 6 days after the burial.

290:7 Repealed

290:8 Prerequisites. – No such permit shall be issued until there has been delivered to the division of vital records administration a death record completed in accordance with RSA 290:1.

290:9 Repealed

290:10 Record of Death. – The record of death upon which the permit is issued shall be forwarded to the town clerk within 6 days after it is received.

290:11 Release; Transfer of Body; Liability Limited. –

I. No dead body of a human being may be released or transferred from any residence, hospital, or other facility to any person other than a funeral director or designee, or to the next-of-kin as defined in RSA 290:16, IV, or designated agent under RSA 290:17 who shall be responsible for the completion of forms as required by RSA 290:12.

II. The body of any deceased person may be transferred to another town for preparation or for burial or cremation only under the direction of a funeral director, next-of-kin, or designated agent; provided that death was not sudden, or the result of violence, and provided that such body shall be returned to the town in which death occurred within 36 hours, or a permit for permanent removal, as required by this chapter, has been secured within that time.

III. Any person or institution releasing a body pursuant to this chapter shall be held harmless against and shall not be liable for, any harm, loss, cost, injury, damage, or claim of any kind whatsoever incurred by any party in connection with the release of the body.

290:12 By Whom. – Such transfer shall be made under the direction of a funeral director, next-of-kin as defined in RSA 290:16, IV, or designated agent under RSA 290:17, and the funeral director, funeral director's representative, next-of-kin, or designated agent shall leave with the institution from which or the person from whom such body is received, on forms supplied by the department of health and human services, the name of the funeral director, next-of-kin, or designated agent, the name of the person making the transfer, such person's address, the funeral director's license number or the address of the next-of-kin, or designated agent, and the date and hour such body was delivered.

290:13 To Another Town. – Any body for which a burial or removal permit has been secured, in accordance with the provisions of this chapter, may be taken through or into another town for funeral services without additional permits.

290:14 Penalty. – Any person who shall violate any of the provisions of RSA 290 shall be guilty of a misdemeanor.

290:15 Order for Disinterment. – A justice, upon complaint made on oath by any person that he has reasonable ground for suspecting that a deceased person who has been interred came to his death by some unlawful means, may issue his warrant, requiring that the body shall be disinterred and examined, and may summon and examine witnesses in relation to the truth of such complaint.

Custody of Remains of Deceased Persons

290:16 Definitions. – In this subdivision:

- I. “At-need funeral arrangements” means funeral arrangements made after death.
- II. “Custody and control” means the right to make all decisions, consistent with applicable laws, regarding the handling of a dead body, including but not limited to possession, at-need funeral arrangements, final disposition, and disinterment.
- III. “Estranged” means living in separate residences and having a relationship characterized by hostility or indifference.
- IV. “Next-of-kin” means a person having the following relationship to the subject, in the following order of priority:
 - (a) The spouse.
 - (b) An adult son or daughter.
 - (c) A parent.
 - (d) An adult brother or sister.
 - (e) An adult grandchild.
 - (f) An adult niece or nephew who is the child of a brother or sister.
 - (g) A maternal grandparent.
 - (h) A paternal grandparent.
 - (i) An adult aunt or uncle.
 - (j) An adult first cousin.
 - (k) Any other adult relative in descending order of blood relationship.
- V. “Subject” means the person whose remains are placed in the custody and control of another person pursuant to this section.

Custody of Remains of Deceased Persons

290:17 Custody and Control Generally. – The custody and control of the remains of deceased residents of this state are governed by the following provisions:

- I. If the subject has designated a person to have custody and control in a written and signed document, custody and control belong to that person. The person designated by the subject shall be entitled to no compensation or reimbursement of expenses related to the custody and control of the subject’s body.
- II. If the subject has not left a written signed document designating a person to have custody and control, or if the person designated by the subject refuses custody and control, custody and control belong to the next of kin.
- III. If the next of kin is 2 or more persons with the same relationship to the subject, the majority of the next of kin have custody and control. If the next of kin cannot, by majority vote,

make a decision regarding the subject's remains, the court shall make the decision upon petition under RSA 290:19, IV.

Custody of Remains of Deceased Persons

290:18 Estranged Spouse. – Notwithstanding RSA 290:17, if the surviving spouse and the subject were estranged at the time of death, the spouse shall not have custody and control of the subject's remains. In this case, custody and control belong to the next of kin following the spouse.

Custody of Remains of Deceased Persons

290:19 Court Determination. – Notwithstanding other provisions of this subdivision, the court of probate for the residence of the deceased may award custody and control to the person determined by the court most fit and appropriate to carry out the responsibilities of custody and control, and may make decisions regarding the subject's remains if those having custody and control cannot agree. The following provisions apply to court determinations under this section:

I. Before the subject's death, the subject or subject's legal representative may file a petition regarding custody and control of the subject's remains.

II. A relative of the subject may file such a petition.

III. A person who claims and establishes through evidence that person has or had a closer personal relationship to the subject than the next of kin may file a petition, if that person lived with the subject and was not in the employ of the subject or the subject's family.

IV. If the next of kin is 2 or more persons with the same relationship to the subject, and the next of kin cannot, by majority vote, make a decision regarding the subject's remains, 2 or more persons who have custody or control or a funeral director may file a petition asking the court to make a determination in the matter. The court shall consider the following in making its determination:

- (a) The reasonableness and practicality of the proposed arrangement.
- (b) The degree of the personal relationship between the subject and each of the 2 or more persons with custody and control.
- (c) The desires of the person or persons who are ready, able and willing to pay the costs of the arrangements.
- (d) The convenience and needs of other family and friends wishing to pay respects.
- (e) The expressed written desires of the subject.
- (f) The degree to which the arrangements would allow maximum participation by all wishing to pay respect.

Custody of Remains of Deceased Persons

290:20 Wishes of Subject. – If the subject has left written and signed instructions regarding funeral arrangements and disposal of the subject's remains, the person having custody and control shall abide by those wishes to the extent that the subject paid for those arrangements in advance or left resources for the purpose of carrying out those wishes.

Custody of Remains of Deceased Persons

290:21 Effect of Payment by Others. – Except to the degree it must be considered by the court under RSA 290:19, IV, the fact that a person other than the subject has paid or agreed to pay for

all or part of arrangements does not give that person a greater right to custody and control than that person would otherwise have.

Custody of Remains of Deceased Persons

290:22 Authority of Personal Representative. – The personal representative of the estate of the subject does not, by virtue of being the personal representative, have a greater right to custody and control than the person would otherwise have.

Custody of Remains of Deceased Persons

290:23 Immunity. – A party who, in good faith, acts upon the instructions of the party having custody and control is not liable for having carried out those instructions.

290:24 Ownership of Cemetery Plots or Burial Spaces. – The ownership of a cemetery plot or burial space, as defined under RSA 289:1, II, shall be governed by the following provisions:

I. If the deceased has designated a person to assume ownership of the cemetery lot or burial space in a written and signed document, ownership passes to that person, subject to the regulations established under RSA 289:2.

II. If the deceased has not designated a person to assume ownership of the cemetery lot or burial space in a written and signed document, ownership shall be determined under the provisions of RSA 561:1 and RSA 289:2.

III. Notwithstanding other provisions of this subdivision, when the ownership of a cemetery plot or burial space is unclear or in dispute, the court of probate for the residence of the deceased may, upon receipt of a petition filed by the next of kin or other interested party, render a determination regarding ownership of the cemetery plot or burial space in compliance with applicable law, including any regulations established by the municipality or cemetery trustees under RSA 289:2.

TITLE LXII CRIMINAL CODE

CHAPTER 635 UNAUTHORIZED ENTRIES

Cemeteries, Burial Grounds, Gravestones

635:6 Interference With Cemetery or Burial Ground. –

I. No person, without the written authorization of the owner of a burial plot, or the lineal descendant of the deceased, if such owner or lineal descendant is known, or the written authorization of the governing board of the municipality in which the burial plot lies, if the owner or lineal descendant is unknown, shall:

(a) Purposely or knowingly destroy, mutilate, injure or remove any tomb, monument, gravestone, marker, or other structure, or any portion or fragment thereof, placed or designed for

a memorial of the dead, or any fence, railing, gate, curb, or plot delineator or other enclosure for the burial of the dead.

(b) Purposely or knowingly disturb the contents of any tomb or grave in any cemetery or burial ground.

II. The governing board of the municipality in which the burial plot lies shall not grant approval for the removal or disturbance of a tomb, monument, gravestone, marker, or plot delineator without first giving 30 days' notice, along with a report of the full circumstances, to the division of historical resources, that such approval has been requested. The governing board of the municipality shall maintain a record of the date, circumstances, and disposition of the request for removal or disturbance.

635:7 Unlawful Possession or Sale of Gravestones and Gravesite Items. – No person shall possess or sell, offer for sale or attempt to sell, or transfer or dispose of any monument, gravestone, marker, or other structure, or any portion or fragment thereof, placed or designed for a memorial of the dead, or any fence, railing, gate, plot delineator, or curb, knowing or having reasonable cause to know that it has been unlawfully removed from a cemetery or burial ground.

635:8 Penalties. – Any person who is convicted of an offense under RSA 635:6 or 635:7 shall be guilty of a class B felony, and shall be ordered by the court to make restitution for damages resulting from the offense and for replacement of removed items.

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.

[Article 18, voted in the affirmative by voice vote at the 3/18/2023 Annual Town Meeting, reads as follows: “To see if the Town will vote to expand the Downtown Tax Increment Finance District under the provisions of RSA 162-K:5 to include 39 Webster Street (former W.W. Cross site) for the purpose of facilitating redevelopment of the site. No change in the Financing Plan is proposed with this request.”]

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.)

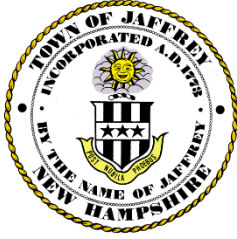
**ARTICLE IV
INDUSTRIAL DEVELOPMENT AUTHORITY**

(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.

**ARTICLE V
COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE**

[Article 37, voted in the affirmative 6-6-2020, by card vote at the Annual Town Meeting, reads as follows: “To see if the Town will adopt the Community Revitalization Tax Relief Incentive outlined in Chapter 79-E of state law giving the Board of Selectmen authority to grant Community Revitalization Tax Relief and to designate the Jaffrey 79-E District, including East Jaffrey Historic District, part of General Business and General Business “A” as meeting the standards for an eligible district as set forth in RSA 79-E:2.]



Town of Jaffrey
Application for Chapter 79-E
Community Revitalization Tax Relief
Incentive

Ch 79-E Adopted by Town Meeting June 6, 2020

Applications are filed with the Select Board. Upon receipt of an application, the Board will hold a public hearing within 60 days. You will be notified by certified mail of the hearing date.

1. At the hearing, the Select Board must make specific determinations and findings in order to grant relief. It will be your responsibility to demonstrate compliance with the criteria, listed below.
 - a. The structure must qualify by being located in either the Downtown Jaffrey National Register Historic District and/or the General Business and General Business A Districts as shown on the map dated June 6, 2020 titled Map, Jaffrey 79-E District. If you are unsure of your property's designation, either the Assessing Office or the Planning Department will help you.
 - b. The proposed rehabilitation must be substantial, which means the cost of the rehabilitation must be at least 15% of the pre-rehabilitation assessed value, or \$75,000, whichever is less.
 - c. In the case of a replacement of a qualifying structure, the application must include a NH Division of Historical Resources Individual Resource Inventory Form prepared by a qualified architectural historian and a letter from the Historic District Commission identifying any historical, cultural and architectural values of the structure(s) to be replaced.
 - d. In order to qualify for tax relief, a rehabilitation must provide at least one of the following public benefits, and a replacement must provide one or more of the public benefits to a greater degree:
 - i. Enhances the economic vitality of the Jaffrey Center or the East Jaffrey Historic District.
 - ii. Enhances or improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of the historic district in which the building is located.
 - iii. Promotes redevelopment of the Historic Districts and downtown area, providing for efficiency, safety and a greater sense of community consistent with RSA 9-B.
 - iv. Increases residential housing diversity and opportunities.
 - e. The proposed use must be consistent with the Master Plan and the Town of Jaffrey land use regulations.

2. The Select Board will render a decision within 45 days of the public hearing. In the case of a denial, the applicant will receive written explanation. Appeal of the denial may be made to the Board of Tax and Land Appeals or the Superior Court.
 3. The tax relief that may be granted by the Select Board is in the form of an assessment freeze on the qualifying structure(s) for a period of up to five (5) years. It is the Board's decision as to the amount of the tax relief granted as well as the period of time. Additional time may be granted by the Board, as follows:
 - a. An additional two (2) years may be added for a project that results in new residential units.
 - b. An additional four (4) years may be added for a project that includes affordable housing.
 - c. An additional four (4) years may be added for a structure that is listed on or determined to be eligible for listing on the National Register of Historic Places or the NH State Register of Historic places.
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I, the applicant or owner's duly authorized agent, agree to be fully responsible for payment of all fees, costs, and expenses incurred with respect to this application. I understand that if I am not the owner of the property named above, this application must be accompanied by a letter from the owner that authorizes me to represent the owner(s) in this application. I further grant the Select Board or its authorized agents the right to enter the premises at reasonable times, if deemed necessary by the Board in order to act on this application.

Applicant/Agent: _____

Signature: _____ Date: _____

APPLICATION INFORMATION: Please provide all of the information requested below. You may attach additional sheets, if necessary.

Owners Name(s) and Address: _____

Telephone and email: _____

Building Name (if any/parcel ID #): _____

Building Address/Zoning District: _____

Year of Construction/Square Footage: _____

Assessed Value of the Building: _____

Is this a proposed rehabilitation or replacement? _____

Is the building eligible for or listed on the National or State Register of Historic Places? ____ Yes ____ No

If Yes, please provide a copy of the approved designation.

If Yes, will an additional four (4) years of tax relief be requested? ____ Yes ____ No

If Yes, please provide documentation that the work being done will be conducted in accordance with the U.S. Secretary of Interior's Standards for Rehabilitation.

Description of Existing Uses: _____

Is there a change of use associated with the project? ____ Yes ____ No If Yes, please describe:

Will the project result in new residential units? ____ Yes ____ No If Yes, please describe:

Will the project include affordable housing? ____ Yes ____ No If Yes, please describe:

Will any state or federal grants or funds be used in this project? ____ Yes (Amount: _____) ____ No

If Yes, does this amount exceed 50% of the estimated costs of construction? ____ Yes ____ No

If Yes, the project is not eligible for tax relief under RSA 79-E.

If Yes, please describe any terms of repayment: _____

For a rehabilitation, please describe the work to be done and estimated cost (you may attach additional sheets if necessary):	
Structural:	\$
Electrical:	\$
Plumbing/Heating:	\$
Mechanical:	\$
Other:	\$

Please attach any written construction estimates or contracts, and any plot plans, building plans, sketches, renderings or photographs that would help explain this application.

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.”]

[Article 28, voted in the affirmative 3/12/2022 by the Annual Town Meeting, by voice vote, read as follows: “To see if the Town will vote to authorize the Select Board and the Conservation Commission to place conservation easements on all present and future Jaffrey conservation properties and town forests (designated as such in accordance with RSA 31:110). These easements, which require approval by the Select Board, will assure permanent protection for all Jaffrey conservation properties and town forests.”]

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 I SPECIAL FUNDS

[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.]

[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 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.”]

FINANCE DEPARTMENT

[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.” {Amended by Article 17, voted in the affirmative 3-18-2023 by the Annual Town Meeting, established the Select Board 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.” {Amended by Article 16, voted in the affirmative 3-18-2023 by the Annual Town Meeting, established the Select Board as agents to expend.}]

[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.**”] 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 17, voted in the affirmative 3-16-2019 by the Annual Town Meeting, by voice vote, to amend as follows, “Furthermore, to appoint the Selectmen as agents to expend from the 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.]

FINANCE DEPARTMENT

[Article 21, voted in the affirmative 3-9-04 by the Annual Town Meeting, by voice vote, reads as follows: “To see if the town will vote to amend its vote on Article 30 from the 2003 Town Meeting which allows for 75% of the Land Use Change Tax to be deposited into the Conservation Fund and 25% to the General Fund. All proceeds from the Land Use Change Tax would now be deposited as follows: 50% to the General Fund and 50% to the Conservation 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 22, voted in the affirmative 3-15-2008 by the Annual Town Meeting, by ballot vote, reads 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.”]

[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.”]

FINANCE DEPARTMENT

[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 3/15/14 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 4, voted in the affirmative 3-25-17 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 **Fire Special Details**. All revenues received for Fire 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 9, voted in the affirmative 3-25-17 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 the provisions of RSA 35:1 for the purpose of acquiring land, completing design and engineer and constructing a Town Office building, to raise and appropriate the sum of \$50,000 (Fifty Thousand Dollars) to be placed in this fund (to be known as the **Town Office Capital Reserve Fund**), and to appoint the Select Board as agent to expend.”]

[Article 12, voted in the affirmative 3-25-17 by the Annual Town Meeting, by voice vote, reads as follows: “To see if the Town will vote to establish a **TIF District Capital Reserve Fund** under the provisions of RSA 35:1 for the purpose of funding infrastructure enhancements to the Downtown area, to raise and appropriate the sum of \$40,000 (Forty Thousand Dollars) to be placed in this fund, and to appoint the Select Board as agent to expend. Funds are to come from the Downtown Tax Increment Finance District.”]

FINANCE DEPARTMENT

[Article 19, voted in the affirmative 3-25-17 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 the provisions of RSA 35:1 for the purpose of design, engineer and rehabilitate bridges throughout Jaffrey, to raise and appropriate the sum of \$50,000 (Fifty Thousand Dollars) to be placed in this fund (to be known as the **Bridge Rehabilitation Capital Reserve Fund**), and to appoint the Select Board as agent to expend.”]

[Resolution 2018-26, voted unanimously by the Select Board on June 25, 2018, “Under the provision of NH RSA 35:7, the Jaffrey Board of Selectmen, as the local governing body for the Town of Jaffrey, does hereby by unanimous vote establish a capital reserve fund for the Jaffrey Water Department to be effective as of the date of passing.” For the purpose of capital repair and replacement of assets, excluding vehicles, of the Jaffrey Water Department, and allocate \$370,000 from the Water Fund Surplus. Funds are to be under the custody of the Trustees of the Trust Fund and withdrawal shall be upon written instruction from the Board of Selectmen.]

[Article 21, voted in the affirmative 3-16-2019 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 for the purpose of purchasing new or refurbishing existing police cruisers , to raise and appropriate the sum of \$50,000 (Fifty Thousand Dollars) to be deposited into this fund (to be known as the **Police Cruiser Replacement Capital Reserve Fund**), and to appoint the Select Board as agent to expend.”]

[Resolution 2019-6, voted unanimously by the Select Board on April 8, 2019, “Under the provision of NH RSA 35:7, the Jaffrey Board of Selectmen, as the local governing body for the Town of Jaffrey, does hereby by unanimous vote to establish a capital reserve fund for the **Jaffrey Water Department** to be effective as of date of passing. The purpose of this fund is for the development of a new water supply. The Board does hereby vote to allocate \$80,000 from the Water Fund Surplus. Said funds are to be under the custody of the Trustee of the Trust Fund. Withdrawal from this Capital Reserve Fund shall be upon written instruction from the Board of Selectmen.”]

[Article 34, voted in the affirmative 6-6-2020 by the Annual Town Meeting, by card vote, reads as follows: “To see if the Town will vote to establish a reserve fund under RSA 35 for the purpose of funding the Jaffrey 250th Celebration, to raise and appropriate the sum of \$7,500 (Seven Thousand Five Hundred Dollars) to be deposited into this fund (to be known as the **Jaffrey 250th Celebration Reserve Fund**), and to designate the Select Board as agent to expend.”]

FINANCE DEPARTMENT

[Resolution 2020-8, voted unanimously by the Select Board on December 14, 2020, “1) Under the provision of RSA 35:7, create the **Jaffrey Sewer Department Capital Reserve Fund** for the purpose of capital repair and replacement of assets, excluding vehicles, of the Jaffrey Sewer Department. Withdrawal from this reserve fund shall be upon written instruction from the Board of Selectmen. 2) Dissolve the Sewer Department fund created in 2014 (no balance). 3) Dissolve the Sewer-Septage Upgrades fund created in 2015 and transfer all remaining funds (~\$55,994) to the newly created Jaffrey Sewer Department Capital Reserve Fund.”]

[Article 12, voted in the affirmative 4-24-2021 by the Annual Town Meeting, by card vote, reads as follows: “ To see if the Town will vote to establish a capital reserve fund under RSA 35 for the purpose of paving and road reconstruction, to raise and appropriate the sum of \$575,000 (Five Hundred Seventy-Five Thousand Dollars) to be deposited into this fund (to be known as the **Road Paving Capital Reserve Fund**), and to designate the Select Board as agent to expend.”]

[Article 27, voted in the affirmative 4-24-2021 by the Annual Town Meeting, by card 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 recreation vehicles and equipment, and to raise and appropriate the sum of \$25,000 (Twenty-Five Thousand Dollars) to be deposited into this fund (to be known as the **Recreation Equipment Capital Reserve Fund**), and to designate the Select Board as agent to expend.”]

[Article 28, voted in the affirmative 4-24-2021 by the Annual Town Meeting, by card vote, reads as follows: “To see if the Town will vote to establish an expendable trust fund under RSA 31:19-a for the purpose of funding retirement leave buyouts, and to raise and appropriate the sum of \$10,000 (Ten Thousand Dollars) to be deposited into this fund (to be known as the **Retirement Buyout Expendable Trust Fund**), and to designate the Select Board as agent to expend.”]

[Article 26, voted in the affirmative 3-12-2022 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 the provisions of RSA 35 for the purpose of funding infrastructure enhancements to the Stone Arch Bridge Tax Increment Finance District, to raise and appropriate the sum of \$40,000 (Forty Thousand Dollars) from the Stone Arch Bridge Tax Increment Finance District to be placed in this fund, to be known as the **Stone Arch Capital Reserve Fund**, and to appoint the Select Board as agent to expend.”]

ARTICLE II
FEEES

Fees for Regulatory Process.

[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.”]

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."]

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

ARTICLE IV Land Use Board Alternates

[Article 36, voted in the affirmative by card vote on 6-6-2020 by the Annual town Meeting, read in the warrant as follows: “To see if the Town will vote to authorize the Board of Selectmen to appoint up to 5 alternate members to the Zoning Board of Adjustment and up to 5 alternate members to the Planning Board in accordance with RSA 673:6.”]

2. 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.

3. 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.

4. 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

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?”]

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.’”]

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 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.”]

ARTICLE VIII

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.”]

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.”]

ARTICLE X Engraving on Town-Owned War Memorials

[Voted unanimously on 6/14/2021 by the Select Board as follows: “It shall be the policy of the Town of Jaffrey to establish eligibility for engraving on any town-owned war memorial, the named individual must have been a resident of the Town of Jaffrey upon entry into military service as stated on the service member’s DD-214.”]

ARTICLE XI Lighting in the Downtown Historic District

[Voted unanimously on 6/27/2022 by the Select Board as follows: “Current lighting in the Downtown Historic District promotes the historical character in the downtown area. In accordance with the design standards stipulated in the Land Use Code, we desire to create a sense of entry and cohesion in established gateways and enhance Jaffrey’s sense of place and community. Therefore, to reinforce our design standards, the Jaffrey Select Board establishes policy that all lighting fixtures replaced or newly installed in the Downtown Historic District shall maintain historic character and cohesion with existing lighting fixtures.”]

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

SOCIAL MEDIA

ARTICLE I

Communication and Social Media Policy & Guidelines [Adopted 7-24-2017 by the Jaffrey Select Board]

The Town of Jaffrey strives to provide its citizens and the general public accurate and timely information, communicated in a professional manner and in accordance with public access laws. The Town has several objectives when doing so:

- To effectively inform citizens and municipal officials about the Town of Jaffrey.
- To provide timely notice and information regarding municipal meetings, events or issues of importance to our citizens.
- To demonstrate the value and services the Town of Jaffrey provides.
- To engage the community and foster an effective relationship between the Town and its citizens.

This policy provides guidelines for all external communications from the Town of Jaffrey using various media including:

- Electronic information tools such as the Town of Jaffrey website, municipally related websites or social media sites.
- Printed materials produced by the town for citizen education efforts.
- Media relations such as requests for interviews, news releases and media inquiries.
- Direct contact with citizens or other members of the general public.

General Guidelines for All Communication

Town of Jaffrey employees have a responsibility to help communicate accurate and timely information to staff and the public in a professional manner. Any employee who identifies a mistake in reporting should bring the error to the attention of the author or other appropriate staff.

Handling General Requests: Staff is responsible for communicating basic and routine information to the public in relation to their specific job duties. Requests for private data or information outside of the scope of an individual's job duties should be routed to the appropriate department or to the employee's supervisor.

Handling Media Requests: Except for basic information that is readily available to the public, requests for interviews or information from the media should be routed to the appropriate Department Head or Town Manager. Media requests include contact from those who say they represent any form of media, including print publications, television, radio and informational websites.

Electronic and Social Media Communication

The Town of Jaffrey communicates to citizens and the public via its website.

www.townofjaffrey.com is our primary internet presence. Social media includes sites such as Facebook, Twitter and others. The town recognizes members of the public increasingly gather information through these and other electronic sites. Therefore, it is necessary to use these tools to communicate effectively and fully.

The best and most appropriate use of social media generally fall into three categories:

- Disseminate time-sensitive material quickly.
- Enhance the Town of Jaffrey's ability to put its messages before the widest audience possible.
- Initiate transparent conversations among the town, the media and citizens.

The Town of Jaffrey recognizes the instantaneous, yet permanent, nature of these electronic tools can pose risk without effective controls. The key point for consideration is information and statements posted on websites and through social media directly reflect on the Town of Jaffrey. Therefore, great care should be exercised when posting. The Town of Jaffrey will post its Facebook page as a non-interactive, public & government service page where outside posts are limited.

Communication via electronic and social media on behalf of the Town of Jaffrey can only be done by Department Heads or designated staff.

Personal Communication

It is important for employees to remember that some personal communication may reflect on the Town of Jaffrey, especially when commenting on anything political in nature; federal, state or local government activities; or, Town of Jaffrey business. The following guidelines apply to personal communication including various forms of social media, letters to the editor of newspapers, or personal endorsements:

- What you write is public and may be for a long time. It may spread to large audiences. Use common sense when using email or social media sites. It is a good idea to refrain from sending or posting information you would not want your supervisor or other employees to read, or that you would be embarrassed to see in a newspaper or on a prominent website.
- The Town of Jaffrey expects its employees to be truthful, courteous and respectful toward coworkers, citizens, customers and other people associated with the town. Do not engage in name-calling or personal attacks.
- In the workplace, town employees should always identify themselves as such during official communication.

- Town of Jaffrey resources and working time should not be used for personal profit or business interests, or to participate in personal political activity.
- Personal social media account names or email names should not be tied to the Town of Jaffrey.

This guideline does not supersede the Employee Handbook's Electronic Usage Policy.

**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.”]

6. 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.

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.

7. 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.”]

WAR MEMORIALS

Chapter 91

ARTICLE I

Eligibility for Engraving on Town Owned War Memorials

[Voted in the affirmative xxxx by the Jaffrey Board of Selectmen: “It shall be the policy of the Town of Jaffrey to establish eligibility for engraving on any town-owned war memorial, the named individual must have been a resident of the Town of Jaffrey upon entry into military service as stated on the service members DD-214.”]

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.

8. 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.

9. 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.

10. 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.

11. 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.

Editor's Note: See also RSA 672 through RSA 677.

§ 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, beaches (10-14-2019) or buildings within the limits of the Town of Jaffrey, New Hampshire. This section shall also apply (subject to a memorandum of understanding between the town and property owner authorizing enforcement of this ordinance) to private property that is open to the public for special events and to private property with deeded public access (10-14-2019).

§ 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

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

ARMISTICE DAY / VETERANS DAY

Chapter 111

VETERANS DAY

[Article 37, voted in the affirmative by Town Meeting on March 16, 2019, read: To see if the Town of Jaffrey will re-affirm the importance of its recognition of proudly honoring veterans, and all veterans, by observing Veterans Day at 11:00 am on the 11th day of the 11th month of the year. This day, originally named Armistice Day, was established to commemorate the ending of World War I, “The Great War”, in 1918.]

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.

18. 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.
 - 19. 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 – KENO

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]

20. 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.”

KENO

[Article 3, voted in the affirmative 3-13-2018 by official ballot at the Annual Town Meeting, reads as follows: “To see if the Town of Jaffrey will vote to allow the operation of KENO games within the Town pursuant to the provisions of NH RSA 284:41 through 51.”]

GENERAL REFERENCES

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

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.

COMMUNITY POWER

Chapter 122

COMMUNITY POWER PLAN

[Article 21, voted in the affirmative 3-18-2023 by the Annual Town Meeting, reads as follows: “To see if the Town will vote to adopt the Jaffrey Community Power Electric Aggregation Plan, which authorizes the Select Board to develop and implement Jaffrey Community Power as described therein (pursuant to RSA 53-E:7). The program would provide a new default electric supply and new renewable energy supply options for customers in Jaffrey. There is no impact on the Town’s operating budget, and there is no obligation to participate. Customers can opt out at any time and return to utility default service.]

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.

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

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?"]

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 B 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); \$100 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); \$200 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) \$400 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.

(Penalties updated by Select Board on 12-11-2017.)

§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.

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:

21. 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.
 22. 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.
 23. Isomerization devices used, intended for use, or customarily intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
 24. Testing equipment used, intended for use, or customarily intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
 25. Scales and balances used, intended for use, or customarily intended for use in weighing or measuring controlled substances.
 26. 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.
27. 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:
28. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.
29. Water pipes.
30. Carburetion tubes and devices.
31. Smoking and carburetion masks.
32. 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:

33. Statements by an owner or by anyone in control of the object concerning its use.
 34. 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.
 35. The proximity of the object, in time and space, to a direct violation of New Hampshire Revised Statutes Annotated.
 36. The proximity of the object to controlled substances.
 37. The existence of any residue of controlled substances on the object.
 38. 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.
39. National land 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.

40. 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. 18q.

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 September 14, 2016 and expires on September 13, 2021, 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 (March, 2016) drawn by 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.

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.]

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

41. 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

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

43. Road is any highway, road street, avenue, lane, private way, fire road, or similar paved, gravel, or dirt way within the Town of Jaffrey.

44. Improved property is any property on which a more or less permanent structure has been erected or placed.

45. 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

46. The Board of Selectmen shall be responsible for maintain the following records of the numbering system:

47. Dispatch Map of the Town of Jaffrey; and

48. An alphabetical list of all property owners as identified by current assessment records, by last name, showing the assigned numbers; and

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

Article V
NAMING AND NUMBERING SYSTEM

50. Property Numbers

51. Each residence and business property shall have a number indicating its position on the road on which it is located.
52. In general, one whole number on each side of the road shall be assigned for every fifty (50) feet interval of road frontage.
53. 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

54. 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.
55. 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.
56. 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.
57. 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.
58. 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

59. 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.
60. 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.
61. 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

62. Unlawful to deface assigned numbers or road signs.
63. No person may knowingly alter, deface, or remove any number placed on any property in accordance with this ordinance.
64. No person may alter deface, or remove any road sign erected in the Town of Jaffrey.
65. 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

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

68. 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.
69. Amendment:
70. No regulation or amendment of this ordinance shall be adopted until after the Selectmen of the Town have held a public hearing.
71. Amendments to this Ordinance shall be considered following petition, recommendation of the Police and Fire Department, the Ambulance Squad, or motion of a Selectman.
72. Effective Date:
73. This ordinance shall be enacted and be of full force and effect on June 1, 1999.
74. 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.
75. 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.

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

KENO

Chapter 143

KENO

[Article 3, voted by official ballot 697-688 on March 13, 2018 reads as follows: To see if the Town of Jaffrey will vote to allow the operation of KENO games within the town pursuant to the provisions of NH RSA 284:41 through 51.]

LITTER ORDINANCE

Chapter 149

LITTER ORDINANCE

77. 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.

78. 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.

79. 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).

80. 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:

- 81. 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;

82. Material collected or documented that relates the deposited litter or other waste material to an individual or party; or

83. 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:

84. 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. 167.

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

85. 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.
86. 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:

87. **Intraproperty Real Property Division:** Shall mean the ceilings, walls, floors, doors, and windows of any duplex, multifamily, or condominium dwelling, or structure that separate the real property leased or owned by one person from that owned or leased by another person.
88. **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.
89. **Public Right-of-way:** Any street, avenue, highway, sidewalk, or alley or similar place that is owned or controlled by a governmental entity.
90. **Public Space:** Any real property or structure thereon that is owned or controlled by a governmental entity.

91. **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:

- 92. Rural (both with and without Town water);
- 93. Residence A and Residence B;
- 94. Commercial and General Business; and
- 95. Industrial

Article V NOISE DISTURBANCES – PROHIBITED TIME RESTRICTIONS

96. It shall be unlawful to cause a noise disturbance as defined herein during the following hours and within the following zoning districts:
97. **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.
98. **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.

99. 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.

100. It shall be unlawful to operate a motor vehicle in the following manner:
101. 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.
102. A motor vehicle operator shall not make any loud, unusual, or unnecessary noise occasioned by one or more of the following:
103. 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;
104. Misuse of braking power exceeding the tire traction limits in deceleration when there is not emergency;
105. 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
106. 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:

107. Noise of safety signals, warning devices, and emergency pressure relief valves;
108. Noises from any authorized vehicle when responding to an emergency call or acting in time of an emergency;
109. Noises from emergency maintenance work as performed by the Town, State, or public utility companies, including snow removal operations;
110. Municipal or State maintenance work in any public right-of-way;
111. 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:

112. 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
113. 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**

114. 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.
115. 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.”

Note: The No Trespassing Ordinance is cited in Cemeteries 1702, Parks and Playgrounds 15501 and Town Land 18202.

**ARTICLE IV
PARKING AT TOWN BEACHES**

Parking for designated Jaffrey town beaches (Contoocook Beach and Shattuck Park) shall be limited to only permitted vehicles of town residents in areas designated for such parking, or as otherwise directed by the Select Board. Only vehicles displaying a valid Town of Jaffrey Transfer Station Permit shall be allowed to park at the town beaches parking areas.

This ordinance is not intended and shall not be construed as restricting the recreational use of the public beaches by the general public.

This ordinance is not intended and shall not be construed to be inconsistent with any existing ordinance of the Town of Jaffrey related to town beaches.

A person who violates of any of the provisions of this ordinance shall be subject to a fine of not less than fifty dollars (\$50), and may be towed to an appropriate containment facility at the vehicle owner's expense.

Voted by the Jaffrey Select Board on 9/28/2020

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:” with an amendment by Selectman Sterling to change the last line under Article VI (minutes include scrivener’s error citing Article IV) to read as follows “The Selectmen may impose fees for the disposal of the items listed above to recover costs incurred by the Town with the exceptions of items A & B in Article VI.”

(Article 4, voted in the affirmative 3/13/2018 by official ballot, at the Annual Town Meeting as follows: “To see if the Town will vote to adopt the following amendment to the Jaffrey Transfer Station/Recycling Ordinance, as proposed by the Jaffrey Select Board, to be voted on by Official Ballot: 1. Are you in favor of amending Article VI: Acceptable Wastes to add the language: The Selectmen may, to recover or defer costs incurred by the Town for acceptable wastes, utilize scale and disposal services from outside sources for the disposition of construction and demolition waste?)

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 with the exceptions of items A & B. The Selectmen may, to recover or defer costs incurred by the Town for acceptable wastes, utilize scale and disposal services from outside sources for the disposition of construction and demolition waste. 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”;
- B. Medical or veterinary waste;
- C. Sludge or septic waste;
- D. 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.

ROADS

Chapter 158

Article I

ROADS RECLASSIFIED OR DISCONTINUED

[Article 23, voted in the affirmative 3-25-2017 by the Annual Town Meeting, by voice vote, reads as follows: “To see if the Town will vote to discontinue absolutely and completely that portion of Cheshire Street from the easterly side of the intersection of White Road and Cheshire Street running southeasterly to the point where Cheshire Street intersects with US Route 202 (aka Peterborough Street) running through the property of DD Bean and Sons Company, lying outside the present NHDOT right-of-way of US Route 202 that has not been previously discontinued absolutely and completely. The Town shall retain the right to maintain the existing utilities within the section of road subject to this discontinuance. This discontinuance also preserves the right-of-way from US Route 202 to the Property of DD Bean and Sons Company Map 245 Lot 130.”]

[Article 30, voted in the affirmative 4-24-2021 by the Annual Town Meeting, by card vote, reads as follows: “To see if the Town will vote to reclassify Class VI **Carey Road** to a Class B trail, from 150 (One Hundred Fifty Feet) feet from the edge of pavement on Carey Road westerly to the Contoocook River.”]

[Article 31, voted in the affirmative 4-24-2021 by the Annual Town Meeting, by card vote, reads as follows: “To see if the Town will vote to reclassify Class VI Sherwin Hill Road to a Class A trail, from Squantum Road southwesterly to the Rindge town line.”]

SEWERS

Chapter 159

SEWERS

Adopted by the Jaffrey Select Board on January 23, 2017.

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**MUNICIPAL SEWER USE ORDINANCE
TOWN OF JAFFREY, NEW HAMPSHIRE**

Pursuant to enabling authority in New Hampshire Revised Statutes Annotated 149-I:6, or revisions thereto, the following is an Ordinance regulating the use of public and private sewers, private wastewater disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system(s), and providing penalties for violations thereof in the Town of Jaffrey (Town), County of Cheshire, State of New Hampshire.

Be it ordained and enacted by the Selectmen of the Town of Jaffrey, State of New Hampshire as follows:

ARTICLE I – GENERAL PROVISIONS

Section 1.1 Purpose and Policy

This Ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) of the Town and enables the Town to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*), and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this Ordinance are:

A. To promote the following:

- The prevention or reduction of pollutants at the source whenever feasible;
- Recycling in an environmentally safe manner when the creation of pollutants cannot be prevented;
- Treatment in an environmentally safe manner of pollution that cannot be prevented or recycled; and
- Disposal or other release into the environment in an environmentally safe manner only as a last resort.

To encourage the development of these efforts, the Town may:

- Set Town-wide pollution prevention goals;
- Organize a pollution prevention program task force;
- Review data and inspect sites;
- Develop pollution prevention options;
- Conduct a feasibility analysis of selected options; and
- Promote implementation of pollution prevention techniques.

B. To prevent the introduction of pollutants into the POTW that will interfere with its operation;

C. To prevent the introduction of pollutants into the POTW that will pass through the POTW inadequately treated into receiving waters or otherwise be incompatible with the POTW;

D. To protect both POTW personnel who may be affected by wastewater and biosolids in the course of their employment and the general public; to promote reuse of biosolids from the POTW;

- F. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and
- G. To enable the Town to comply with its National Pollutant Discharge Elimination System permit conditions, biosolids use and disposal requirements, State of New Hampshire Administrative Rules (RSA 485-A, or revisions thereto), and any other Federal or State laws to which the POTW is subject.

This Ordinance shall apply to all users of the POTW. The Ordinance authorizes the issuance of industrial wastewater discharge permits (IDPs); provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. These activities collectively are referred to as the Town's *Industrial Pretreatment Program*, and represent an ongoing administrative element of the Town's activities.

Section 1.2 Administration

Except as otherwise provided herein, the Board of Selectmen (BOS) through the Director of Public Works (Director) shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the BOS may be delegated by the BOS to other Town personnel or representatives.

Section 1.3 Acronyms

The following acronyms, when used in this Ordinance, shall have the following designated meanings:

- BOD - Biochemical Oxygen Demand
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand
- EPA - United States Environmental Protection Agency
- GPD - gallons per day
- IDP - Industrial Wastewater Discharge Permit
- mg/L - milligrams per liter
- NHDES - New Hampshire Department of Environmental Services
- NPDES - National Pollutant Discharge Elimination System
- POTW - Publicly Owned Treatment Works
- TSS - Total Suspended Solids
- U.S.C. - United States Code
- °F, °C - degrees Fahrenheit, degrees Celsius

Section 1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

A. Authorized Representative of the User

1. If the user is a corporation:
 - a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedure.
2. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
3. If the user is a Federal, State, or local governmental facility: a director or the highest official appointed or designated to directly oversee the operation and performance of the activities of the government facility, or their designee.
4. The individuals described in paragraphs (1) through (3), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the user, and the written authorization is submitted to the Town.

B. Best Management Practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the pollutant control prohibitions of this Ordinance. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

C. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20°C, usually expressed as a concentration (*e.g.*, mg/L).

D. Builder. A person or persons building or constructing a structure or structures that will or could discharge wastewater or industrial waste to the Town's POTW.

E. Building Drain. That part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer. The building drain includes the first five (5) linear feet of plumbing outside of the building as measured from the inner face of the building wall.

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1. Sewer Stub (or Street Lateral) shall mean that portion of the building sewer extending from the public sewer (main, lateral, or branch) to the property line and is available to receive the building sewer connection.
 2. Building Sewer Connection shall mean the pipe installed from the property line to the building drain to receive the wastewater generated by a building or household.
- F. Bypass. The intentional diversion of waste streams from any portion of a pretreatment or wastewater treatment facility.
- G. Categorical Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Clean Water Act (33 U.S.C. § 1317) that applies to a specific category of industrial users and that are found in 40 CFR, Subchapter N, Parts 405 through 471.
- H. Color. The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.
- I. Composite Sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
- J. Conservative Pollutant. A pollutant that is presumed not to be destroyed, biodegraded, chemically transformed, or volatilized within the POTW. Conservative pollutants introduced to a POTW ultimately exit the POTW solely through the POTW's effluent and biosolids. Most metals are considered conservative pollutants.
- K. Contractor. The person constructing the building sewer.
- L. Developer. The person or persons planning a structure or structures that will or could discharge wastewater to the Town's POTW.
- M. Dilution. Any increase in the use of water as a partial or complete substitute for adequate treatment to achieve compliance with a limitation on the discharge of pollutants.
- N. Director. The person designated by the Town to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Ordinance, or a duly authorized representative.
- O. Easement. An acquired legal right for the specific use of land owned by others.
- P. Environmental Protection Agency (EPA). The U.S. Environmental Protection Agency or, the Region 1 Water Management Division Director, or other duly authorized official of the agency.
- Q. Equalization. The process of combining wastewaters to dampen fluctuations in flow or pollutant discharges prior to release to the sanitary sewer or pretreatment facilities. Equalization is normally accomplished in sumps, holding basins, ponds, or tanks.
- R. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Clean Water Act.

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- S. Force Main. A pipe or conduit constituting a part of the sewer system where pumping is required; providing a connection from a pump station to a pump station or gravity sewer, with limited access from individual properties.
- T. Garbage. Animal and vegetable food waste resulting from the handling, storage, packaging, sale, preparation, cooking, and serving of foods.
- U. Grab Sample. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- V. Gravity Sewer. Any pipe or conduit constituting a part of the sewer system used or usable for wastewater collection purposes in which wastewater flows by gravity with no pumping required.
- W. Grease. That material removed from a grease interceptor or grease trap serving a restaurant or other facilities requiring such a device. Also means volatile and non-volatile residual fats, fatty acids, soaps, waxes and other similar materials.
- X. Hauler. Those persons, firms, or corporations, who pump, haul, transport, or dispose of septage and/or trucked industrial waste, and who are licensed by the Commissioner of the New Hampshire Department of Environmental Services and conform to the requirements set forth in RSA 485-A, or revisions thereto.
- Y. Health Officer. The person designated by the Town to implement programs pertaining to the public health and safety, and who is charged with certain duties and responsibilities by this Ordinance, or a duly authorized representative.
- Z. Human Excrement and other Putrescible Material. The liquid or solid matter discharged from the intestinal canal of man or other liquid or solid waste materials that are likely to undergo bacterial decomposition; provided, however, that these terms shall not include garbage as defined by RSA 485-A, or revisions thereto.
- AA. Improved Property. Any property located within the Town upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure wastewater will be or may be discharged.
- BB. Industrial Wastewater Discharge Permit (IDP). The written permit between the Town and an industrial user that discharges wastewater to the POTW, which outlines the conditions under which discharge to the POTW will be accepted.
- CC. Industrial User (or User). A person who discharges industrial wastewater to the sanitary sewer of the Town.
- DD. Industrial Waste. Any liquid, gaseous or solid waste substance from any process or from development of any natural resource by industry, manufacturing, trade, or business.
- EE. Industrial Wastewater. Any wastewater that contains industrial waste, as distinct from sanitary sewage or unpolluted water.

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- FF. Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
- GG. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, may cause of a violation of the Town's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of biosolids use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued hereunder, or any more stringent State or local regulations: Section 405 of the Clean Water Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State biosolids management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; the Marine Protection, Research, and Sanctuaries Act; and the 40 CFR Part 503 Standards for Sewage Sludge Use and Disposal.
- HH. Local Limits. Specific, enforceable numerical limits on the types and quantities of pollutants that may be discharged to the POTW. Local limits are established by the Town and are distinct from State and federal limitations on the discharge of industrial wastewater to the POTW.
- II. May. Is allowed to (permissive); see also “Shall.”
- JJ. Medical/Infectious Waste. Any solid waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals. Examples include isolation wastes, infectious agents, human blood and blood products, pathological wastes, chemotherapy wastes, sharps, body parts, contaminated bedding, surgical wastes and specimens, potentially contaminated laboratory wastes, trauma scene wastes, sharps waste and dialysis wastes.
- KK. National Pollutant Discharge Elimination System (NPDES) Permit. A permit issued pursuant to Section 402 of the Clean Water Act (33 U.S.C. § 1342).
- LL. Natural Outlet. Any channel for the passage of water into a river, stream, ditch, pond, lake, bay, marsh, ocean, watercourse or other body of surface water or groundwater. This includes the outlets from storm sewers, and the overflows from sewers that carry a combination of wastewater and storm water.
- MM. New Source.
1. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced subsequent to the publication of proposed pretreatment standards under Section 307(c) of the Clean Water Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

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- c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
 2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section 1. (a) or 1. (b) above but otherwise alters, replaces, or adds to existing process or production equipment.
 3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - a. Begun, or caused to begin, as part of a continuous on-site construction program
 - i. any placement, assembly, or installation of facilities or equipment; or
 - ii. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment that is intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- NN. Nonconservative Pollutant. A pollutant that is presumed to be destroyed, biodegraded, chemically transformed, or volatilized within the POTW, to some degree.
- OO. Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product and is not degraded in quality by mixing with or addition of process waste or pollutants other than heat.
- PP. Notice. Written notice forwarded by document delivery service postage prepaid to any person's last known address.
- QQ. Owner. Any person vested with ownership, legal or equitable, sole or partial, or possession of any improved property.
- RR. Pass Through. A condition that exists when a discharge contains substances or their reaction or degradation products that exit the POTW in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Town's NPDES permit, including an increase in the magnitude or duration of a violation.

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- SS. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and Local governmental entities.
- TT. pH. A logarithmic measure devised to express the hydrogen ion concentration of a solution, expressed in Standard Units. Solutions with pH values greater than 7 are basic (or alkaline); solutions with pH values less than 7 are acidic.
- UU. Pharmaceutical Waste. Means a prescription drug, as defined by RSA 318:1, XVII, or a nonprescription or proprietary medicine, as defined by RSA 318:1, XVIII, that is no longer suitable for its intended purpose or is otherwise being discarded.
- VV. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, garbage, wastewater treatment sludges, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (*e.g.*, pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- WW. Pollution Prevention. The use of processes, practices or products that reduce or eliminate the generation of pollutants and wastes or that protect natural resources through equipment or technology modifications; process or procedure modifications; reformulation or redesign of products; substitution of raw materials; and improvements in housekeeping, maintenance, training, or inventory control. The term "pollution prevention" does not include any practice that alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or contaminant through a process or activity that itself is not integral to and necessary for the production of a product or the providing of a service.
- XX. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- YY. Pretreatment Requirement. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- ZZ. Pretreatment Standard or Standard. Prohibited discharge standards, categorical pretreatment standards, and local limits.
- AAA. Prohibited Discharge Standard or Prohibited Discharge. An absolute prohibition against the discharge of a certain substance. Prohibited discharge standards appear in Section 2.6 of this Ordinance.
- BBB. Property Owner. The person owning an improved or unimproved property in the Town.

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- CCC. Publicly Owned Treatment Works (POTW). A “treatment works,” as defined by Section 212 of the Clean Water Act (33 U.S.C. §1292) that is owned by the Town. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sanitary sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if these structures convey wastewater to a POTW wastewater treatment facility. The term also means the municipality that has jurisdiction over discharges to and the discharges from such a treatment works.
- DDD. Public Sewer. A sewer controlled by a government agency or public utility.
- EEE. Radiological Waste. Means radioactive waste as regulated by RSA 125-F.
- FFF. Sanitary Sewage. Wastewater consisting solely of normal water-carried household and toilet wastes or waste (such as human excrement and gray water [showers, dishwashing operations, etc.]) from sanitary conveniences of residences, commercial buildings, and industrial plants, as distinct from industrial wastewater and unpolluted water.
- GGG. Sanitary Sewer. A public sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial facilities, and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
- HHH. Screening Level. A numerical value for a pollutant concentration above which actions are initiated to evaluate, prevent or reduce adverse environmental or health and safety impacts. A screening level may be adjusted upward or downward within an IDP to account for site-specific conditions at the point of discharge and administered as a local limit.
- III. Septage. Any liquid, solid, or sludge pumped from chemical toilets, vaults, septic tanks, or cesspools or other holding tanks, which have received only sanitary sewage.
- JJJ. Septage Tank Truck. Any watertight vehicle that is used for the collection and hauling of septage and that complies with the regulations of the New Hampshire Department of Environmental Services.
- KKK. Sewer. A pipe or conduit that carries wastewater (including industrial wastewater, sanitary sewage, storm water, groundwater, subsurface water, or unpolluted water) from any source.
- LLL. Shall. Is required to (mandatory). See also "May."
- MMM. Significant Industrial User.
1. A user subject to categorical pretreatment standards under 40 CFR 403.8 and 40 CFR Chapter I, Subchapter N; or

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2. A user that:
 - a. Discharges an average of ten thousand (10,000) gpd or more of industrial wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);
 - b. Contributes industrial wastewater that comprises five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;
 - c. Discharges medical/infectious waste, pharmaceutical waste, or radiological waste; or
 - d. Is designated as such by the Town on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
3. The Town may determine that an Industrial User subject to Categorical Pretreatment Standards under §403.6 and 40 CFR chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total Categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - a. The Industrial User, prior to the Town's finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;
 - b. The Industrial User annually submits the certification statement required in §403.12(q) together with any additional information necessary to support the certification statement; and
 - c. The Industrial User never discharges any untreated concentrated wastewater.
4. Upon determining that a user meeting the criteria in 2(a) or 2(b) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Town may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f) (6), determine that such user should not be considered a significant industrial user.

NNN. Significant Noncompliance. An industrial user is in significant noncompliance if its violation meets one of the following criteria:

1. Chronic violations. A pattern of violating a numeric pretreatment standard or requirement, including instantaneous limits (any magnitude of exceedance) sixty-six percent (66%) or more of the time in a 6-month period;
2. Technical Review Criteria (TRC violations). Thirty-three percent (33%) or more of the measurements exceed the same numeric pretreatment standard or requirement, including instantaneous limits, by more than the TRC factor in a 6-month period [The TRC factor is 1.4 for BOD, TSS, oil & grease and 1.2 for all other pollutants except pH.];

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3. For pH monitoring, excursions shall be considered significant noncompliance when:
 - a. The total time during which the pH values are outside the required range of pH values exceeds 7 hours and 26 minutes in any calendar month; or
 - b. An individual excursion from the allowable range of pH values exceeds 60 minutes; or
 - c. Any pH value below 5.0 S.U.; or
 - d. Any pH excursion that the Director believes has endangered the structural integrity of the POTW, the health of the POTW personnel or the general public.
4. Any other discharge violation that the Director believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
5. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Director's exercise of emergency authority to halt or prevent such a discharge;
6. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an IDP or enforcement order for starting construction, completing construction, or attaining final compliance;
7. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, IDP applications, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
8. Failure to accurately report noncompliance; or
9. Any other violation(s) or group of violations, which may include a violation of Best Management Practices, that the Director determines will adversely affect the operation or implementation of the local pretreatment program.

OOO. Slug. Means:

1. Any discharge of water or wastewater that, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation;
2. Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in Section 2.6 of this Ordinance; or
3. Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or adversely affect the collection system and/or performance of the POTW.

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- PPP. State. The State of New Hampshire.
- QQQ. Storm Water. Any flow occurring during or following any form of natural precipitation and resulting there from, including snowmelt.
- RRR. Storm Sewer. A sewer for conveying storm water, groundwater, subsurface water, or unpolluted water from any source.
- SSS. Street Lateral (see also Building Sewer Stub). That portion of a public sewer lying within a public street connecting a building sewer connection to the main sewer.
- TTT. Total Suspended Solids (TSS). A measure of the suspended matter present in wastewater, effluent, or water bodies, as determined by an approved test method. Also called Nonfilterable Residue.
- UUU. Town. The Town of Jaffrey, Cheshire County, a municipality of the State of New Hampshire, acting by and through its Selectmen or, in appropriate cases, acting by and through its authorized representatives, including the Director.
- VVV. Unpolluted Water. Water of quality equal to or better than the State Water Quality Standards (Part Env-Ws 1703) or water that would not cause a violation of receiving water quality standards and would not be benefited by discharge to the POTW.
- WWW. User (or Industrial User). A person who discharges industrial wastewater to the sanitary sewer of the Town.
- XXX. User Charge System. The local ordinance which prescribes the sewer rent levied on users of the wastewater facilities to cover the costs of operation, maintenance, and replacement.
- YYY. Wastewater. The spent water of a community. Any combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, governmental facilities, and institutions, whether treated or untreated that is contributed to the POTW.
- ZZZ. Wastewater Treatment Facility. That portion of the POTW that is designed to provide treatment of sanitary sewage and industrial wastewater.
- AAAA. Watercourse. A natural or artificial channel in which a flow of water occurs, either continually or intermittently.

ARTICLE II – GENERAL SEWER USE REQUIREMENTS

Section 2.1 Use of Public Sewers

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Jaffrey (Town) or in any area under the jurisdiction of said Town, any human or animal excrement, garbage, or objectionable waste.

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- B. It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of said Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance and with State and Federal laws and regulations.
- C. Sewers for Intended Uses Only. No person shall discharge or cause to be discharged into any public sewer of the Town, or into any fixture that thereafter discharges into any public sewer, any waste, or substance other than that for which the particular sewer is intended, designed, and provided.
- D. Applicable Permits Required. No person shall discharge into any public sewer of the Town, or into any fixture that thereafter discharges into any public sewer, any waste or substance until all applicable approvals and permits have been obtained.
- E. Use of Sanitary Sewers. Except as specifically designated by the Town with reference to some particular sewer, sanitary sewers shall be used only for the conveyance and disposal of sanitary sewage, and for industrial wastes that are not objectionable as hereinafter provided. No sanitary sewer shall be used to receive and convey or dispose of any storm or surface water, subsoil drainage, or unpolluted water. No industrial wastewater shall be directed to a sewer that is not connected to the POTW.
- F. Use of Storm Sewers. Storm water and all other unpolluted drainage shall be discharged only to such sewers as are specifically designed as storm sewers, or to natural outlets approved by the Director. Industrial noncontact cooling water, process waters, or storm water runoff generated in areas of industrial activity (as defined in 40 CFR Part 122) require a NPDES permit prior to discharge to a storm sewer or natural outlet.
- G. Use Designation. If the intended or designated use of any particular sewer or drain and allowable discharge thereto is unclear, the Director will consider the pertinent facts and make a determination. This determination shall be final and binding.
- H. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater in any area where a public sewer is available, as described in paragraph (I) below. The use of portable chemical toilets is allowed at construction sites and for other temporary purposes provided the wastes are properly disposed off site.
- I. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a sanitary sewer of the Town, is hereby required at the owner(s)' expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within ninety (90) days subsequent to the date of official notice to do so, provided that said public sewer is available. This requirement for connection may be waived when permitted by the Director if it is for a residential household already connected to a properly functioning, State-approved septic system approved after 1986 and the system is not in failure.
- J. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment that is part of the POTW.

Section 2.2 Private Wastewater Disposal

- A. Where a public sanitary sewer is not available under the provisions of paragraph 2.1(I) above, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of RSA 485-A, or revisions thereto, of the State of New Hampshire and rules, regulations, standards, and procedures promulgated thereupon. Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain design approval from the Water Division of the NHDES and a written permit from the Health Officer. The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Health Officer.
- B. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Health Officer. The Health Officer shall be allowed to inspect the work at any stage of construction and in any event, the applicant for the permit shall notify the Health Officer when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Health Officer.
- C. The type, capacities, location, layout and installation (including inspection) of a private wastewater disposal system shall comply with all requirements of the NHDES. No permit shall be issued for any new private wastewater disposal system employing subsurface soil absorption facilities where the lot area is less than is required by subdivision lot size requirements of the NHDES. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- D. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town. At no time shall any quantity of industrial waste be discharged to a private, sanitary sewage disposal facility.
- E. At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, the owner shall connect to the public sewer, as provided in paragraph 2.1(I) above. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with clean, mineral soils, and their use shall be discontinued.
- F. No statement contained in the preceding paragraphs of this section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

Section 2.3 Building Sewers and Connections

- A. No person(s) shall uncover, make any connections with or opening into, alter, or disturb any public sewer or appurtenance thereof without first obtaining authorization from the Director. Permits to work within the NHDOT and/or Town Right-of-Way (ROW) shall be obtained in addition to DIGSAFE notification.
- B. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service producing only domestic wastewater, and (b) for service to establishments producing industrial wastes. For residential and commercial services, the owner(s) or his agent shall make application on a special *Application for Sewer Service* form furnished by the Town at least thirty (30) days prior to said service connection. The *Application for Sewer Service* shall include a plan to scale showing connections and supplemented by any plans, specifications, or other information (including pollution prevention studies) considered pertinent in the judgment of the

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Director. The Town will have the option of denying an application if, in the opinion of the Director, the contractor is not qualified. An application and connection fee (specific fees are available from the Town's *Schedule of Fee's* as the Town may revise from time to time) shall be paid to the Town at the time the application is filed. A copy of the approved *Application for Sewer Service* signed by the Director will serve as evidence of approval and is available upon request at the Director's office. For an establishment discharging industrial wastes, an application shall be made in accordance with the requirements of Article IV of this Ordinance.

- C. The Town will, at its expense during construction of a new public sewer or sewer extension by the Town, construct a sewer stub for a building or proposed building located on a lot of record, if such building or proposed building is accessible to the existing public sewer, and therefore is required to connect to the public sewer as provided in paragraph 2.1(I), above. All costs including application and connection fees and expenses incidental to the installation and connection of the remainder of the building sewer, including connection to the structures served, shall be the responsibility of the owner of the improved property to be connected. The owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. After the initial construction of the building sewer, the owner shall thereafter be obligated to pay all costs of expenses of operation, repair, and maintenance and of reconstruction (if needed) of the entire building sewer beginning at the public sewer and ending at the building. If Town personnel are called out to work on the public sewer and it is subsequently determined that the problem was on the property owner's section of the line, the property owner will reimburse the Town for all costs associated with the service call.
- E. If the owner of any building located within the Town and benefited, improved, served or accommodated by any public sewer, or to which any public sewer is available, after ninety (90) days' notice from the Town, in accordance with paragraph 2.1(I), shall fail to connect such building as required, the owner shall be in violation of this Ordinance and the Town may make such connection and may collect from such owner the costs and expenses thereof by such legal proceeding as may be permitted by law. The Town shall have full authority to enter on owner's property to do whatever is necessary to properly drain the improved property into the public sewer.
- F. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building sewer may be extended to the rear building and the whole considered as one building sewer, but the Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned. Grouping of more than one building on one building sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, but then only after special permission of the Town, in writing, shall have been secured and subject to such rules, regulations and conditions as may be prescribed by the Town.
- G. Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the Director, to meet all requirements of this Ordinance.
- H. The size, slope and construction of building sewer or street laterals shall be subject to approval by the Director, but in no event shall the internal diameter be less than six inches (6"), nor shall the slope of the pipe be less than one-eighth inch (1/8") per foot minimum, nor shall velocity of

flow in the pipe be less than two feet (2') per second. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, force main building sewers will be permitted, subject to approval by the Director. The force main shall be sized to maintain flow velocities of three (3') feet per second and shall be furnished with adequate valving to provide shut off capability and protection against reverse flows and a cleanout shall be installed at the service connection. Wherever possible, force mains shall be designed to transition to a gravity sewer prior to connection to the public sewer main. Building sewers shall *not* be connected through a manhole except as provided by Section 2.3(I). In all instances, during construction, a cleanout shall be installed at the property line at the end of the sewer stub (service) or street lateral and at the building sewer connection. The cleanout shall include a detectable metal cover.

- I. When any street lateral is to serve a school, hospital, or similar institutional or public housing, or is to serve a complex of industrial or commercial buildings, or which in the opinion of the Director, will receive sanitary sewage or industrial wastes of such volume or character that frequent maintenance of said building sewer and street lateral is anticipated, then such street lateral shall be connected to the public sewer through a manhole. The Director shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the Director. If required, a new manhole shall be installed in the public sewer. Industrial or commercial connections may be required to construct access manholes for sampling purposes at the sole discretion of the Town (Section 3.2(F)).

- J. Building sewers shall be polyvinyl chloride (PVC) sewer pipe conforming to the following: Polyvinyl Chloride Sewer Pipe Material - All PVC pipe and fittings shall be Class SDR-35 and shall meet or exceed all of the requirements of ASTM Specification D3034, "Type PSM Polyvinyl Chloride (PVC) Sewer Pipe and Fittings"; or ASTM Specification D2241, "Type PS-46 Poly (Vinyl Chloride) (PVC) Large-Diameter Plastic Gravity Sewer Pipe and Fittings". All pipe shall be suitable for use as a gravity sewer conduit with integral bell and elastomeric gasket joints. The gasket shall meet the requirements of ASTM D3212. The bell shall consist of an integral wall section, which securely locks the solid cross-section elastomeric rubber ring into position. Standard lengths shall be 12'-6" and 20+'. Acceptable manufacturers are Johns-Manville, Certain-Teed, Carlon, or equal. Color shall be green.
 1. Fittings - All fittings and accessories shall be as manufactured and furnished by the pipe supplier, and have bell and/or spigot configurations identical to that of the pipe to which they are connected.
 2. Pipe Stiffness - Minimum pipe stiffness at five percent (5%) deflection shall be 46 pounds per square inch for all sizes when tested in accordance with ASTM Designation D2412, "External Loading Properties of Plastic Pipe by Parallel-Plate Loading".
 3. Installation - Extreme care shall be taken to provide proper pipe foundations and pipe sidefills in accordance with the recommendations of the pipe manufacturer, maintaining accurate alignment of the pipe at all times.
 4. Unstable Ground / Fill - If installed on fill or unstable ground the trench bottom shall be stabilized and compacted to ninety-five percent (95%) of the maximum dry density as determined by laboratory compaction test ASTM D1577, method 10 prior to pipe installation. Special excavation and filling methods and materials, including the use of porous fabric and/or select material, may be required by the Director. The distance

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between consecutive joints, as measured along the centerline of the installed pipe, shall not exceed 12'-6" except under abnormal circumstances, in which case this dimension may be exceeded if approved in advance by the Town.

- K. At the point of connection of a building sewer to a public sewer, a standard wye fitting and a one-eighth (45-degree) bend shall be used. No lateral connection shall be made to the main sewer which permits the flow into the sewer from the lateral to enter at right angles. A chimney may be required.
- L. The wye and one-eighth (45-degree) bend fittings, previously mentioned, shall be inserted in the public sewer at the time of its construction for each proposed lot for either immediate or future development. The location of all lateral connections shall be shown along with at least two dimensional ties on a drawing, and copies of this drawing showing the as-built location of these connections shall be furnished to the Town. No sanitary sewer shall be accepted by the Director until two copies of this record drawing showing lateral locations have been so filed.
- M. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town or the procedures set forth in appropriate specifications of the ASTM and the Water Environment Federation (WEF) Manual of Practice No. FD-5. All such connections shall be made gas tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Director before installation.

All joints and connections shall be made watertight. No paint, varnish, or other coatings shall be permitted on the jointing material until after the joint has been tested and approved. The transition joint between cast iron pipe and other pipe materials shall be made with special adapters and jointing materials approved by the Director.

There shall be maintained a ten foot (10') separation of sewer and water main.

- N. In addition to providing dimensional ties, all house service laterals prior to backfilling shall have their locations marked in the following manner:
 - 1. Two feet (2') above the pipe the installer shall place a six-inch (6") wide detectable tracer tape.
 - 2. Detectable tracer tape shall consist of a continuous aluminum foil core inseparably bonded on both sides with tough high density cross-laminated plastic films, pigmented in green warning colors. Bond strength of the tracer tape must be such as to prevent pitting or degradation after 300 hours of continuous testing per ASTM B-117.
 - 3. Detectable tracer tape shall be the type that can be located by the inductive method and does not require electrical connection to be made to the tape.
 - 4. The tape shall be compatible for use with magnetic detectors which are currently in use in the Town. Magnetic locating tape shall be installed on all sewer service pipe and force main installed without exception.
 - 5. The tape shall be six inches (6") in width and shall have the words "Buried Sewer Line Below" permanently and indelibly printed on it.

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- O. All excavation required for the installation of a building sewer or street lateral shall be open trench work unless otherwise approved by the Director. Pipe laying and backfill, regardless of pipe material used, shall be performed in general accordance with paragraphs 3 through 6 of ASTM Specification C-12, except that trench width measured at the top of the installed pipe shall not exceed twenty-four inches (24") and except that no backfill shall be placed until the work has been inspected by the Director. The depth of cover over the pipe shall be sufficient to afford protection from frost, but in no case shall such depth be less than four feet (4') unless prior approval has been granted by the Director, in writing to permit a lesser depth of cover. In such cases a rigid 2-inch insulation board shall be installed over the pipe.
- P. All excavations for building sewer installation shall be adequately guarded with warning signs, traffic controls, barricades, and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town at the expense of the owner. It is the responsibility of the owner to coordinate work with the Town by providing written notification of any proposed work prior to initiation of excavation and comply with all requirements of the Town's street opening permit or NHDOT permit to work within the right-of-way and DIGSAFE.
- Q. An interior clean-out fitting and backwater valve at the discretion of the Director shall be provided for each building lateral at a readily accessible location, preferably just inside the basement wall. The fitting shall contain a forty-five degree (45°) branch with a removable watertight plug, and so positioned that sewer cleaning equipment can be inserted therein to clean the building lateral. Buildings and mobile homes without foundations shall have a clean-out installed on the outside and installed at the street line.
- R. No structure shall be connected to the sanitary sewer system unless there is a vent pipe extending to a point above the roof and properly vented or otherwise vented as per applicable codes and code enforcement offices in a manner approved by the Director. Vents shall be installed by the owner in all buildings as approved by the Building Inspector. No person shall obstruct the free flow of air through any drain or soil pipe.
- S. Grease, oil, and/or sand interceptors shall be installed where the Town or its duly authorized agent shall direct, and shall be maintained at the owner's expense. These shall be installed outside unless waived by the Director.
- T. No person(s) shall make connection of roof downspouts, interior or exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer.
- U. The owner(s) or their agent shall notify the Director when the building sewer is ready for inspection and connection to the public sewer. Such notice shall be provided not less than seventy-two (72) hours in advance of the time any connection is to be made to any public sewer. The contractor shall be responsible for satisfying all other notification requirements, including DIGSAFE. The connection and testing shall be made under the supervision of the Director or his representative. No building sewer or repair thereto shall be covered until it has been inspected and approved by the Town. If any part of a building sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the building to be connected to a sewer. This requirement shall also apply to repairs or alterations to building connections, drains or pipes thereto. Premature filling of trenches before an inspection is made will subject the owner(s) to opening the trench for inspection or a penalty in accordance with this Ordinance.

Failure of inspection may result in actions through code enforcement up to and including withholding a Certificate of Occupancy or discontinuing of services.

- V. Suitable provisions shall be made at the point of connection for testing, which responsibility shall rest with the owner(s).
- W. The Director shall maintain a record of all connections made to public sewers and drains under this Ordinance and all repairs and alterations made to building connections or drains connected to or discharging into public sewers and drains of the Town or intended to so discharge. All persons concerned shall assist the Director in securing data needed for such records.
- X. Proposed new discharges from residential or commercial sources involving loadings exceeding fifty (50) population equivalents (5,000 gpd); any new industrial waste, or any alteration in either flow or waste characteristics of greater than twenty percent (20%) of existing industrial wastes that are being discharged into the POTW, and that could cause interference with the POTW or have an adverse effect on the receiving water or otherwise endanger life, limb, public property or constitute a nuisance, shall be approved by the NHDES Water Division. Approvals for industrial waste shall be obtained in accordance with Article IV of this Ordinance.
- Y. If the owner of any building located within the Town shall fail or refuse, upon receipt of a notice of the Town, in writing, to remedy any unsatisfactory condition with respect to a building sewer, within forty-five (45) days of receipt of such notice (except this time period may be reduced as necessary to protect the health and safety of the residents of the Town), the Town may remedy any unsatisfactory condition with respect to a building sewer and may collect from the owner the costs and expenses thereof by such legal proceedings as may be provided by law. The Town shall have full authority to enter on the owner's property to do whatever is necessary to remedy the unsatisfactory condition.
- Z. Every building sewer shall be maintained in a sanitary and safe operating condition by the owner.
- AA. When a building is demolished and not immediately replaced, the owner shall adequately seal off his building sewer where it connects to the public sewer.

Section 2.4 New Sewers or Sewer Extensions

- A. New sanitary sewers and all extensions to sanitary sewers owned and maintained by the Town shall be properly designed in accordance with the **NHDES Administrative Rules Env-Wq 700: Standards of Design and Construction for Sewerage and Wastewater Treatment Facilities** and in strict conformance with all requirements of the NHDES. Plans and specifications shall be submitted to, and approval obtained from, the Director and the Town and the NHDES before construction may proceed. The design of sewers shall anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.

- B. When a property owner, builder, or developer proposes to construct sanitary sewers or extensions to sanitary sewers in an area proposed for subdivision, the plans, specifications, and method of installation shall be subject to the approval of the Director in accordance with paragraph 2.3(A). Said property owner, builder or developer shall pay for the entire installation, including appropriate share of the cost of treatment plant, intercepting or trunk sewers, pumping stations, force mains and all other Town expenses incidental thereto based on volume and plant capacity, as determined by the Town. Each building sewer shall be installed and inspected pursuant to Section 2.3 and all application and inspection fees shall be paid by the applicant. Design and installation of sewers shall be as specified in and in conformance with paragraphs 3 through 6 of ASTM Specification C-12. Plugged service wye fittings shall be provided along sewer extensions in locations approved by the Director to accommodate future connections from existing unimproved lots. The installation of the sewer shall be subject to periodic inspection by the Director, and the expense for this inspection shall be paid for by the owner, builder, or developer as provided in this local law. The Director's decisions shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass an exfiltration test approved by the Town before any building sewer is connected thereto. Plans, specifications, and other required information shall be submitted forty-five (45) days in advance of anticipated project start date. The Town shall be notified at least thirty (30) days in advance of the start of construction operations so that such inspection procedures as may be necessary or required may be established. No sanitary sewers will be accepted by the Town until such inspection of construction has been made as will assure the Town of compliance with these regulations and any amendments or additions thereto. The Town has the right to utilize outside inspectors, the cost for which shall be paid for by the developer. Upon completion of construction, as-built drawings shall be provided to the Director.
- C. Plans, specifications, and methods of installation shall conform to the requirements of this Local law. Components and materials of POTW installations not covered in this Ordinance such as pumping stations, lift stations, or force mains shall be designed in accordance with Section 2.3 and shall be clearly shown and detailed on the plans and specifications submitted for approval. When requested, the owner, builder, or developer of the proposed installation shall submit to the Town all design calculations and other pertinent data to supplement a review of the plans and specifications. Costs associated with the Town's review of the plans and specifications, and any NHDES design review fees shall be paid by the property owner, builder, or developer.

Section 2.5 Variances

- A. The Town Manager, with recommendation of Director, may allow reasonable variances from the provisions of Sections 2.1 through 2.4 of this Ordinance upon approval of the Board of Selectmen, which will not result in a violation of State or federal law, provided:
1. The owner pays a monthly variance fee as determined by the Board of Selectmen and published in the *Schedule of Fees*.
 2. The variance allowed is the least variance reasonable;
 3. The variance will not cause undue harm or inconvenience to the Town, the POTW, or the owner's neighbors; and
 4. The variance is justified by substantial reason.

- B. The owner shall apply for the variance in writing to the Town Manager. The application shall identify the name and address of the owner, the property in question, the specific variance sought by the owner and a substantial reason justifying the variance. The variance fee shall be paid with the application or the variance shall be deemed to have been denied. The variance as issued shall identify any changes, limitations or restrictions on the variance as applied for.

Section 2.6 Prohibited Discharge Standards

- A. General Prohibitions. No person shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other Federal, State, or local pretreatment standards or requirements.
- B. Specific Prohibitions. No person shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, gas, solid, or any substance that can generate or form any flammable combustible or explosive substance, fluid, gas, vapor or liquid when combined with air, water or other substances present in sewers, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
 2. Wastewater having a pH less than 5.0 or greater than 11.5, as measured at the point of connection to the sanitary sewer or other available monitoring location, or otherwise causing corrosive structural damage or hazard to the POTW equipment, or personnel, or with alkalinity in such quantities that contribute to or cause the POTW influent pH to exceed 8.0;
 3. Solid or viscous substances including water or wastes containing fats, wax, grease, or oils, whether emulsified or not, or containing substances that can solidify or become viscous at temperatures between 32°F and 150°F (0-65°C), in amounts that could cause obstruction of the flow in the POTW resulting in interference;
 4. Pollutants, including oxygen-demanding pollutants (*e.g.*, BOD, COD), or chlorine demand requirements released in a discharge at a flow rate and/or pollutant concentration that, either singly or by interaction with other pollutants, will cause interference with the POTW, constitute a hazard to humans or animals, create a public nuisance, exceed national categorical pretreatment standards, or cause pass through;
 5. Wastewater containing such concentrations or quantities of pollutants that its introduction to the POTW could cause a treatment process upset and subsequent loss of treatment ability or efficiency;
 6. Wastewater having a temperature greater than 150°F (65°C), or that will inhibit biological activity in the wastewater treatment facility resulting in interference, but in no case wastewater that causes the temperature at the introduction into the wastewater treatment facility to exceed 104°F (40°C);
 7. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

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8. Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause worker health and safety problems;
 9. Trucked or hauled pollutants, except at discharge points designated by the Director in accordance with Section 4.9 of this Ordinance;
 10. Any medical/infectious waste, pharmaceutical waste, or radiological waste except as specifically authorized in an IDP;
 11. Household hazardous wastes including but not limited to paints, stains, thinners, pesticides, herbicides, anti-freeze, transmission and brake fluids, motor oil and battery acid;
 12. Wastewater causing, alone or in conjunction with other sources, the wastewater treatment facility's effluent or biosolids to fail a toxicity test; and
 13. Any hazardous waste listed or designated by the NHDES under Env-Wm 400.
- C. Additional Prohibitions. No user shall introduce or cause to be introduced into the POTW the following substances, pollutants or wastewater, unless specifically authorized by the Director in an IDP:
1. Wastewater that imparts color that might not be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently could impart color to the treatment facility's effluent, thereby violating the Town's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life;
 2. Noxious or malodorous liquids, gases, solids, or other wastewater that, either singly or by interaction with other wastes, could be sufficient to create a public nuisance, objectionable odors, or a hazard to life, or to prevent entry into the public sewers for maintenance or repair;
 3. Wastewater containing any radioactive wastes or isotopes except as specifically authorized in an IDP and in compliance with applicable State or federal regulations;
 4. Storm water, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, or otherwise unpolluted wastewater;
 5. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
 6. Detergents, surface-active agents, or other substances that might cause excessive foaming in the POTW;
 7. Wastewater that could cause a reading on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than ten percent (10%) of the Lower Explosive Limit;

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8. Garbage that has not been shredded to such a degree that all particles will be transported freely under the flow conditions normally prevailing in public sewers, with no particles greater than one-half inch (1/2") in any direction. (Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower [0.76 horsepower metric] or greater shall be subject to the review and approval of the Director.);
 9. Any quantities of flow, concentrations, or both which constitute a "slug" as defined herein;
 10. Waters or wastes which, by interaction with other water or wastes in the treatment works, release dangerous or noxious gases or objectionable odors, form suspended solids that affect the operation of the collection system, or create a condition deleterious to structures and treatment processes;
 11. Any materials that exert or cause unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime, slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate); and
 12. Wastewater containing any pollutant at a concentration that exceeds a local limit or IDP limit established for that pollutant by the Town.
- D. Pollutants, substances, or wastewater prohibited by this article shall not be processed or stored in such a manner that they could be discharged to the POTW.

Section 2.7 Federal Categorical Pretreatment Standards

The Federal categorical pretreatment standards are found at 40 CFR Chapter I, Subchapter N, Parts 405-471 and are hereby incorporated into the Ordinance.

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limitations in accordance with 40 CFR 403.6(c).
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

The Town provides timely notification to identified industrial users of applicable categorical pretreatment standards. Upon promulgation of the federal categorical pretreatment standards for a

particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall, on the compliance date of the categorical pretreatment standards, immediately supersede the limitations imposed under this Ordinance.

Compliance with categorical pretreatment standards shall be achieved within three (3) years of the date such standards are effective, unless a shorter compliance schedule is specified in the standards.

An industrial user subject to categorical pretreatment standards shall not discharge wastewater directly or indirectly to the Town's POTW subsequent to the compliance date of such standards unless an amendment to its IDP has been issued by the Town.

Section 2.8 Local Discharge Restrictions

All persons discharging industrial wastes into public or private sewers connected to the Town's POTW shall comply with applicable Federal requirements and State standards for pretreatment of wastes (as amended) in addition to the requirements of this Ordinance.

Local numerical, Federal and regulatory controls established by the Town for the discharge of pollutants of concern as set forth herein (referred to as "local limits"), and all State pretreatment standards shall apply, whichever is most stringent. Pollutants of concern include any pollutants that might reasonably be expected to be discharged to the POTW in quantities that could pass through or interfere with the POTW, contaminate the biosolids, or adversely impact human health or safety.

If any waters or wastes are discharged or are proposed to be discharged to the POTW that exceed the standards or restrictions established in Sections 2.6, 2.7, and 2.8 of this Ordinance, which in the judgment of the Director may have a deleterious effect upon the POTW, processes, equipment, or receiving waters, or that otherwise create a hazard to human safety or health, or constitute a public nuisance, the Director will notify the Town Manager who may:

- Reject or prevent any discharge to the POTW after making a reasonable attempt to serve notice to the user and giving the user a reasonable opportunity to respond;
- Require pretreatment prior to discharge to the POTW (Article III);
- Require control (*e.g.*, equalization) over the quantities and rates of discharge; and/or
- Require payment to cover additional costs of handling and treating the wastes.

If the Director allows the pretreatment or equalization of waste flows, the design and installation of the systems and equipment shall be subject to the review and approval of the Director and the State (see Article III).

- A. Maximum allowable industrial mass loading limitations. The Director will not issue permits that in combination with other industrial loads exceed the values in the table located in Appendix I of this Ordinance.

All mass loading limitations for metals represent total metals, regardless of the valance state, or the physical or chemical form of the metal. To administer these allowable loadings through IDPs, the Director will impose concentration-based limitations, or mass limitations, or both, on a case-by-case basis into site-specific IDPs. For industrial users, the values written into IDPs for the above pollutants shall apply at the end of the industrial wastestream and prior to dilution with non-industrial wastewaters.

Unless specifically identified in an IDP, an industrial user is not allowed to discharge the locally limited pollutants at concentrations significantly greater than background concentrations. For the purposes of this requirement, significant means 67.9 percent (67.9%) greater than the background concentrations used for local limits development.

Daily concentration (or mass loading) is the concentration (or mass) of a pollutant discharged, determined from the analysis of a flow-composite sample (or other sampling procedure approved by the Director) representative of the discharge over the duration of a 24-hour day or industrial operating schedule of less than twenty-four (24) hours.

- B. Screening Levels. Screening levels are numerical values above which actions are initiated to evaluate, prevent, or reduce adverse impacts on the POTW, the environment, and/or human health and safety. The Town monitors industrial sources of conservative pollutant-bearing discharges in comparison to established uniform concentration values, and authorization to discharge at greater concentrations may be granted subject to the administrative procedures for managing mass loading limitations. Uniform concentration values for conservative pollutants will be maintained by the Town, independent of this Ordinance, to provide regulatory flexibility.

Screening levels for non-conservative pollutants are concentration-based values that, if exceeded, represent a potential to compromise worker safety, create flammability or chemical reactivity conditions in the collection system, or result in operational issues such as excessive organic/solids loadings. Screening levels for non-conservative pollutants are developed as needed using the methodology of the Town's local limits study. The data in the table located in Appendix II of this Ordinance are representative of non-conservative pollutants and the concentrations above which they shall not be discharged to the POTW without approval of the Director.

If any of the screening levels are exceeded, repeat analysis may be required by the Town to verify compliance or noncompliance with that screening level. If noncompliance is indicated, then the industrial user may be required, at the discretion of the Director, to conduct an appropriate engineering evaluation at the industrial user's expense to determine the potential impact of the discharge of this pollutant to the Town's POTW or alternatively, to develop a pollution prevention plan specifically addressing the pollutant that exceeds the screening level. This study or plan shall be approved by and conducted under the supervision of the Town. Should the evaluation indicate the impact to be unsatisfactory, the industrial user shall reduce the pollutant concentration to a satisfactory level. If the evaluation supports development of an alternate site-specific limitation, then the screening level may, at the discretion of the Director, be adjusted as a special agreement for the industrial user and administered as a permit limitation for the specific discharge.

If an industrial user proposes to discharge at concentrations greater than the concentration-based screening level maintained by the Town, then the industrial user may be required to conduct the evaluations described in the previous paragraph. Should the evaluations support an alternate site-specific limitation, then the screening level may, at the discretion of the Director, be adjusted as a special agreement for the industrial user and administered as a permit limitation for the specific discharge.

- C. Best Management Practices. The Town may develop or require the development of Best Management Practices (BMPs) to implement Sections 2.6 and 2.8. Such BMPs shall be considered local limits and Pretreatment Standards for the purposes of this Ordinance.

- D. Special Agreements. No statement contained in this article except for paragraphs 2.6(A), 2.6(B), and Section 2.7 shall be construed as preventing any special agreement or arrangement between the Town and any industrial user whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment provided that said agreements do not contravene any requirements of existing Federal or State laws, and/or regulations promulgated hereunder, are compatible with any *User Charge System* or *Schedule of Fees* in effect, and do not waive applicable Federal categorical pretreatment standards. Special agreement requests may require submittal of a pollution prevention plan that specifically addresses the discharge for which a special agreement is requested.

Section 2.9 Town's Right of Revision

The discharge standards and requirements set forth in Sections 2.6, 2.7, and 2.8 are established for the purpose of preventing discharges to the POTW that would harm either the public sewers, wastewater treatment process, or equipment; would have an adverse effect on the receiving stream; or would otherwise endanger lives, limb, public property, or constitute a nuisance.

To meet these objectives, the Director may, from time to time, review and recommend to the Town Manager and Board of Selectmen more stringent standards or requirements than those established in Sections 2.6, 2.7, and 2.8 if, in his opinion, such more stringent standards or requirements are necessary to meet the above objectives. At a minimum, this review will be performed at least once every five (5) years. In forming his opinion, the Director may give consideration to such factors as the quantity of waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment facility, degree of treatability at the wastewater treatment facility, pollution prevention activities, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer shall not be exceeded without the approval of the Director.

The Director shall allow affected industrial users reasonable time to comply with any changes to the local limits. The conditions and schedule for compliance shall accompany the written notification of amended local limits.

Section 2.10 Dilution

No user shall ever increase the use of water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Director may impose mass limitations on users to discourage the use of dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

Section 2.11 Mass-Based Limitations

Users implementing process changes may request that compliance be determined based on mass limitations in lieu of concentration limitations. Such mass-based limitations will be calculated from the permitted concentration-based limitations and flows, and shall be equivalent to or less than the mass discharge in effect at the time of the request. The intent of a mass-based limit is to encourage and allow pollution prevention and/or water conservation measures that might cause a facility to increase pollutant concentrations in their discharge even though the total mass of the pollutant discharged does not increase, and may in fact decrease. Decisions on granting requests for mass-based compliance limitations will be based on user-specific information and current operating conditions of the POTW, and will be at the

discretion of the Director. Implementation of mass-based limitations may not contravene any requirements of Federal or State laws and/or regulations implemented hereunder. For Categorical Pretreatment Standards that are expressed only in terms of pollutant concentrations, the Town may establish equivalent mass limits only if the User meets all the conditions in 40 CFR 403.6 (c) (5).

ARTICLE III – PRETREATMENT OF WASTEWATER

Section 3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Sections 2.6, 2.7, and 2.8 of this Ordinance within the time limitations specified by EPA, the State, or the Director, whichever is more stringent. All facilities required to achieve and maintain compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Director for review, and shall be acceptable to the Director and the NHDES Water Division before such facilities are constructed. Such facilities shall not be connected until said approval is obtained in writing. The review of such plans and operating procedures shall in no way relieve the user of the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Town under the provisions of this Ordinance. Plans and specifications for a proposed pretreatment facility shall be the result of the design of a professional engineer licensed by the State of New Hampshire.

Section 3.2 Additional Pretreatment Measures

- A. Whenever deemed necessary, the Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sanitary sewage waste streams from industrial waste streams, and impose such other conditions as are deemed necessary to protect the POTW and determine the user's compliance with the requirements of this Ordinance.
- B. The Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An IDP may be issued solely for flow equalization.
- C. Grease, oil, and/or sand interceptors shall be provided at the owner's expense when, in the opinion of the Director, such devices are necessary for the preliminary treatment of wastewater containing excessive amounts of grease, oil, and/or sand; except that such interceptors shall not be required for solely residential users. All interception units shall be of a type and capacity approved by the Director and shall be so located as to be easily accessible for cleaning and inspection by the owner and the Town. All grease and oil traps or interceptors shall be installed outside unless waived by the Director. Maintenance of interceptors requires that the owner be responsible for the proper removal and disposal by appropriate means of the captured materials, in accordance with the requirements established by the Director. The owner shall maintain records of the servicing of grease, oil, and/or sand interceptors. The form and content of such records will be determined by the Director and the records shall be subject to periodic review by the Director. The removal and disposal of captured materials from interceptors shall be performed by a septage or sludge hauler holding a current permit issued by the State of New Hampshire, or by a Hazardous Waste Transporter currently registered with the State of New Hampshire, whichever is applicable.

- D. Users with the potential to discharge flammable substances shall, at the discretion of the Director, install and maintain an approved combustible gas detection meter and alarm.
- E. Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, these devices shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- F. The owner of any building serviced by a building sewer carrying industrial wastes may, at the discretion of the Director, be required to install a suitable control manhole or approved equivalent structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole shall be accessible and safely located and shall be constructed in accordance with plans approved by the Director. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times. The owner shall perform such monitoring as the Director may reasonably require including installation, use and maintenance of monitoring equipment, maintaining records and reporting the results of such monitoring to the Town. Such records shall be made available upon request of the Director, and shall be available to other agencies having jurisdiction over discharges to the receiving waters.

Section 3.3 Accidental Discharge/Slug Control Plans

At least once, and as required by changing conditions, the Director shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan or other action to control Slug Discharges.

Each user shall provide protection from accidental discharge of prohibited materials or their wastes regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's own cost and expense. The Director may periodically evaluate whether a user needs an accidental discharge/slug control plan. The Director may require any user to develop, submit for approval, and implement such a plan. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his facility as necessary to meet the requirements of this Ordinance. Alternatively, the Director may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. A description of discharge practices, including non-routine batch discharges;
- B. A description of all stored chemicals;
- C. Procedures for immediately notifying the Director of any accidental or slug discharge, as required by Section 6.6 of this Ordinance;
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing pollutants, including solvents, and/or measures and equipment for emergency response.

Section 3.4 Pollution Prevention Plans

In accordance with the provisions of Sections 2.8, 6.6, and 10.3 of this Ordinance, the Director may require any person discharging wastes into the POTW to develop and implement, at their own expense, a

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pollution prevention plan. The Director may require users to submit as part of the pollution prevention plan information that demonstrates adherence to the following elements:

- A. Management Support. For changes to be effective, the visible support of top management is required. Management's support should be explicitly stated and include designation of a pollution prevention coordinator, goals, and time frames for reductions in volume and toxicity of waste streams, and procedures for employee training and involvement.
- B. Process Characterization. A detailed process waste diagram shall be developed that identifies and characterizes the input of raw materials, the outflow of products, and the generation of wastes.
- C. Waste Assessment. Estimates shall be developed for the amount of wastes generated by each process. This may include establishing and maintaining waste accounting systems to track sources, the rates and dates of generation, and the presence of hazardous constituents.
- D. Analysis of Waste Management Economics. Waste management economic returns shall be determined based on the consideration of:
 - 1. Reduced raw material purchases;
 - 2. Avoidance of waste treatment, monitoring and disposal costs;
 - 3. Reductions in operations and maintenance expenses;
 - 4. Elimination of permitting fees and compliance costs; and
 - 5. Reduced liabilities for employee/public exposure to hazardous chemicals and cleanup of waste disposal sites.
- E. Development of Pollution Prevention Alternatives. Current and past pollution prevention activities shall be assessed, including estimates of the reduction in the amount and toxicity of waste achieved by the identified actions. Opportunities for pollution prevention shall then be assessed for identified processes where raw materials become or generate wastes. Technical information on pollution prevention shall be solicited and exchanged, both from inside the organization and out.
- F. Evaluation and Implementation. Technically and economically feasible pollution prevention opportunities shall be identified and an implementation timetable with interim and final milestones shall be developed. The recommendations that are implemented shall be periodically reviewed for effectiveness.

The review and approval of such pollution prevention plans by the Town shall in no way relieve the user from the responsibilities of modifying their facilities as necessary to produce a discharge acceptable to the Town in accordance with the provisions of this Ordinance.

ARTICLE IV – INDUSTRIAL WASTEWATER DISCHARGE PERMT (IDP) APPLICATION

Section 4.1 Industrial User Classification System

The Town maintains an industrial user classification system to allow the Director to group users into categories that define the degree of regulatory attention required. The classification system establishes priorities for allocation of Town resources, and promotes uniformity and fairness in the application of regulations affecting industrial users. A user may be designated at a higher classification level if the Director determines that the user has a reasonable potential for adversely affecting POTW operation, if the user has violated any pretreatment standard or requirement, or at the discretion of the Director. Every user is assigned to one of three user classes.

- A. **Class 1:** Dischargers of large volumes of industrial wastewater (greater than 10,000 gpd), high loadings (greater than five percent [5%] of the average dry weather hydraulic or organic capacity of the POTW wastewater treatment facility), and/or chemical constituents warranting a high degree of control and monitoring. Included in this class are all users that are subject to categorical pretreatment standards and users with pretreatment systems that employ automatic controls for sensing, pumping, dosing, and/or other treatment functions occurring without the manual intervention of an operator.

- B. **Class 2:** Discharge between 1,000 and 10,000 gpd of industrial wastewater. Also included are dischargers of greater than 100 gpd with a moderate level of pretreatment (*i.e.*, requires an operator to manually operate equipment, add chemicals, etc.). Dischargers of up to 1,000 gpd of industrial wastewater and restaurants up to 5,000 gpd. Class 2 also includes dischargers with basic pretreatment procedures (*e.g.*, batch pH adjustment, grease, oil, and/or sand interceptors, silver recovery units) and whose industrial wastewater flows do not exceed 100 gpd.

- C. **Class 3:** Dischargers of industrial wastewater that are not otherwise classified and are not required to possess an IDP because:
 - Pollutants of concern are not detectible in the user’s effluent;
 - Pollutants of concern are present in only trace amounts and are neither causing nor likely to cause pass-through or interference;
 - Pollutants of concern are present in amounts too small to be effectively reduced by known treatment technologies; or
 - The user’s wastestream contains only pollutants compatible with the POTW.
 - Non-domestic users that discharge only sanitary sewage to the POTW.

The following users are considered Class 3 unless their daily industrial flows exceed the values presented in the table:

USER TYPE	INDUSTRIAL FLOW NOT TO EXCEED (GPD)
Funeral homes. Boiler blowdown.	100
Retail food preparation (<i>e.g.</i> , bakeries). Beauty salons. Restaurants.	500
Self-service Laundromats.	1,000

Section 4.2 IDP Requirement

- A. When requested by the Director, any user must submit information on the nature and characteristics of its wastewater discharge within sixty (60) days of the request. The Director is authorized to prepare a form for this purpose and may periodically require users to update this information.
- B. No industrial user shall discharge wastewater into the POTW without first obtaining an IDP from the Director with the following exceptions:
 - 1. A user who has filed a timely and complete application pursuant to Section 4.4 of this Ordinance may continue to discharge for the time period specified therein.
 - 2. A user who has received written notification from the Director that they do not need an IDP, but shall promptly notify the Town of any alteration in either flow or waste characteristics of the wastewater being discharged into the POTW.
- C. Any violation of the terms and conditions of an IDP shall be deemed a violation of this Ordinance and subjects the industrial discharge permittee to the enforcement actions set out in Article 10 of this Ordinance. Obtaining an IDP does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and Local law.

Section 4.3 State Discharge Permit Request Requirement

Any new industrial waste, or any alteration in either flow or waste characteristics of greater than twenty percent (20%) of existing industrial wastewater that is being discharged into the POTW, and that the Director believes could cause interference with the POTW or have an adverse effect on the receiving water or otherwise endanger life, limb, public property or constitute a nuisance, shall be approved by the NHDES Water Division. Such approvals shall be obtained in accordance with Section 6.5 of this Ordinance.

Section 4.4 Industrial Wastewater Discharge Permitting: Existing Connections

Any user required to obtain an IDP who was discharging wastewater into the POTW prior to the effective date of this Ordinance, and is not currently covered by a valid IDP, and who wishes to continue such discharges in the future, shall, within sixty (60) days after said date, apply to the Director for an IDP in accordance with Article IV of this Ordinance, and shall not cause or allow discharges to the POTW to continue after one hundred twenty (120) days of the effective date of this Ordinance except in accordance with an IDP issued by the Director.

Section 4.5 Industrial Wastewater Discharge Permitting: New Connections

Any user who proposes to begin or recommence discharging into the POTW must obtain either an IDP or a Class 3 exemption prior to the beginning or recommencing of such discharge. An application for this IDP, in accordance with Section 4.2 of this Ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence. All newly-connected discharges shall be in compliance with NHDES pretreatment standards prior to connection to the POTW.

Section 4.6 Industrial Wastewater Discharge Permitting: Federal Categorical Pretreatment Standards

Within one hundred twenty (120) days subsequent to the effective date of a Federal categorical pretreatment standard, an industrial user subject to such standards shall submit an application for an IDP amendment. The application shall contain the information noted under Section 4.7.

Section 4.7 IDP Application Contents

All users required to obtain an IDP, and other users subject to these rules, as required by the Director, must submit an IDP application. The Director may require all users to submit as part of an application the following information:

- A. All information required by paragraph 6.1(B) of this Ordinance;
- B. Description of activities, facilities, and production processes on the premises, including a list of all raw materials and chemicals used or stored at the facility that are, or could accidentally or intentionally be, discharged to the POTW;
- C. Number and type of employees, and proposed or actual hours of operation;
- D. Each product produced by type, amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- G. Time, duration, and rate of discharges;
- H. Details of wastewater pretreatment facilities;
- I. Copies of existing pollution prevention plans and/or a description of all pollution prevention opportunities that may exist at the facility;
- J. An indication of whether the conditions referenced in the application are existing or proposed; and
- K. Any other information as may be deemed necessary by the Director to evaluate the IDP application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

Section 4.8 Signatories and Certification

All IDP applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Section 4.9 Hauled Wastewater Permits

- A. Residential septic tank waste (septage) may be introduced into the POTW only at locations designated by the Director, and at such times as are established by the Director. Transport and discharge of such waste shall comply with Article XII of this Ordinance.
- B. The Director shall require generators of hauled waste to obtain IDPs. The Director may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Ordinance. The Town will only consider accepting industrial wastes from within the Town of Jaffrey.
- C. Industrial waste haulers may discharge loads only at locations designated by the Director. No load may be discharged without prior consent of the Director. The Director may collect samples of each hauled load to ensure compliance with applicable standards. The Director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and a certification that the wastes are not hazardous wastes as defined in the State's Hazardous Waste Rules (Env-Wm 110, 211-216, 351-353, and 400-1000).

ARTICLE V – IDP ISSUANCE PROCESS

Section 5.1 IDP Decisions

The Director will evaluate the data provided by the industrial user and may require additional information. Within thirty (30) days of receipt of a complete IDP application [or ninety (90) days in the case of an application for a new or increased discharge requiring review and approval by the NHDES Water Division], the Director will determine whether or not to issue an IDP. The Director may deny any application for an IDP.

Section 5.2 IDP Duration

An IDP shall be issued for a specified time period, not to exceed three (3) years [five (5) years in the case of Class 3 users] from the effective date of the permit. An IDP may be issued for a period less than these intervals at the discretion of the Director. Each IDP will indicate a specific date upon which it will expire.

IDPs shall be terminated upon cessation of operations or transfer of business ownership, unless notification of such transfer is provided in accordance with Section 5.6 of this Ordinance. All IDPs issued to a particular user are void upon the issuance of a new IDP to that user.

Section 5.3 IDP Contents

An IDP shall include such conditions as are deemed reasonably necessary by the Director to prevent pass through or interference, protect the quality of the water body receiving the wastewater treatment facility's effluent, protect human health and safety, facilitate biosolids management and disposal, and protect against damage to the POTW.

- A. IDPs must contain:
 - 1. Dates of IDP issuance and expiration, with a duration that in no event shall exceed five (5) years;
 - 2. A statement that the IDP is nontransferable without prior notification to the Town in accordance with Section 5.6 of this Ordinance, and provisions for providing the new owner or operator with a copy of the existing IDP;
 - 3. Effluent limits and general and specific prohibitions based on the requirements of this Ordinance;
 - 4. Identification of applicable federal categorical pretreatment standards;
 - 5. Self-monitoring, sampling, inspection, reporting, notification, and record-keeping requirements. For pollutants to be monitored, these requirements shall include sampling locations, sampling frequencies, and sample types based on this Ordinance, and State and Federal laws, rules and regulations;
 - 6. For users with reporting requirements, such reports at a minimum shall require:
 - a. Periodic monitoring results indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by the IDP and the average and maximum daily flow for these process units;
 - b. A statement as to whether the applicable pretreatment standards and requirements are being met on a consistent basis and, if not, identification of additional operation and maintenance practices and/or pretreatment systems that are necessary;
 - c. Submittal of any monitoring results performed in addition to the requirements of the IDP using procedures prescribed in the permit; and
 - d. Appropriate supporting documentation for items 5.3.A.6.a through 5.3.A.6.c.
 - 7. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements; and

8. Any applicable compliance schedule. This schedule may not extend the time for compliance beyond that required by this Ordinance, and applicable State and Federal laws, rules and regulations.
- B. IDPs may contain, but need not be limited to, the following conditions:
1. Limitations on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;
 3. Requirements for the development and implementation of spill control plans or other special conditions including best management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
 4. Development and implementation of pollution prevention plans to reduce the amount of pollutants discharged to the POTW;
 5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
 6. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
 7. A statement that compliance with the IDP does not relieve the permittee of responsibility for compliance with all applicable federal and State pretreatment standards, including those that become effective during the term of the IDP; and
 8. Other conditions as deemed appropriate by the Director to ensure compliance with this Ordinance, and State and federal laws, rules, and regulations.

Section 5.4 IDP Appeals

Any person, including the user, may petition the Director to reconsider the terms of an IDP within thirty (30) days of notice of its issuance.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing user must indicate the IDP provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the IDP.
- C. The effectiveness of the IDP shall not be stayed pending the appeal.
- D. If the Director fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an IDP, not to issue an IDP, or not to modify an IDP shall be considered final administrative actions for purposes of judicial review.

- E. Aggrieved parties may appeal the conditions of the IDP in accordance with Section 15.2 of this Ordinance.

The filing of a request by the permittee for an IDP modification does not stay any IDP conditions.

Section 5.5 IDP Modification

The Director may modify an IDP for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised Federal, State, or Local pretreatment standards or requirements;
- B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of IDP issuance;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the Town POTW, Town personnel, or the water quality in the receiving waters;
- E. Violation of any terms or conditions of the IDP;
- F. Misrepresentations or failure to fully disclose all relevant facts in the IDP application or in any required reporting;
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- H. To correct typographical or other errors in the IDP; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

Section 5.6 IDP Transfer

IDPs may be transferred to a new owner or operator only if the permittee provides at least sixty (60) days advance notice to the Director and the Director approves the IDP transfer. The notice to the Director must include a written certification by the new owner or operator that:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes that generate wastewater to be discharged to the POTW;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing IDP.

Failure to provide the required advance notice of a transfer renders the IDP void as of the date of facility transfer.

Section 5.7 IDP Termination

The Director may terminate an IDP for good cause as described in Section 10.8.

Section 5.8 IDP Reissuance

A user with an expiring IDP shall apply for reissuance of the IDP by submitting a complete IDP application, in accordance with Section 4.7 of this Ordinance, a minimum of sixty (60) days prior to the expiration of the user's existing IDP. Under no circumstances shall the permittee continue to discharge without an effective permit. An expired IDP will continue to be effective and enforceable until the IDP is reissued if:

- A. The industrial user has submitted a complete IDP application at least sixty (60) days prior to the expiration date of the user's existing permit; and
- B. The failure to reissue the IDP, prior to expiration of the previous IDP, is not due to any act or failure to act on the part of the industrial user.

Section 5.9 Regulation of Waste Received from Other Jurisdictions

- A. If another municipality, or user located within another municipality, contributes wastewater to the POTW, the Town shall enter into an intermunicipal agreement with the contributing municipality.
- B. Intermunicipal agreements must receive NHDES Water Division approval.

ARTICLE VI – REPORTING REQUIREMENTS

Section 6.1 Baseline Monitoring Reports

- A. Within either one hundred eighty (180) days subsequent to the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a) (4), whichever is later, existing categorical users currently discharging to, or scheduled to discharge to the POTW, shall submit to the Director a report that contains the information listed in paragraph (B), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Director a report that contains the information listed in paragraph (B), below. If necessary, a new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall provide estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below:

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1. Identifying Information. The name and address of the facility, including the name of the operator and owner.
2. Environmental Permits. A list of any environmental permits held by or for the facility.
3. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) conducted by such user. This description should include a schematic process diagram that indicates points of discharge to the POTW from the regulated processes.
4. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gpd, to the POTW from regulated process streams and other streams, as necessary to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
5. Measurement of Pollutants.
 - a. The categorical pretreatment standards applicable to each regulated process.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this Ordinance. In cases where the categorical pretreatment standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the Town or the applicable categorical pretreatment standards to determine compliance with the Standard.
 - c. Sampling must be performed in accordance with procedures set out in Section 6.11 of this Ordinance.
6. Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether the applicable pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment systems are required to attain consistent compliance with the pretreatment standards and requirements.
7. Compliance Schedule. If additional pretreatment and/or O&M is required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 6.2 of this Ordinance.
8. Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 4.8 of this Ordinance.

Section 6.2 Compliance Schedules/Progress Reports

The following conditions shall apply to the compliance schedules required by Sections 6.1(B) (7) and 10.2 of this Ordinance:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, retaining an engineer, completing preliminary and final design plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine (9) months;
- C. The user shall submit a progress report to the Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the action being taken by the user to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the Director.

Section 6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days, following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Director a report containing the information described in Section 6.1(B) (1-5) of this Ordinance. For users subject to equivalent mass or concentration limitations established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.8 of this Ordinance.

Section 6.4 Periodic Compliance Reports

- A. All users holding IDPs shall, at a frequency determined by the Director but in no case less than twice per year for Class 1 users (annually for Class 2 users), submit a report as specified on their IDP. This report shall include the results of the analysis of wastewater samples indicating the nature and concentration of pollutants in their wastewater that are limited by this Ordinance, and the measured or estimated average and maximum daily flows for the reporting period. In cases where compliance with a Best Management Practice or pollution prevention alternative is required, the User shall submit documentation as required by the Town or the applicable Standards to determine compliance status of the user. All periodic compliance reports must be signed and certified in accordance with Section 4.8 of this Ordinance.
- B. All wastewater samples must be representative of the user's typical discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and orderly, and maintained in good working order at all times. The failure of a user to maintain its monitoring facility in satisfactory working condition shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

- C. If a user subject to the reporting requirement in this article monitors any pollutant more frequently than required by the Director, using the procedures prescribed in Sections 6.10 and 6.11 of this Ordinance, the results of this monitoring shall be included in the report.

Section 6.5 Reports of Changed Conditions

Each user must notify the Director of any planned significant changes to the user's operations or system that might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

- A. The Director may require the user to submit such information as he deems necessary to evaluate the changed condition, including the submittal of an IDP application under Section 4.7 of this Ordinance and all information required by the NHDES under the Env-Ws 904.10 Industrial Wastewater Discharge Request rules.
- B. Upon approval of the request by the Town, an *Indirect Discharge Request: Municipal Portion* may be submitted by the Town to the NHDES Water Division based on information submitted by the user. All applicable NHDES Water Division review fees shall be provided by the user.
- C. Upon approval of the *Indirect Discharge Request* by the NHDES Water Division, the Director may issue an IDP under Section 5.3 of this Ordinance or modify an existing IDP under Section 5.5 of this Ordinance in response to changed conditions or anticipated changed conditions.
- D. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

Section 6.6 Reports of Slugs or Potentially Adverse Discharges

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug, that may adversely impact the POTW, the user shall immediately telephone and notify the POTW of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions conducted by the user.
- B. Within five (5) days following such discharge, the user shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be initiated by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability that may be imposed pursuant to this Ordinance. This report must be signed and certified in accordance with Section 4.8 of this Ordinance.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent location advising employees who to call in the event of a discharge described in paragraph (A) of this section. Employers shall ensure that all employees who could cause such a discharge to occur are advised of the emergency notification procedure.

The permittee shall notify the Town of any changes at its facility that may affect the potential for a slug discharge. The Town may require the permittee to develop or modify a Slug Control Plan or take other actions to control slug discharges.

Section 6.7 Reports from Unpermitted Users

All users not required to obtain an IDP shall provide appropriate reports as the Director may require.

Section 6.8 Notice of Violation / Repeat Sampling and Reporting

In the event that effluent monitoring indicates a violation (*i.e.*, exceedance of a limit), the presence of a previously unreported pollutant, or an exceedance of a screening level, the user must notify the Director within twenty-four (24) hours of becoming aware of the exceedance. For violations (and unreported pollutants and screening level exceedances at the discretion of the Town), the user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days subsequent to becoming aware of the violation. The user is not required to resample if the Director monitors for that pollutant at the user's facility at least once a month, or if the Director samples for that pollutant between the user's initial sampling and when the user receives the results of this sampling.

Section 6.9 Discharge of Hazardous Waste

Any discharge into the POTW of a substance that, if otherwise disposed would be a hazardous waste under 40 CFR Part 261 or are hazardous wastes as defined in the NHDES Hazardous Waste Rules, is prohibited unless permitted by applicable State of New Hampshire and Federal permits, and that is also approved by the Director.

Section 6.10 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of an IDP application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses shall be performed in accordance with procedures approved by the Director.

A laboratory that is currently certified by the State of New Hampshire to perform the requested tests shall perform all analyses. Complete copies of analytical laboratory reports, including all relevant quality control data, shall be submitted as part of each IDP application or report. If, for whatever reason, any part of a laboratory report is deleted, augmented, or otherwise changed following its original issuance by the laboratory, then any IDP application or report making use of that laboratory data shall clearly and completely identify the original report content and the nature of the change that was made.

Section 6.11 Sample Collection

- A. Except as indicated in paragraph (B), below, the user shall collect wastewater samples using flow-proportional composite collection techniques. In the event flow-proportional sampling is not feasible, the Director may authorize the use of time-proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to demonstrate compliance with instantaneous maximum allowable discharge limitations (*e.g.*, screening levels established to protect worker health and safety). A single grab sample may also be used in place of a composite sample with approval of the Director when:

1. The effluent is not discharged on a continuous basis (*i.e.*, batch discharges of short duration), and only when the batch exhibits homogeneous characteristics (*i.e.*, completely mixed) and the pollutant can be safely assumed to be uniformly dispersed;
 2. Sampling is at a facility where the Director determines that a statistical relationship can be established between previous grab samples and composite data; and
 3. The waste conditions are relatively constant (*i.e.*, are completely mixed and homogeneous) over the period of the discharge.
- B. Samples for temperature, pH, oil & grease, sulfides, and volatile organic compounds shall be obtained using proper grab collection techniques in accordance with 40 CFR Part 136.
- C. Samples shall only be collected by individuals who are properly qualified, through verifiable training and experience, to perform the type of sampling required. The integrity of all samples shall be ensured by following established chain-of-custody practices for evidentiary samples. Sampling and chain-of-custody records shall be maintained in accordance with the IDP. Copies of chain-of-custody records shall be submitted as part of each IDP application or report.

Section 6.12 Timing

Written reports will be deemed to have been submitted on the date postmarked. For reports that are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

Section 6.13 Recordkeeping

Users subject to the reporting requirements of this Ordinance shall create, retain, and make available for inspection and copying, records of all information obtained pursuant to any monitoring activities, including documentation associated with Best Management Practices, required by this Ordinance or IDP and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact location, method, and time of sampling, and the name of the person(s) obtaining the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least five (5) years. This period shall be automatically extended for the duration of any litigation concerning the user or the Town, or where the user has been specifically notified of a longer retention period by the Director. The Town may require records be submitted upon written request to local or State officials.

Section 6.14 Program Administration Fee

Industrial users may be assessed an annual fee by the Town to defray the administrative costs of the industrial pretreatment program as determined by the BOS.

ARTICLE VII – POWERS AND AUTHORITIES OF INSPECTORS

Section 7.1 Compliance Monitoring

The Town shall investigate instances of noncompliance with the industrial pretreatment standards and requirements. The Town shall, as necessary, sample and analyze the wastewater discharges of contributing users and conduct surveillance and inspection activities to identify, independently of information supplied by such users, occasional and continuing noncompliance with industrial pretreatment standards. Each industrial user may be billed directly for costs incurred for the sampling and analysis of its wastewater.

Section 7.2 Right of Entry: Inspection and Sampling

All industrial users discharging to the Town's POTW shall allow unrestricted access by Town, State and EPA personnel for the purpose of determining whether the user is complying with all requirements of this Ordinance, and any IDP or order issued hereunder. Users shall allow the Director and other duly authorized representatives of the Town bearing proper identification ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a user has security measures in force that require proper identification and clearance before entry into its premises, the user shall make and maintain all necessary arrangements so that, upon presentation of suitable identification, the Director will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Director shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- C. The Director may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated in accordance with the manufacturer's recommendations (but at least annually) to ensure their accuracy. Calibration records shall be maintained.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the user.
- E. Unreasonable delays in allowing the Director access to the user's premises, sampling or inspection sites, or pretreatment records shall be a violation of this Ordinance.
- F. The Director or other duly authorized employee(s) is authorized to obtain information concerning all industrial processes that have a bearing on the kind or source of discharge to the public sewer. In accordance with the provisions of Article 8 of this Ordinance, the industrial user may request that the information in question not be disclosed to the public if it can establish that revelation to the public might result in an advantage to competitors.
- G. While performing the necessary work on private properties referred to in this article, the Director or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the user. The user shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the user against loss or damage to its property by

Town employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the monitoring activities, except as such may be caused by negligence or failure of the user to maintain safe conditions.

- H. The Director and other duly authorized representatives of the Town bearing proper identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the POTW lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Section 7.3 Search Warrants

If the Director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Town designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Director may obtain an administrative inspection warrant under RSA 595-B.

ARTICLE VIII – CONFIDENTIAL INFORMATION / PUBLIC PARTICIPATION

Information and data about a user obtained from reports, surveys, IDP Applications, IDPs, monitoring programs, and from the Director's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submittal of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report that might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to this Ordinance, the NPDES program or pretreatment program, and in enforcement proceedings involving the person providing the report. Wastewater constituents and characteristics and other “effluent data” as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

ARTICLE IX – PUBLICATION OF POLLUTION PREVENTION ACHIEVEMENTS

The Director may publish annually, in the daily newspaper having the largest circulation in the Town, a list of users whom during the previous twelve (12) months, demonstrated a commitment to reducing the volume and toxicity of waste discharges. All pollution prevention efforts, not just those that affect wastewater discharges, may be subject to recognition. The following criteria may be used to identify published users:

- A. Innovative ideas the facility has used to implement process changes that eliminate or reduce the volume or toxicity of waste generated;
- B. The percentage of the facility's process water reused within the system or process;

- C. The percentage of the facility's potential waste reused within the system or process;
- D. Implementation of employee pollution prevention training and communication programs;
- E. Voluntary performance of pollution prevention audits;
- F. Spill control procedures/devices (*e.g.*, secondary containment) the facility initiates to prevent accidental chemical spills from entering the POTW; and
- G. The environmental and/or economic benefits or successes derived from implementing pollution prevention methods.

The intent of the publication is to notify local consumers of the environmental responsiveness of local businesses, and to encourage industrial users to identify and implement opportunities for preventing pollution. As part of this publication, the Town may provide an evaluation of the impact of these changes to the POTW, and summarize the current status of pollutant loadings to the POTW and goals established by the POTW for pollution prevention efforts.

ARTICLE X – ENFORCEMENT REMEDIES

Section 10.1 Notification of Violation

When the Director determines that a user has violated, or continues to violate, any provision of this Ordinance, an IDP or order issued hereunder, or any other pretreatment standard or requirement, the Director may serve upon that user a written Notice of Violation. Within the time period specified in the violation notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Director. Submittal of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this article shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

Section 10.2 Compliance Schedule Development

The Director may require any user that has violated, or continues to violate, any provision of this Ordinance, an IDP or order issued hereunder, or any other pretreatment standard or requirement, to develop a compliance schedule. A compliance schedule pursuant to this section must meet the requirements set out in Section 6.2 of this Ordinance.

Section 10.3 Pollution Prevention Plan Development

The Director may require any user that has violated or continues to violate any provision of this Ordinance, an IDP, or order issued hereunder, or any other pretreatment standard or requirement, to develop a pollution prevention plan in accordance with Section 3.4 of this Ordinance. The pollution prevention plan must specifically address violation(s) for which this action was undertaken. The pollution prevention plan shall be developed using good engineering judgment and shall be submitted to the Director no later than sixty (60) days after the user was notified of this requirement.

Section 10.4 Publication of Users in Significant Noncompliance

The Director will publish annually, in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of the users that, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements.

Section 10.5 Show Cause Orders

The Town Manager upon recommendation by the Director may order a user that has violated, or continues to violate, any provision of this Ordinance, an IDP or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, executing any other action against the user.

Section 10.6 Cease and Desist Orders

When the Town Manager, upon advice from the Director, determines that a user has violated, or continues to violate, any provision of this Ordinance, an IDP or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Town Manager may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- A. Immediately comply with all requirements; and
- B. Implement such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

Section 10.7 Consent Orders

The Town Manager is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period specified by the order. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment systems, additional self-monitoring, and management practices. Such orders shall have the same force and effect as the administrative orders issued pursuant to Sections 10.5 and 10.6 of this Ordinance and shall be judicially enforceable.

Section 10.8 IDP Termination

The Town Manager may terminate a user's IDP for good cause, including but not limited to the following:

- A. Violation of IDP conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater constituents and characteristics;
- D. Misrepresentation or failure to fully disclose all relevant facts in the IDP application;
- E. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling;
- F. Falsifying self-monitoring reports;
- G. Tampering with monitoring equipment;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey;
- L. Failure to provide advance notice of the transfer of a permitted facility;
- M. Discharging wastewater that presents an imminent hazard to the public health, safety or welfare, or to the local environment; or
- N. Violation of any pretreatment standard or requirement, or this Ordinance or order issued hereunder, or any applicable State or Federal law.

Section 10.9 Termination of Discharge

In addition to the provisions in Section 10.8 of this Ordinance, any user who violates a Section 10.8 cause, or fails to cease and desist from any discharge of wastewater upon termination of their IDP for that discharge, is subject to discharge termination.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.5 of this Ordinance why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the user.

Section 10.10 Emergency Suspensions

The Director may immediately suspend a user's discharge, subsequent to informal notice to the user, whenever such suspension is necessary to terminate an actual or threatened discharge that reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of POTW

personnel or the public. The Director may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or that presents, or may present, an endangerment to the environment.

- A. Any user notified of a suspension of its discharge shall immediately terminate or eliminate its wastewater discharge. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Director may implement such steps as deemed necessary, including immediate severance of the sewer connection and entry on private property to halt such discharge, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in Section 10.9 of this Ordinance are initiated against the user.
- B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures implemented to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing under Sections 10.5 or 10.9 of this Ordinance.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

Section 10.11 Recovery of Expenses

Any person violating any of the provisions of this Ordinance shall become liable to the Town for any expense, loss, or damage occasioned by the Town by reason of such violation. If the Town Manager or Board of Selectmen implemented the disconnection of a building sewer from a public sewer, the Town may collect the expenses associated with completing the disconnection from any person responsible for, or willfully concerned in, or who profited by such violation. The Town may thereafter refuse to permit the restoration of the former connection or of any new connection to the property concerned in the violation until the claim of the Town for the cost of completing such disconnection shall have been paid in full plus interest and the reasonable cost of any legal expenses incurred by the Town in connection therewith.

Section 10.12 Harm to Town Property

No person shall maliciously, willfully, or negligently damage, discharge prohibited pollutants to any sewer, destroy, uncover, deface or tamper with any structure, appurtenance or equipment that is part of the POTW. Any person violating this provision shall be subject to immediate arrest under a charge of disorderly conduct pursuant to the local Ordinances and State and federal statutes.

Section 10.13 Injunctive Relief

When the Town Manager determines that any person or user has violated, or continues to violate, any provision of this Ordinance, an IDP, or order issued hereunder, or any other pretreatment standard or requirement, the Town Manager may petition the Jaffrey/Peterborough District Court through the Town's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the IDP, order, or other requirement imposed by this Ordinance on activities of the user. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition

for injunctive relief shall not be a bar against, or a prerequisite for, implementing any other action against a user.

Section 10.14 Civil Penalties

- A. A user who has violated, or continues to violate, any provision of this Ordinance, an IDP, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Town for a maximum civil penalty of \$10,000 per violation, per day, plus actual damages incurred by the POTW. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The Town Manager may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Town. The Town Manager shall petition the Court to impose, assess, and recover such sums.
- C. In determining the amount of civil liability, the Court shall consider all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions implemented by the user, the compliance history of the user, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, implementing any other action against a user.

Section 10.15 Criminal Prosecution

Any person who willfully or negligently violates any provision of this Ordinance, an IDP, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a violation, punishable by a fine not to exceed \$10,000 for each violation. Every separate provision violated shall constitute a separate violation. Every day that a violation occurs shall be deemed a separate violation. Ref. RSA 47:17 (suppl.), RSA 149-I:6, or revisions thereto, and RSA 31:39 (suppl.).

Section 10.16 Nonexclusive Remedies

The remedies provided for in this Ordinance are not exclusive. The Town may take any, all, or any combination of these actions against a noncompliant user. The Town may pursue other action against any user without limitation, including *ex parte* temporary judicial relief to prevent a violation of this Ordinance. Further, the Town is empowered to pursue more than one enforcement action against any noncompliant user.

ARTICLE XI – AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

Section 11.1 Upset

- A. For the purposes of this section, “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards due to factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the requirements of paragraph (C), below, are met.
- C. A user who intends to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - 1. An upset occurred and the user can identify the cause(s) of the upset;
 - 2. At the time of the upset, the facility was being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - 3. The user has submitted the following information to the Director within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submittal must be provided within five (5) days):
 - a. A description of the discharge and cause of noncompliance;
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - c. Action being implemented and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with pretreatment standards.
- F. A user shall control production of all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

Section 11.2 Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in paragraph 2.6(A) of this Ordinance or the specific prohibitions in paragraph 2.6(B) of this Ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Town was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable biosolids use or disposal requirements.

Section 11.3 Bypass

- A. For the purposes of this section,
 - 1. "Bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility.
 - 2. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A user may allow any bypass to occur that does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.
- C. The user shall provide the following notifications for bypass events:
 - 1. If a user is aware in advance of the need for a bypass, the user shall submit prior notice to the Director, at least ten (10) days before the date of the bypass, if possible.
 - 2. A user shall submit oral notice to the Director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time the user becomes aware of the bypass. A written submittal shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submittal shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps implemented or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- D. Bypass is prohibited, and the Director may initiate enforcement action against a user for a bypass, unless

1. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
 3. The user submitted notices as required under paragraph (C) of this section.
- E. The Director may approve an anticipated bypass, subsequent to considering its adverse effects, if the Director determines that it will satisfy the three conditions listed in paragraph (D) of this section.

ARTICLE XII – SEPTAGE DISPOSAL

RSA 485-A, or revisions thereto, of the State rules, regulations, standards, and procedures promulgated thereupon require that "any person, firm, corporation, municipal subdivision or institution who removes, transports, or disposes, or intends to remove, transport or dispose of any human excrement or other putrescible material by portable or mobile container shall hold an unrevoked permit for that purpose from the NHDES." Therefore, the holding of such a permit shall be a condition precedent to the privilege to dispose such material at the Town's wastewater treatment facility.

Such permit, as required by RSA 485-A, shall be on file with the Town. Upon renewal or revocation of such permit, the hauler shall be responsible for notification of such renewal or revocation to the Town.

Section 12.1 Septage Hauler Requirements

- A. Residential septic tank waste (septage) may be introduced into the POTW only at locations designated by the Director, and at such times as are established by the Director.
- B. Such hauler may discharge septage to the facilities provided at the Town's wastewater treatment facility only after paying the charges as set forth in the *Schedule of Fees* as approved by the Board of Selectmen.
- C. Those persons, firms, corporations, municipal subdivisions or institutions that conform to RSA 485-A and the definition of "RVs" shall dispose of such septage as human excrement or other putrescible materials at the dates, times, and locations designated by the Director.
- D. No person, firm, corporation, municipal subdivision or institution shall discharge any toxic, poisonous, or radioactive solids, liquids or gases; the contents of grease, gas, oil and/or sand interceptors; or industrial wastes via septage tank truck into the Town's wastewater treatment facility without specific authorization of the Director.
- E. The wastewater treatment plant operator acting on behalf of the Director shall have authority to limit the disposal of septage if such disposal could interfere with the treatment facility operation. Procedures for disposal of septage shall be in conformance with the operating policy of the Director and disposal shall be accomplished under a wastewater treatment facility operator's supervision unless specifically permitted otherwise.

Section 12.2 Temporary Septage Permits

The Director shall have the right to issue a temporary permit to allow the discharge of septage at a point of discharge other than the wastewater treatment facility in a situation where such temporary discharge point is necessary to protect the health and welfare of the Town. The Director shall issue such permit upon such terms and conditions as the Director deems to be in the best interests of the Town. The temporary permit shall not be valid for a period exceeding twelve (12) months. The Director shall have the right to revoke or suspend the temporary permit in the event that the terms and conditions are not met.

Section 12.3 Septage Permits

- A. Any person, firm, corporation, municipal subdivision, institution or hauler who conforms to RSA 485-A and intends to dispose of septage, human excrement or other putrescible material within the limits of the Town shall first obtain a permit from the Town.

- B. Such permit as issued by the Town shall identify:
 - 1. The motor vehicle;
 - 2. The capacity of the tank;
 - 3. The NHDES Permit Number; and
 - 4. Any other details of compliance with the regulations of the NHDES.

- C. The following conditions shall constitute conditions precedent to the issuance of each permit by the Town:
 - 1. Each septic tank truck shall have installed thereon, a sight level by which the quantity of the contents of each tank may be ascertained by visual observation; or
 - 2. Each septic tank truck shall have an access port in which the quantity of the contents of each truck may be ascertained by depth measurements.
 - 3. Before the time of disposal, the hauler shall enter the following information into a manifest form located at the wastewater treatment facility:
 - a. The hauler's name;
 - b. Date;
 - c. Time of disposal;
 - d. Volume disposed;
 - e. Origin of load (property owner's name, address, and telephone number); and
 - f. Nature of the waste (*i.e.*, septage) being disposed.
 - 4. Owners of "RVs" who intend to discharge the contents of holding tanks are exempt from the permitting process.

Section 12.4 Septage Disposal Charge

There shall be a Septage Disposal Charge as established by a *Schedule of Fees* as approved by the Board of Selectmen, as the Town may adopt from time to time, for the receipt of septage into the Town's wastewater treatment facility for treatment. In the event that the permittee has either a defective sight level, no sight level attached to the truck, and/or no access to the contents of the truck for depth measurement, the permittee shall be charged according to the full tank capacity at the time of discharge or by other method determined by the Director.

ARTICLE XIII – SEWER USE RATES – FEES

Section 13.1 Applications for Sewer Service

- A. All applications for sewer service must be made at the office of the Director by the owner of the property or his authorized agent.
- B. The Director reserves the right to defer action on any application between November 1 and April 15

Section 13.2 Sewer Connection Fee

- A. All properties shall pay a sewer connection fee as a condition of entrance into the town sanitary sewer system.
- B. A schedule of rates for the Sewer Connection Fee is contained in Appendix III.
- C. For properties not provided for in the schedule of rates, the question of charges for connection shall be determined by the Director.

Section 13.3 Payment of Bills

- A. General
 - 1. Each property owner will be billed for sewer usage according to the current rates as established by the Board of Selectmen. Billing will occur at a frequency as approved by the Board of Selectmen. Customers with active sewer services will receive sewer bills that will include a minimum charge as established by the Board of Selectmen
 - 2. Payment for services provided may be made in form customary and in compliance with existing town policy. Checks shall be made payable to the Town of Jaffrey. If receipts are desired a stamped, self-addressed envelope must be sent with the remittance.

JAFFREY MUNICIPAL SEWER USE ORDINANCE

3. Payment is due within 30 calendar days of the date of the bill. Bills remaining unpaid 30 days after billing date shall incur interest as set by RSA.
4. The failure of the property owner or agent to receive notice of the sewer bill does not relieve him/her of the obligation of its payment nor the consequences of its non-payment.
5. Failure of a property owner to make payment shall subject the property owner to the provisions for delinquent accounts.
6. Property Owners will be billed for Sewer Department Services provided as established and set forth in these regulations and as in Appendix III.
7. In the event that water meters are stopped, frozen or otherwise damaged, or entry for reading purposes cannot be made, sewer usage shall be estimated based on the previous usage at the discretion of the Water and Sewer Departments.
8. Sewer bills shall be issued to properties as long as the water service to the property is active and has not been shut off by the Water Department. To cease billing, the water department is required shut off the water service at the service shut off and remove the water meter. Customers will be responsible for Turn Off fee as determined by the Board of Selectmen (see4Water Use Regulations - Schedule A)
9. Sewer bills will be issued for the minimum charge for usage between zero and the minimum gallon usage established by the Board of Selectmen.
10. The current fees to be charges to the Sewer Customers are as approved by the Board of Selectmen and outlined in Appendix III.

B. Delinquent Accounts & Discontinuance of Service

1. Overdue accounts are due upon receipt.
2. Overdue accounts will be assessed interest at a rate established by RSA. Balances due after 30 days of the billing rate will accrue interest.
3. Any account deemed delinquent under the terms of these Rules & Regulations may be subject to additional actions including but not limited to the following:
 - a. Discontinuance of service after proper notice. Such Notice to include:
 1. Accounts with amounts in arrears 90 days will receive notice at the property detailing the terms to avoid termination of service. The length of time in arrears may from time to time be changed at the discretion of the Collector with approval of the Town Manager.
 2. Payment not received by the terms in the notice will result in discontinuance of service. Once service is discontinued, the Property Owner is subject to the Shut Off and Turn On fees as established – Schedule A
 - b. Collection through small claims court or any other court having appropriate jurisdiction

- c. Attachment of property by use of a lien.
- 4. Delinquent sewer accounts are subject to the Tax Lien process in accordance with RSA 80:63.

C. Transfer of Ownership

1. Transfer of ownership will occur once the deed has been delivered by the Registry of Deeds to the Town of Jaffrey.

2. Prior to transfer of ownership, the person purchasing, selling or their agent shall contact the Tax Collector to arrange for a final meter reading and preparation of final amount due by the seller which will be placed on the account. The determination of the final bill is subject to fee as determined in Schedule A. The Seller must make available the property for inspection if deemed necessary by the Department. Any balance on the account remains on the account of the property until paid.

3. Failure by the seller to pay any outstanding balances due on account shall not affect the Sewer Department's right to recover such payments due by legal remedy. Any outstanding balance not paid at the time of the sale or transfer shall be considered as a lien on the property and be subject to collection by the Town of Jaffrey in accordance Section E above and applicable laws.

ARTICLE XIV- VALIDITY

- A. If a provision of this Ordinance is found to be in conflict with any provision of zoning, building, safety or health or other Ordinance or code of the Town, the State of New Hampshire, or the Federal government existing on or subsequent to the effective date of this Ordinance, that provision which in the judgment of the Town establishes the higher standard of safety and protection shall prevail.
- B. The validity of any article, section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance that can be given effect without such invalid part or parts.

ARTICLE XV- INTERPRETATION OF REQUIREMENTS

Section 15.1 Interpretation

The provisions of this Ordinance with respect to the meaning of technical terms and phrases, the classification of different types of sewers, the regulations with respect to installing or constructing connections to sewers or drains, and other technical matters shall be interpreted and administered by the Director acting in and for the Town of Jaffrey, New Hampshire through the Board of Selectmen.

Section 15.2 Appeals

Any party aggrieved by any decision, regulation or provision under this Ordinance, as amended, from time to time, shall have the right of appeal within thirty (30) calendar days of said decision to the

JAFFREY MUNICIPAL SEWER USE ORDINANCE

Director, who shall issue a decision within thirty (30) calendar days. If said appeal is denied by the Director, then the aggrieved party shall have the right to appeal to the Town Manager, Board of Selectmen or Jaffrey/Peterborough District Court for Cheshire County for equitable relief, provided that said appeal is entered within thirty (30) calendar days from the issuance of the decision of the Director.

ARTICLE XVI - MODIFICATIONS

The Town reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a sewer and the sewer system, which additional rules and regulations, to the extent appropriate, shall be a part of these regulations.

JAFFREY MUNICIPAL SEWER USE ORDINANCE

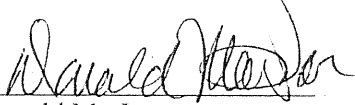
ARTICLE XVII- ORDINANCE IN FORCE

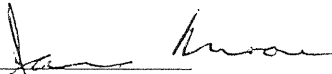
This Ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

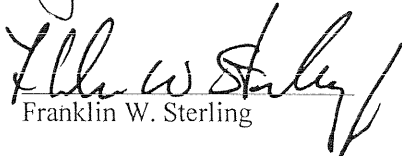
Duly enacted and ordained this 23 day of Jan. 2017 by the Board of Selectmen of the Town of Jaffrey in Cheshire County, State of New Hampshire, at a duly noticed and duly held session of the said Board of Selectmen.

Jaffrey, New Hampshire

By: Board of Selectmen


Donald MacIsaac


James Moore


Franklin W. Sterling

Appendices

Appendix I – Maximum Allowable Industrial Mass Loading Limitations

Appendix II – Screening Levels

Appendix III – Wastewater Schedule of Fees

Appendix IV – Typical House Sewer Service Schematic

Appendix I

Maximum Allowable Industrial Mass Loading Limitations

The Director will not issue permits that in combination with other industrial loads exceed the values in the table located in Appendix I of this Ordinance:

POLLUTANT	MAXIMUM ALLOWABLE INDUSTRIAL LOADING (lbs/day)	POLLUTANT	MAXIMUM ALLOWABLE INDUSTRIAL LOADING (lbs/day)
Biochemical Oxygen Demand (BOD)	495	Total Suspended Solids (TSS)	578
Aluminum	7.208	Mercury	0.002
Arsenic	0.000*	Molybdenum	0.008
Cadmium	0.004	Nickel	0.107
Chromium	0.304	Selenium	0.013
Copper	0.274	Silver	0.013
Cyanide (T)	0.036	Zinc	0.498
Lead	0.027	-	-

* No discharge greater than background concentration will be permitted.

All mass loading limitations for metals represent total metals, regardless of the valance state, or the physical or chemical form of the metal. To administer these allowable loadings through IDPs, the Director will impose concentration-based limitations, or mass limitations, or both, on a case-by-case basis into site-specific IDPs. For industrial users, the values written into IDPs for the above pollutants shall apply at the end of the industrial wastestream and prior to dilution with non-industrial wastewaters.

Unless specifically identified in an IDP, an industrial user is not allowed to discharge the locally limited pollutants at concentrations significantly greater than background concentrations. For the purposes of this requirement, significant means 67.9 percent (67.9%) greater than the background concentrations used for local limits development.

Daily concentration (or mass loading) is the concentration (or mass) of a pollutant discharged, determined from the analysis of a flow-composite sample (or other sampling procedure approved by the Director) representative of the discharge over the duration of a 24-hour day or industrial operating schedule of less than twenty-four (24) hours.

Appendix II

Screening Levels.

Screening levels are numerical values above which actions are initiated to evaluate, prevent, or reduce adverse impacts on the POTW, the environment, and/or human health and safety. The Town monitors industrial sources of conservative pollutant-bearing discharges in comparison to established uniform concentration values, and authorization to discharge at greater concentrations may be granted subject to the administrative procedures for managing mass loading limitations. Uniform concentration values for conservative pollutants will be maintained by the Town, independent of this Ordinance, to provide regulatory flexibility.

Screening levels for non-conservative pollutants are concentration-based values that, if exceeded, represent a potential to compromise worker safety, create flammability or chemical reactivity conditions in the collection system, or result in operational issues such as excessive organic/solids loadings. Screening levels for non-conservative pollutants are developed as needed using the methodology of the Town’s local limits study. The data in the table located in Appendix II of this Ordinance are representative of non-conservative pollutants and the concentrations above which they shall not be discharged to the POTW without approval of the Director.

POLLUTANT	mg/L	POLLUTANT	mg/L
Acetone	372	Methyl tert-butyl ether	5.5
Acrylonitrile	0.48	Methylene chloride	1.0
Benzene	0.001	Nitrogen (Total Kjeldahl / Ammonia)	35 / 20
Biochemical Oxygen Demand	191	Oil & Grease (animal and vegetable origin)	100
bis-2-Ethylhexyl phthalate	0.012	Oil & Grease (petroleum	100
Carbon disulfide	0.007	Perchlorate	0.43
Chloride	1,500	Phenol	50
Chlorine (Total Residual)	6.0	Phenols (total)	1.0
Chlorobenzene	0.30	Phosphorus	6.9
Chloroform	0.065	Sulfate	1,500
p-Cresol (4-methylphenol)	0.0025	Sulfide	1.0
1,4-Dichlorobenzene	0.103	Sulfite	280
1,1-Dichloroethane	1.74	Tetrachloroethylene (PCE)	0.23
1,2-Dichloroethane (Ethylene Dichloride)	0.08	Tetrahydrofuran	205
1,2-Dichloropropane	3.0	Toluene	0.69

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POLLUTANT	mg/L	POLLUTANT	mg/L
1,3-Dichloropropene	0.01	1,2,4-Trichlorobenzene	0.64
Ethylbenzene	1.35	1,1,1-Trichloroethane (TCA)	2.7
Formaldehyde	1.47	Trichloroethene	0.32
Isopropyl alcohol	1,488	Total Suspended Solids	242
Methyl bromide (Bromomethane)	0.015	Vinyl Chloride (chloroethene)	0.0023
Methyl ethyl ketone	160	Vinylidene Chloride	0.019
Methyl isobutyl ketone	36	Xylenes	1.4

If any of the screening levels are exceeded, repeat analysis may be required by the Town to verify compliance or noncompliance with that screening level. If noncompliance is indicated, then the industrial user may be required, at the discretion of the Director, to conduct an appropriate engineering evaluation at the industrial user's expense to determine the potential impact of the discharge of this pollutant to the Town's POTW or alternatively, to develop a pollution prevention plan specifically addressing the pollutant that exceeds the screening level. This study or plan shall be approved by and conducted under the supervision of the Town. Should the evaluation indicate the impact to be unsatisfactory, the industrial user shall reduce the pollutant concentration to a satisfactory level. If the evaluation supports development of an alternate site-specific limitation, then the screening level may, at the discretion of the Director, be adjusted as a special agreement for the industrial user and administered as a permit limitation for the specific discharge.

If an industrial user proposes to discharge at concentrations greater than the concentration-based screening level maintained by the Town, then the industrial user may be required to conduct the evaluations described in the previous paragraph. Should the evaluations support an alternate site-specific limitation, then the screening level may, at the discretion of the Director, be adjusted as a special agreement for the industrial user and administered as a permit limitation for the specific discharge.

Appendix III

Wastewater Schedule of Fees
(Effective January 1, 2016)

Sewer Rent (Billed Monthly)

Based on metered water usage	\$13.01 first 1000 gallons \$1.72 per 100 gallons thereafter	Effective 1/1/2016
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New Wastewater Connections

Residential (Single Family)	\$2170	1/1/2016
Residential (Multi-Family)	\$2170 per unit	1/1/2016
Commercial	\$11.82 per gallon (min charge equal to residential fee)	1/1/2016
Industrial	\$11.82 per gallon (min charge equal to residential fee)	1/1/2016
Institutional/Government	\$11.82 per gallon (min charge equal to residential fee)	1/1/2016
Other	\$11.82 per gallon (min charge equal to residential fee)	1/1/2016

The per gallon design flow for non-residential and multi-family users to be determined based on the design flow values contained in Table 1008-1 from Chapter Env-Wq 1000 of the NH Code of Administrative Rules or if unable to be determined from Table 1008-1, as calculated by the Town based on best engineering principles.

Annual adjustment to these fees to take place beginning January 1, 2014 based on the Engineering News Record (ENR) Construction Costs Index from the previous December.

Effective the approval of these fees, the applicant for a new wastewater connection will be responsible for complete installation of the wastewater service.

Sump Pump User (Prior Approval Required)	\$10.00 per month	4/28/2008
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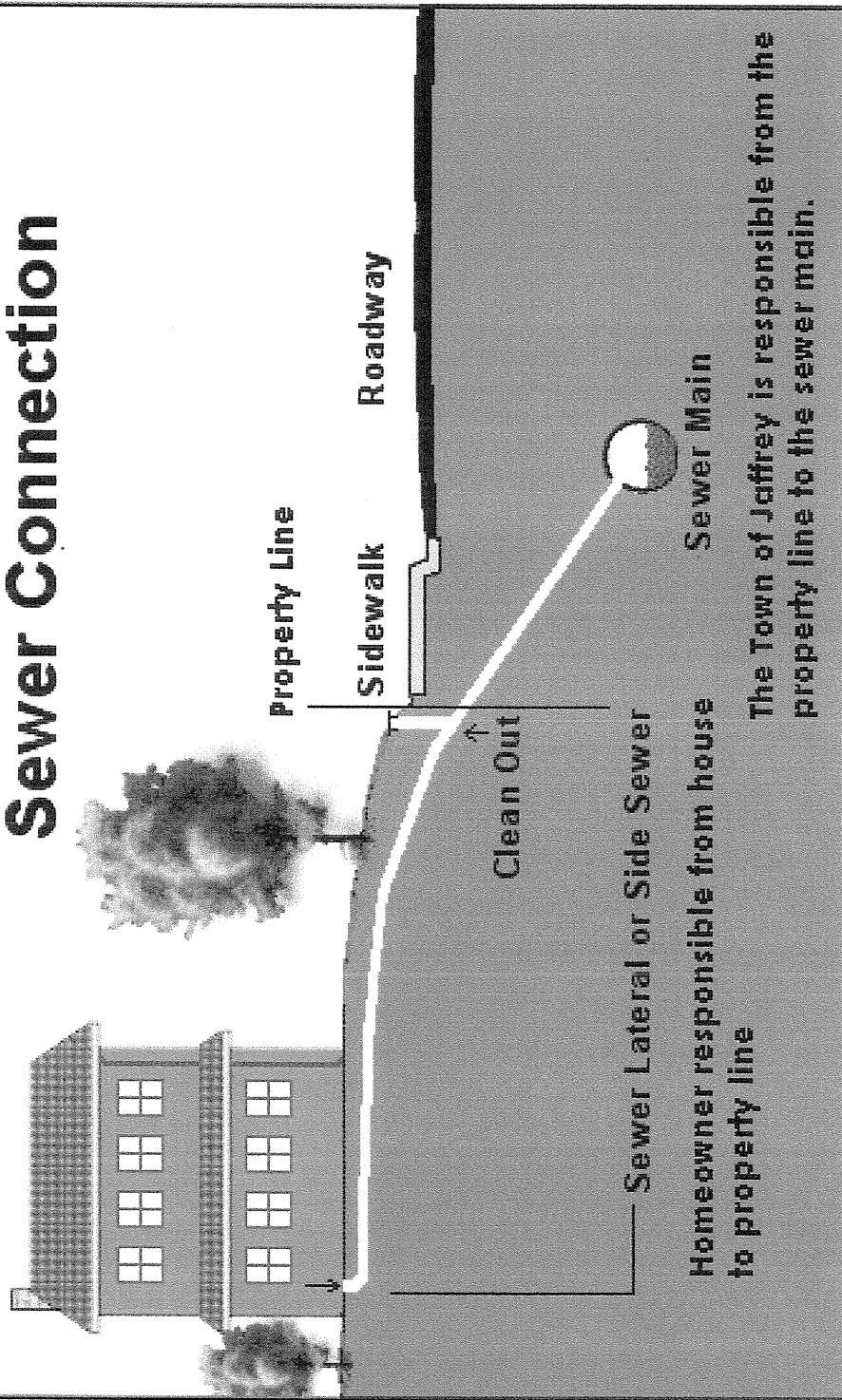
Septage Disposal	\$0.05 per gallon (Jaffrey) \$0.075 per gallon (In-District) \$0.10 per gallon (Outside District) \$10.00 per drop (Camper/RV) \$25.00 seasonal (Camper/RV)	4/22/2010
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Appendix IV

Typical House Sewer Service Schematic

All house plumbing drains into the lateral.

Typical House Sewer Connection



Sump pump connections should not be discharged into the sewer system.

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.

- F. 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 155:45¹, 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.

- G. 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**

H. 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.

I. 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) 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 29, voted in the affirmative by card vote at the Annual Town Meeting, reads as follows: “To see if the Town will vote to amend the exemption amounts for elderly, disabled and blind exemptions to the following amounts to be effective April 1, 2021.

<u>Exemptions</u>	<u>Current</u>	<u>Proposed</u>
Elderly (Age 65-74)	\$40,000	\$55,000
Elderly (Age 75-79)	\$60,000	\$75,000
Elderly (Age 80+)	\$75,000	\$90,000
Disabled	\$60,000	\$75,000
Blind	\$30,000	\$45,000”]

[Article 22, voted in the affirmative by voice vote at the 3/18/2023 Annual Town Meeting, reads as follows: “To see if the Town will vote to modify the income and asset limits for elderly exemption in accordance with the provisions of RSA 72:39-a, exemption for elderly from property tax based on assessed value for qualified tax payers, to the following amounts to be effective April 1, 2023:

<u>Limits</u>	<u>Current</u>	<u>Proposed</u>
Income - Single	\$24,000	\$35,000
Income - Married	\$30,000	\$45,000
Asset – Single/Married	\$50,000	\$75,000]

[Article 23, voted in the affirmative by voice vote at the 3/18/2023 Annual Town Meeting, reads as follows: “To see if the Town will vote to modify the income and asset limits for disabled exemption in accordance with the provisions RSA 72:37-b, exemption for disabled from property tax based on assessed value to qualified tax payers to the following amounts to be effective April 1, 2023:

Limits	Current	Proposed
Income - Single	\$18,000	\$28,000
Income - Married	\$25,000	\$40,000
Asset – Single/Married	\$50,000	\$75,000]

**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.”] ¹

J. Editor’s Note: Collection of the Resident Tax was rescinded in by Article 21 of the March 17, 1990 Town Meeting.

**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 anyway 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 20, voted in the affirmative on 3-25-2017 by voice vote at the Annual Town Meeting, reads as follows: “Shall the Town vote to adopt the provisions of RSA 72:28-b, All Veterans’ Tax Credit? If adopted, the credit will be available to any resident, or the spouse or surviving spouse of any resident, who served not less than 90 days on active service in the armed forces of the United States and was honorably discharged or an officer honorably separated from service and is not eligible for or receiving a credit under RSA 72:28 or RSA 72:35. If adopted, the credit granted will be \$500, the same amount as the standard or optional veterans’ tax credit voted by the Town under RSA 72:28-d.]

Note: Both Veterans’ Tax Credits readopted at the 2023 Annual Town Meeting per statutory requirement by voice vote, Articles 19 and 20.

**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 II
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.”

Note: The No Trespassing Ordinance is cited in Cemeteries 1702, Parks and Playgrounds 15501 and Town Land 18202.

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 I: One-Way Streets.
- § 185-16. Schedule II: 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.
- § 185-23.1 Schedule IX-1: Loading Zone.

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 I: 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. Stopping, Standing or Parking Prohibited in Specified Places.

No person shall stop, stand or park a vehicle, at any time:

- 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 an intersection;
- D. On a crosswalk;
- E. In such manner as to impede/obstruct or render dangerous the use of the roadway by others except to avoid a collision, at the direction of an authorized official, or in the event of a mechanical breakdown;
- 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)

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

- A. Within twenty (20) feet of a crosswalk at an intersection;
- B. Within fifteen (15) feet of a hydrant;
- C. In front of a public or private driveway.

§ 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 snow, vehicles parked in the spaces identified above (Blake Street lot and Memorial Drive) must be removed before 7:30 a.m. and no vehicle may be parked in said spaces between 7:30 am and 9:00 am (04-22-2019). 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)
- C. Loading Zones – No person shall allow a vehicle utilizing loading zones to be stationed or remain for a period exceeding thirty minutes at locations as shown in Schedule IX-1: Loading Zone (§ 185-23.1). (09-12-16)

**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. (Replaced in whole 04-22-2019)

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:

Town Jurisdiction:**Stop Sign On**

Aetna Street
 Blackberry Lane
 Bryant Road
 Carmella Drive
 Carmella Drive
 Cheshire Road
 Coolidge Road
 Coll's Farm Road
 Crestview Drive
 Cross Street
 Darcie Drive
 Dean Farm Road
 Dean Farm Road
 Great Road
 Great Road
 Hadley Road (NB)
 Hadley Road (SB)
 Harkness Road
 Harkness Road
 Howard Hill Road
 Howard Hill Road
 Hunt Road (NB)
 Hunt Road (SB)
 Ingalls Road
 Jaquith Road
 Lakewood Drive
 Lawrence Street
 Lehtinen Road
 Letourneau Drive
 Michigan Road
 Oak Street
 Overview Drive
 Pinecrest Street

At Intersection Of

Stratton Road
 First Tavern Road
 Proctor Road
 Lakewood Drive
 South Shore Drive
 Fitch Road
 Nutting Road
 Old Sharon Road
 Town Farm Road
 Nutting Road
 Squantum Road
 Nutting Road
 Town Farm Road
 Fitzwilliam Road
 Gilmore Pond Road (northbound)
 Old Sharon Road
 Old Sharon Road
 Bryant Road
 Proctor Road
 Squantum Road @ Stratton Road
 Squantum Road
 Squantum Road
 Squantum Road
 Gilmore Pond Road
 Gilmore Pond Road
 Michigan Road
 Stratton Road
 Town Farm Road
 Nutting Road
 Howard Hill Road
 Webster Street
 Nutting Road
 Ridgecrest Road

Town Jurisdiction:**Stop Sign On**

Plantation Drive
 Plantation Drive (WB)
 Prescott Road
 Proctor Road (eastbound)
 Proctor Road (westbound)
 Sawtelle Road
 South Shore Drive
 Squantum Road
 Squantum Road
 Squantum Road
 Squantum Road
 Woodbound Road

NHDOT Jurisdiction:**Stop Sign On**

Adams Street
 Amos Fortune Road
 Bradley Court
 Charlonne Street
 Crestview Drive
 Cross Street
 Davidson Road
 Emery Road
 Emery Road
 Evergreen Lane
 First Tavern Road
 First Tavern Road
 Fitch Road
 Fitzgerald Drive
 Fitzwilliam Road
 Gilmore Pond Road
 Gilmore Pond Road
 Gilson Road
 Goodnow Street
 Goodnow Street
 Grove Street

At Intersection Of

Squantum Road
 Fitzgerald Drive
 Squantum Rd (S end of Island)
 Harkness Road (05-24-2021)
 Harkness Road (05-24-2021)
 Gilmore Pond Road
 Michigan Road
 Howard Hill Road (toward Beach)
 Prescott Road (N end of Island)
 Stratton Road
 Hunt Road
 Squantum Road

At Intersection Of

River Street
 North Street
 Main Street
 Main Street
 North Street
 Peterborough Street
 Peterborough Street
 North Street (Northbound)
 North Street (Southbound)
 Lehtinen Road
 Dublin Road
 Mountain Road
 Peterborough Street
 Turnpike Road
 Mountain Road
 Main Street
 River Street
 Dublin Road
 Main Street
 North Street
 Turnpike Road

NHDOT Jurisdiction:**Stop Sign On**

Harkness Road
 Harkness Road
 Hathorn Road
 Highland Avenue
 Highland Avenue
 Hillcrest Road
 Hillcrest Road
 Knight Street
 Laban Ainsworth Way
 Lacy Road
 Lehtinen Road
 Lord View Drive
 Monadnock View Drive
 Nutting Road
 Nutting Road
 Oak Street
 Old Sharon Road
 Parent Street
 Parker Road
 Perry Road
 Prescott Road
 Proctor Road
 Proctor Road
 Prospect Street
 Ridgecrest Road
 Sara Drive
 Sawtelle Road
 School Street
 Sherwood Lane
 Skyline Drive
 St. Jean Street
 Thorndike Pond Road
 Town Farm Road
 Troy Road
 Tyler Hill Road
 Webster Street
 Windy Fields Lane
 Witt Hill Road

At Intersection Of

Main Street (E side of island)
 Main Street @ Bryant Road
 River Street
 Main Street (Eastbound)
 Main Street (Westbound)
 Peterborough Street
 Turnpike Road
 Turnpike Road
 Main Street
 River Street
 Peterborough Street
 North Street
 River Street
 North Street
 Peterborough Street
 Turnpike Road
 Peterborough Street
 North Street
 North Street
 Turnpike Road
 Turnpike Road
 North Street (near opposite Town Farm Rd)
 North Street (Opposite Amos Fortune)
 Main Street
 Peterborough Street
 Peterborough Street
 Main Street
 River Street
 North Street
 Peterborough Street
 North Street
 Main Street
 North Street
 Mountain Road
 River Street
 Peterborough Street
 North Street
 Turnpike Road

Private Jurisdiction:

Stop Sign On

Carriage Hill Road
 Pine East Apartments Road

At Intersection Of

Howard Hill Road
 Howard Hill Road

§ 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
Coll's Stand Road	West	Hadley Road
Great Road	South	Gilmore Pond Road (06-14-10)
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		
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

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

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)
Sandy Lane	Both	Entire length of street (8-14-17)
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	South	From Main Street to Squantum Rd.

(08-25-14)

§ 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. (12-20-10)	7:00a.m. – 7:00 p.m., M-S

§ 185-23.1 Schedule IX-1: Loading Zone.

Name of Street	Side	Location	Effective Time/Dates
North Street	East	Beginning 120 feet northerly of the intersection with Main Street and continuing 30 feet northerly. (09-12-16)	All times

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.

§187-12 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: _____

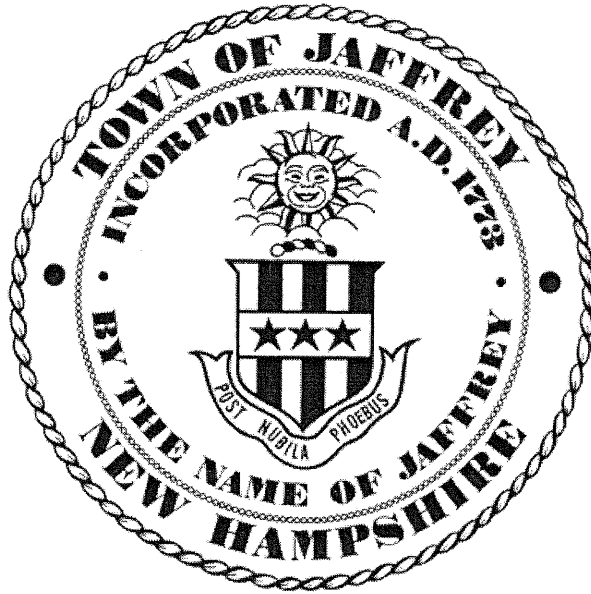
cc: Police Department; Fire Department, Select Board's Office

WATER DEPARTMENT REGULATIONS

CHAPTER 188

WATER DEPARTMENT REGULATIONS

[HISTORY: Adopted on 11-10-2014 by the Board of Selectmen. Amendments noted where applicable.]



TOWN OF JAFFREY

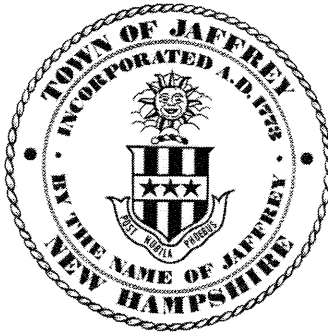
NEW HAMPSHIRE

RULES AND REGULATIONS

OF THE

JAFFREY WATER DEPARTMENT

Jaffrey Department of Public Works
www.townofjaffrey.com
Jaffrey Water Department
23 Knight Street
Jaffrey, New Hampshire 03452



TOWN OF JAFFREY NEW HAMPSHIRE

WATER WORKS RULES AND REGULATIONS

APPROVED BY: Town of Jaffrey Board of Selectmen

Kathleen Batchelder Kathleen Batchelder, Chair

Thomas Rothermal Thomas Rothermal

Donald MacIsaac Donald MacIsaac

Date approved: 11/10/14

GENERAL INFORMATION

I. DEFINITIONS

- A. Customer/Property Owner: Shall mean any property owner, corporation of any type supplied water by the Jaffrey Water Department.
- B. Distribution Water Main: Water lines located in roadway layouts, rights-of—ways, or easements which provide the water for water services or fire protection.
- C. Water Works Department: Shall mean the Jaffrey Water Department as represented by the Town Manager, Selectmen, or duly authorized employees or agents.
- D. Service Pipe: The Water Service from the corporation stop at the water distribution main to the curb stop. Service pipe may mean domestic service or sprinkler (fire) service.
- E. Dwelling Unit: A single family home, apartment, cottage, mobile home, condominium, and factory.
- F. Application for Water Service: Issued through Building Permit process. Form signed by the Customer/Property Owner or designated representative to request connection to the Jaffrey Water Distribution System and to become contract between the Water Works and the Applicant.
- G. Town: Shall mean the Town of Jaffrey; The Jaffrey Water Department; Jaffrey Water Works
- H. Active Water Service: Water service that has not been shut off by the Water Department at the service Curb Stop and where the water meter remains installed at the property.

II. SERVICE AREA

- A. The territory served by the Water Department including the Town of Jaffrey and its current customers and service area in the Town of Rindge, NH.

III. OFFICE LOCATION AND HOURS OF WORK

- A. The Water Department administration is located at the Department of Public Works (DPW) at 23 Knight St. in Jaffrey. The billing office is located in the Jaffrey Town Office at 10 Goodnow St. in the Office of Tax Collector.

Phone numbers are: Water Department/DPW: 603-532-7870
Tax Collector: 603-532-7860

Hours are as posted on the Town Website – www.townofjaffrey.com

IV. WATER CONNECTIONS, EXTENSIONS AND APPLICATIONS FOR WATER SERVICE

- A. The application for Water Service Connection or Extension is part of the overall building permit process and can be obtained at the Town Office at 10 Goodnow St., Office of the Building Inspector. Application is also available on the town website.
- B. An approved connection application shall constitute a contract between the Water Department and the applicant to pay the Water Department its established rates and charges and to comply with these rules and regulations.
- C. The application shall be accompanied by the following:
 - a. Plan of scale acceptable to the Department of Public Works showing the proposed location on the building on the lot with the proposed connection to the water system shown.
 - b. The plan should also include all other features necessary to clearly depict the property and the water service connection to the building and relative to other utilities, structures etc that may exist.
 - c. Estimate of water usage – Refer to Table 1008-1 from Chapter ENV-Wq 1000 of the NH Code of Administrative Rules or best engineering practice.
Calculation of applicable fee,
 - d. Size and material of service
- D. The Water Department reserves the right to assign the size and location for the water services.
- E. The rendering of service by the Water Department and the acceptance thereof by the property owner shall be deemed a valid contract between the parties, their heirs, assigned or successors, including and subject to all the provisions of the Water Department rates, rules and regulations applicable to that service, whether or not a signed application is made by a property owner and accepted by the Water Department.
- F. Use of water is confined to the premises named in the application. No property owner shall supply another not entitled to the use of water, nor shall he use it for any other purpose not mentioned in the application.

- G. No person shall obtain water service from any hydrant, fountain, or other fixture of the Water Department without written consent of the Water Department.
- H. Application will be approved subject to review of the Department, compliance with the regulations set forth, and subject to water service being available through an existing main in a street or right-of-way abutting the premises to be served, but approval shall in no way obligate the Water Works to extend its infrastructure to service the premises, excepting as hereinafter provided.
- I. The Water Department reserves the right to deny any application for any reasonable reason, such as but not limited to capacity of infrastructure, available water yield, etc.
- J. When new services are proposed to serve new properties, spaghetti type services, which are multiple services which are tapped close to each other at the main and are run parallel to serve multiple properties, are prohibited.
- K. Applications denied by the Water Department may be appealed according to Section XIV of these regulations
- L. Application Fees are due and payable before any service will be connected. Applicable fees are as approved by the Board of Selectmen and outlined on *Schedule A*.
- M. All costs associated with the installation of services are the responsibility of the applicant.

V. EMERGENCY SERVICES

- A. The minimum call out fee for services that take place after working hours will be a minimum two hours plus materials and any other associated costs.

VI. WATER RATES - SERVICE FEES

A. General

1. Each property owner will be billed for metered water usage according to the current rates as established by the Board of Selectmen. Billing will occur at a frequency as approved by the Board of Selectmen. Customers with active water services will receive water bills that will include a minimum charge as established by the Board of Selectmen
2. Payment for services provided may be made in form customary and in compliance with existing town policy. Checks shall be made payable to the Town

of Jaffrey. If receipts are desired, a stamped, self-addressed envelope must be sent with the remittance.

3. Payment is due within 30 calendar days of the date of the bill. Bills remaining unpaid 30 days after billing date shall incur interest as set by RSA.
4. The failure of the property owner or agent to receive notice of the water bill does not relieve him/her of the obligation of its payment nor the consequences of its non-payment.
5. Failure of a property owner to make payment shall subject the property owner to the provisions for delinquent accounts.
6. Property Owners will be billed for Water Department Services provided as established and set forth in these regulations and as in Schedule A.
7. In the event that meters are stopped, frozen or otherwise damaged, or entry for reading purposes cannot be made, water usage shall be estimated based on the previous usage at the discretion of the Water Department.
8. Water bills shall be issued to properties as long as the water to the property is active and has not been shut off by the Department. To cease billing, the water department is required shut off the water service at the service shut off (curb stop) and remove the water meter. Customers will be responsible for Turn Off fee as determined by the Board of Selectmen (Schedule A).
9. Water bills will be issued for the minimum charge for usage between zero and the minimum gallon usage as established by the Board of Selectmen.
10. The current fees to be charged to the Water Customers are as approved by the Board of Selectmen and outlined on Schedule A.

B. Fire Protection

1. All water supplied through fire service pipes may, at the option of the Water Department, be metered and special measuring or detecting devices may be installed, as approved by the Water Department at the owner's expense. The Water Department may also assess a fire protection fee with the approval of the Board of Selectmen.

C. Abatements

1. Property Owners may dispute charges for metered water usage or for services provided.

2. Applications for Abatement must be filed in accordance with RSA 76:16 to the Board of Selectmen.
3. Abatement forms may be picked up at the office of the Tax Collector, or downloaded from the Town of Jaffrey website (www.townofjaffrey.com).
4. Customers shall not be prohibited from making an abatement request for any reason they feel is just, nor shall the Board of Selectmen be obligated to grant an abatement for any reason it does not feel is just.

D. Delinquent Accounts & Discontinuance of Service

1. Overdue accounts are due upon receipt.
2. Overdue accounts will be assessed interest at a rate established by RSA. Balances due after 30 days of the billing rate will accrue interest.
3. Any account deemed delinquent under the terms of these Rules & Regulations may be subject to additional actions including but not limited to the following:
 - a. Discontinuance of service after proper notice. Such Notice to include:
 - 1) Accounts with amounts in arrears will receive notice at the property detailing the terms to avoid termination of service. The length of time in arrears may from time to time be changed at the discretion of the Collector with approval of the Town Manager.
 - 2) Payment not received by the terms in the notice will result in discontinuance of service. Once service is discontinued, the Property Owner is subject to the Shut Off and Turn On fees as established – Schedule A
 - b. Collection through small claims court or any other court having appropriate jurisdiction
 - c. Attachment of property by use of a lien.
4. If the water account includes a sewer assessment, delinquent sewer accounts are subject to the Tax Lien process in accordance with RSA 80:63.

E. Transfer of Ownership

1. Transfer of ownership will occur once the deed has been delivered by the Registry of Deeds to the Town of Jaffrey.
2. Property located in Rindge will change ownership after the Office of the

Tax Collector in Jaffrey has been notified by the Town of Rindge or new Homeowner provides a copy of the Deed showing the transfer of ownership.

3. Prior to transfer of ownership, the person purchasing, selling or their agent shall contact the Tax Collector to arrange for a final meter reading and preparation of final amount due by the seller which will be placed on the account. The determination of the final bill is subject to fee as determined in Schedule A. The Seller must make available the property for inspection if deemed necessary by the Department. Any balance on the account remains on the account of the property until paid.
4. Failure by the seller to pay any outstanding balances due on account shall not affect the Water Department's right to recover such payments due by legal remedy. Any outstanding balance not paid at the time of the sale or transfer shall be considered as a lien on the property and be subject to collection by the Town of Jaffrey in accordance Section D above and applicable laws.

F. Temporary Water Service

1. Temporary service for construction or other use – Application shall be made pursuant to Section IV. Connection fee will be as established by Schedule A. Usage will be billed on metered water usage. Temporary Water Service Accounts in arrears will be terminated without notice.

G. Swimming Pools & Other Outside Usage (Non Sewer)

1. Jaffrey Water Department will not fill any swimming pools. Use of hydrants etc is prohibited. The topping of pools to maintain water levels is permitted and billed at the metered water rate. Credit to the sewer portion of the bill may be provided if the property owner has installed a second meter to record and register “non sewer” water usage only. Meter must be inspected by the Water Department at its installation. Meter manufacturer must be compatible with the town's meter reading equipment and will be read concurrent with the town's water meter.
2. Outside water usage & Irrigation. Use of hydrants etc for permanent irrigation is prohibited. Outside usage is billed at the metered water rate. Credit to the sewer portion of the bill may be provided if the property owner has installed a second meter to record and register “non sewer” water usage only. Meter must be inspected by the Water Department at its installation. Meter manufacturer must be compatible with the town's meter reading equipment and will be read concurrent with the town's water meter.

H. Meter Repairs

1. Cost of materials/labor during working hours if applicable.

2. The minimum call out fee for the Water Department after working hours will be two hours plus material costs. *See Schedule A.*
3. If meter tampering is suspected or habitual repair is needed, a minimum fee will be charged *See Schedule A.*
4. If a water meter is damaged by freezing, hot water or other fault of the property owner, all removal, repair and/or replacement charges will be billed to the property owner.
5. Periodic tests for duty of each water meter will be made as often as the Water Department deems necessary. For meters up to 1 inch in size, meter repairs, or replacements necessitated by ordinary wear will be paid by the Water Department.
6. All meters greater than 1 inch are the responsibility of the property owner. All costs associated with meters greater than 1 inch are the responsibility of the property owner.

I. Meter Testing

1. Property Owners may question at any time the accuracy of the water meter. For meters 1 inch and smaller, the meter may be removed and tested for accuracy. For meters that are greater than 1 inch and are the responsibility of the property owner, the property owner may contact a testing company of their choosing and provide copy of test results to the Water Department. Testing of Water Meter shall comply with AWWA Manual M6.
2. Contact the Department of Public Works during working hours to schedule a time to have the meter removed for testing. A forty-eight (48) hour notice is required by the Water Department.
3. The fee for having the meter tested is as set on Schedule A for meters under 1". This fee must be paid before the meter will be removed from the property.
4. If the meter test shows that the calibration is correct or within manufacturer's specifications, the property owner forfeits the testing fee. Should the meter prove to be faulty the property owner will be refunded the fee amount and the most recent water bill adjusted accordingly.
5. For property owners with meters greater than 1 inch, the Water Department may request in writing that the property owner test the meter. The owner will arrange for the testing if the meter within 15 days of the date of the notice. The property owner shall notify the Water Department of any testing of meters so that a representative of the department may obtain the reading on the meter. Information on meters removed, repaired, or replaced to be supplied to the Water Department.

J. Backflow Prevention Devices

1. Backflow prevention devices are mandatory. Costs associated with the necessary testing pursuant to Schedule A.
2. See also Appendix A

K. Violation Fees

1. Penalties may be assessed property owners if they violate these Rules and Regulations. If customer fails to remove any violation, or comply with any written order of the department, the water service may be terminated. Any applicable fees will be charged and must be paid prior to restoration of service. See attached *Schedule A*.

L. Service Calls (After Hours)

1. The minimum after-hours call out fee for the Water Department Services will be a minimum two hours plus materials and any other associated costs

VII. METERS

A. General

1. Water meters are required for any use of Town water, and all requirements, sizes and types will be determined by the Water Department. The Water Department will install all water meters up to 1" in size. The property owner will pay the entire cost for meters and accessories for meters larger than 1". Meters larger than 1 inch will be installed by a plumber and inspected by the Water Department. All meters must be of a manufacturer approved by the department and be compatible with the Town's meter reading equipment.

B. Location

1. All meters shall be set, as nearly as possible, at the point of entrance of the service pipe to the building and the property owner shall provide and maintain a clean, dry, warm and accessible place thereafter. Meters once set may be changed in location at the request of the property owner, at their expense. All meters shall be installed to record all water usage at the property.
 - a. When the property owner fails or neglects to furnish a suitable location for a meter inside the building, or where for other reasons it is necessary or expedient to locate the meter in an underground meter pit, the property owner shall bear the expense of same.

- b. All mobile homes are required to have meter pits.
- d. Meter pits are required when the water service being installed or renewed exceeds 200 feet in length from the curb stop or in the opinion of the Water Department is necessary for access, maintenance, or meter reading.

C. Access

- 1. The Water Department or its agents shall have access to all premises supplied with water, at all reasonable hours, to permit the inspection of plumbing and fixtures, to get, remove, repair or read meters, to ascertain the amount of water used and the manner of use, and to enforce these Rules and Regulations.

D. Maintenance – Testing

- 1. The normal maintenance and repair of all water meters 1” and under shall be paid for by the Water Department. Any repairs or replacement of water meters larger than 1” shall be borne by the property owner. All meters shall be properly valved for repairs and maintenance.
- 2. All water meters are required to be tested by whom at the following intervals:

<i>Meter Size:</i>	5/8”	3/4”	1”	1 1/2”	2”	3”	4”	6”	Over 6”
<i>Interval in years:</i>	10	10	4	4	4	2	1	1	1

- 3. The costs associated with the testing of meters larger than 1” shall be borne by the property owner.

F. Non-Registering

- 1. If a meter does not register during a billing period due to mechanical failure, repair or testing, the bill will be estimated by the computer billing software based on previous water usage.

G. Tampering

- 1. If a water meter is tampered with or defaced in order to prevent the proper registration of the water consumed, the property owner will be prosecuted to the extent of the law.
- 2. If the water meter wire has been cut or broken numerous times at the same location in order to prevent the property registration of the water consumed, the property owner will be prosecuted to the full extent of the law.

3. Appropriate fees may be levied pursuant to Schedule A. If continued evidence of tampering with meter or appurtenances, the water customer may be called before the Board of Selectmen for a Hearing on the continuance of service.

H. Accuracy

1. All questions regarding accuracy/testing of meters will be directed to the Water Department. For water meters 1 inch and smaller, the property owner will pay a fee to the Town Office after setting up a date to have the water meter removed and tested by the Water Department.
2. If the meter test shows that the calibration is correct the property owner forfeits the testing fee. Should the meter prove to be faulty the property owner will be refunded the fee amount and monthly bill adjusted accordingly.
3. For property owners with meters greater than 1 inch, the Water Department may request in writing that the property owner test the meter. The owner will arrange for the testing of the meter within 15 days of the date of the notice. The property owner shall notify the Water Department of any testing of meters so that a representative of the department may obtain the reading on the meter. Information on meters removed, repaired, or replaced to be supplied to the Water Department.
4. See *Schedule A* for Fees.

VIII. SERVICES

A. General

1. On future installations or re-installations of service pipes, only one property owner will be supplied through one service pipe. Where more than one property owner is now supplied through one service pipe and under the control of one curb shut-off, any violation of the rules of the Water Department by either or any of the property owners so supplied shall be deemed a violation by all, and the Water Department may take such action as could be taken against a single property owner who is not in violation of the Water Department rules has been given a reasonable opportunity to attach his pipe to a separately controlled service connection.
2. The turning on or off of any water service is forbidden by anyone other than the Water Department. If the water service is turned off by the property owner after the curb stop, they will still receive a monthly flat rate bill during that period, unless the water meter is removed by the Water Department.
3. If water is found "on", the owner will be charged at least minimum rate from that date retroactive to the last date for which a charge was made for water usage, or the date the service was installed.

4. In the event the property owner requests water to be turned on or off, the Water Department will not be responsible for any damages occurring due to such action requested.

B. Ownership

1. All service pipes up to and including the curb shutoff shall be owned and maintained by the Water Department. From the curb shut-off to the building the service pipe shall be purchased, owned and maintained by the property owner and inspected upon installation.
2. All property owners shall maintain the plumbing and fixtures within their own premises in good repair and protected from freezing at their own expense. They shall make any repairs which may be necessary to prevent leaks and damages.
3. In the event the property experiences high water pressure, the property owner shall install a pressure reducer device as appropriate and maintain same.
4. If a leak should cause high water usage and the property owner is also on Town Sewer an abatement may be requested for the Sewer portion of the bill if the water did not enter the Town Sewer System. A request does not automatically mean the abatement will be granted.

C. Materials

1. All materials proposed for water services shall be reviewed and approved by the Water Department through the Building Permit.

D. Installation

1. All services shall be installed to a minimum depth of five and one half (5 1/2) feet.
2. The Water Department shall not be required to install any service lines or service connections, except by special arrangement, in which case the customer shall pay the applicable costs.
3. Approval: All work shall be performed in a manner satisfactory to the Water Department. If any defects in workmanship or materials are found, or if the property owner's service has not been installed in accordance with such specifications and the Water Department requirements, the water service will either not be turned on or will be disconnected if such defects are not remedied. All services shall be flushed, pressure tested and disinfected before acceptance by the Water Department. Any new additions or private additions shall be approved by the Water Department. No property owner shall install any additions or alter any service pipe(s) for any purpose not mentioned in the property owner's

application without first giving written notice to the Water Department and obtaining its approval through the Building Permit process.

4. Joint Use of Service Trench: Service pipes will not be placed in the same trench with gas pipes, electric conduits, sewers, or similar structures except under special conditions, in which case a written permit must be obtained from the Water Department. When water services cross sewer lines, they shall be sleeved and there shall be 10' (10 feet) on either side of the line. See Cross Connection regulation Appendix A.
5. Cross Connections: See Cross Connection Regulations Appendix A.
6. Electrical and Telephone Grounds: No user of the water system shall install an electrical or telephone ground of any sort to the water service or on their plumbing.
7. Tapping Existing Water Mains: All service taps shall be done by Certified Contractor at the property owner's expense. All work to be inspected by Water System Operator.

E. Frozen

1. In those cases where the property owner owns the service pipe or main is frozen, the thawing must be done by, and at the expense of the property owner.
2. To avoid a recurrent event the Water Department may order an examination of the property owner's service pipe. If the service is not a depth of at least five and one half feet, as required, the Water Department reserves the right to require it to be relocated when weather permits.

F. Private Wells

1. No pipes or fixtures connected to the distribution water mains shall also be connected to the private source.

G. Air Conditioning

1. All air conditioning installations utilizing water shall be equipped with a water saving device or recirculation system. All necessary precautions shall be taken to prohibit the re-entry of used water into the municipal system.
2. See Cross-Connection Appendix A.

H. Insurance, Bonds and Permits

1. Insurance requirements for work done by private contractors in accepted town roads, rights of way and easements shall be as required by the Board of Selectmen, in addition road maintenance bonds may be required. All road opening permits shall be obtained through the Director of Public Works.

IX. WATER MAINS

A. General

1. All water mains shall be in accordance with the Water Department Rules and Regulations.
2. An agreement must be signed by the developer and the Board of Selectmen indicating that the title of the new distribution water main will become the property of the Water Department after the completed installation has been approved or in the event that the Town does not accept the road.
3. Must have NHDES (New Hampshire Department of Environmental Services) approval for all new extensions to the water system.

B. Maintenance

1. The developer or contractor shall provide a bond and guarantee the new distribution water main from defects for one year following the completion of the installation and approved by the Water Department, or acceptance by the town, whichever is later.
 - a. Until such point the infrastructure is accepted by the town and upon completion of the warranty period, the developer or contractor is responsible for any repairs or corrections to the new distribution water main, pavement or areas disturbed during construction. Should it become necessary for the Water Department or their agents complete the work or remedy the issue, a bill for this work will be sent to the developer or contractor and notice will be given to the Bonding Company that claims may be made against the required bond.
 - b. If the contractor or developer does not pay the Water Department's bill within thirty (30) days, a claim against the bond will be made.

C. Materials

1. All materials, size and make of pipe, valves, fittings and appurtenances must be reviewed and approved by the Water Department prior to construction.

D. Installation

1. All water mains and appurtenances will be installed to a depth of at least five and one-half (5 1/2) feet. All intersections shall be properly valved and hydrants shall be located every 500 feet. The minimum size water main shall be 8" inches. (Sized based on NFFD - National Fire Flow Demand).
2. The Water Department may, at the town's sole option, provide full time observation of all water main installation, chlorinating and testing. All cost associated with this observation shall be borne by the developer/contractor. The developer/contractor shall provide surety, in a form acceptable by the town, for these services.
3. Submittal of Plans
 - a. The developer or contractor shall submit three sets of plans for the proposed development, indicating ground contours based on mean sea level, all existing and proposed utilities, and existing and proposed physical features. The plans shall be stamped and signed by a Registered Land Surveyor and a Registered Professional Engineer.
 - b. Detail utility impact studies shall include but be limited to the following:
 - 1) Anticipated fire flows, pressure ranges and other pertinent data within the sub-division or distribution system. Analysis to include effects of average day demand and maximum day demand and available fire flow on the system.
 - 2) Potential impact on the existing water system.
 - 3) The plans will be reviewed by the Water Department and comments will be added. They must then be forwarded to NHDES by the developer/contractor for approval. The plans will then be returned to the Building Inspector for further review and the comments will be incorporated into the system.

The Board of Selectmen shall review the location of water mains, valves, hydrants, etc., or may at its discretion require that a detailed review and analysis of the submitted material be reviewed by its consulting engineers. Any and all cost for such review and analysis shall be made at the applicant's expense. The Board will obtain an estimate of the cost from its consulting engineer and advise the applicant in writing within fifteen (15) days after receipt of such costs and time required for the review. Payment for submittals shall be made by the applicant directly to the Water Department. No approval of final plans will be made or connections to the Town Water System authorized until such time as all payments for outside services have been made.

- c. Certified copies of such rights of ways, easements or other instruments that may be required or as may be necessary for the purpose of making and recording such installations shall be submitted as required.
- d. Upon submission and subsequent approval of definitive plans by appropriate boards, commissions and agencies, the applicant shall cause to be executed an agreement between the Board of Selectmen on behalf of the Town of Jaffrey and himself indicating that title to new water mains in accepted Town Roads, rights-of-way and easements shall be granted to the Town after the installation is completed and only after a one year guarantee period from date of completion. A bond in amount prescribed by the Board of Selectmen shall be issued on the behalf of the town subject to conditions deemed in best interest of the Town. This bond shall apply only to the water main and its appurtenant items and not to pavement replacement and other restoration work shall be subject to the control of the Board of Selectmen.
- e. Water mains and appurtenant items installed in residential, commercial and industrial complexes or subdivisions shall remain the property of and responsibility of the applicant until such time as the roadways, right-of-way and easements therein are formally accepted by Town .
- f. In the event of an emergency, repairs to water mains and appurtenances will be made by the Water Department. Applicants will be billed for all costs incurred by the Water Department and shall pay all such charges within thirty (30) days of receipt of billing. If payment is not received within thirty (30) days, the Board of Selectmen shall institute action against the applicant's bonding company to recover its costs. In non-emergency situations, applicants will be given a maximum of seven days to effect necessary repairs before action is taken by the Water Department.
- g. All plans approved by the Water Department shall be valid for one year. At the end of the one year, if construction has not begun, the plans shall be null and void.

4. Special Conditions in General

a. Statutory Requirements: The Contractor shall keep himself fully informed of all existing and future State and Federal Laws and Municipal Ordinances and Regulations that may affect in any manner those engaged or employed in the work, or the materials used in the work, and any jurisdiction or authority over the same and of all provisions required by law applicable to the project, all of which provisions are hereby incorporated by reference and made a part of thereof. He shall at all times himself observe and comply with, and shall cause all his agents and employees to observe and comply with all such existing and future laws, ordinances, regulations, orders and decrees, and shall protect and indemnify the Town of Jaffrey, and all its and their officers, agents and

servants against any claim or liability arising from or based on the violation of any such law, ordinance, regulations, order of decree, whether by himself or his employees or subcontractors.

- b. Applicability: The available standard specifications shall apply to all water main extensions in Town roads, rights-of-way, easements and residential, commercial and industrial subdivisions and complexes within the corporate limits of the Town of Jaffrey as approved by the appropriate governmental or regulatory agencies, boards or commissions.
- c. Approvals: No work shall commence until such time as all required approvals by local, State and Federal agencies have been made.
- d. Permits: It shall be the Contractors responsibility to obtain all necessary permits that may be required for work on private and/or public property.
- e. Bonds and Insurance: Road maintenance bonds in the amount prescribed by the Board of Selectmen shall be required for work in all town roads and shall remain in effect for a period of one year after final acceptance of the work. The contractor shall furnish proof of insurability to the Town of Jaffrey in the manner, amount and extent of coverage as required by the Board of Selectmen. See Cross Connections Schedule.

5. Separation of Water and Sewer Mains

- a. Water mains shall be laid at least 10 feet horizontally from any existing or proposed sewer. The distance shall be measured edge to edge. In cases where it is not practical to maintain a ten foot separation, it is permissive to install a water main closer to a sewer, provided that the water main is laid in a separate trench or on an undisturbed earth shelf located on one side of the sewer at an elevation that the bottom of the water main is at least 18 inches above the top of the sewer.
- b. Water mains crossing sewer shall be laid to provide a minimum vertical distance of 18 inches between the outside of the water main and the outside of the sewer. It is preferred that the water main cross above the sewer. At a crossing, one full length of water pipe shall be located so both joints will be as far apart as possible. Special structural support for the water and sewer pipes may be required, as well as special materials of construction and connecting devices.
- c. No water pipe shall pass through or come in contact with any part of a sewer manhole.

6. Testing

Testing new distribution water main shall be tested in accordance with the American Water Works Association (AWWA) requirements.

- a. It shall be pressure tested at a minimum of 150 pounds per square inch (psi) or 1 1/2 times the operating pressure for two (2) fifteen minute periods.
- b. It shall be leak tested for a minimum of thirty minutes with no leakage not to exceed the amounts presented in the following table:

Nominal Pipe Diameter (inches):

6 8 10 12 16 20 24

Ductile Iron Mains Allowable leakage per 1000 ft

Average Test Pressures:

PSI	6	8	10	12	16	20	24
250	0.71	0.95	1.19	1.42	1.90	2.37	2.85
200	0.64	0.85	1.06	1.28	1.70	2.12	2.55
150	0.55	0.74	0.92	1.10	1.47	1.84	2.21
100	0.45	0.60	0.75	0.90	1.20	1.50	1.80

* Allowable leakage based on gallons per hour per 10,000 feet of main.

- c. It shall be flushed, chlorinated, flushed again and a bacteriological sample shall be taken and analyzed by a lab approved by the State of NHDES. A letter certifying the waters purity shall be sent to the Water Works.

7. Record Plans

An as built plan showing the water system with locations including GPS (NH State plane) coordinates of mains, fittings, tees, bends, gates, hydrants, corporations stops, and curb stops shall be shown ties with two or more measurements to existing permanent structures such as headwalls, catch basins, manholes, utility poles, etc. shall be submitted to the Water Department.

Plans to be submitted on standard size mylar and bond paper. Also, to be submitted in AutoCAD format acceptable to the Town.

X. PRIVATE FIRE PROTECTION

A. General

An application for private service must be accompanied by a plan of the proposed piping system, together with a statement telling for what other purpose the system might be used.

1. Applications for fire service must be accompanied by detailed drawings flow calculations, ISO requirements, projected consumption data, etc., prepared by an engineer registered in the State of New Hampshire.
2. System shall be so designed, installed and maintained so as not to create hydraulic problems with the existing distribution system.
3. Where a standpipe, reservoir, pump, tank or cistern is used, it shall be constructed so as to shield and protect the water from all possible contamination according to complete plan submitted to and approved by the Water Department.
4. In construction of standpipes, reservoirs, pumps, tanks and cisterns provisions shall be made for easy access to their interiors by the agents of the Water Department for the purpose of inspection and to permit cleaning as required by the Water Department. Also, a draw-off pipe shall be fitted for the purpose of drawing off the water periodically for inspection. Such draw off pipe shall not be connected with a sewer, drain or outlet in anyway that would permit pollution of the public water supply.
5. Use of Booster Pump – The utilization of a booster pump in a private fire protection system shall require on-site storage tank of adequate size as determined by the system design engineer to buffer system pressure hammers that will exist in the town's water distribution system. Once the system is installed and ready to be placed on line, the Town in coordination with the installer and facility will arrange with a flow test, where several pressure monitors will be placed throughout the water distribution system. After the test, the data will be analyzed and determined if, in the opinion of the Director, unacceptable pressure variations or swings exist. Should such variations exist, the private fire protection system will not be allowed to be activated and the system designer will have to design an appropriate solution to the problem.

B. Metering

All fire supplies shall be metered and conform to the provisions of Section III entitled Meters, with the following exceptions:

1. The owner will purchase and install a fire line compound meter as directed by the Water Department, provided it is a type approved by said Water Department and the National Board of Fire Underwriters.
2. The owner will purchase and install a detector check valve or an approved Backflow device as required with meter in by-pass provided it is a type approved by the Water Department and the National Board of Fire Underwriters; but the Water Department reserves the right at any time to require the owner to install a fire line compound meter as described in the preceding paragraph.

C. Availability of Water

The Board of Selectmen in no manner guarantees to furnish proper quantities of water through any fire service, nor does it undertake to guarantee anything relative to that service.

D. Flow Tests

Private fire service and fire apparatus connected therewith may be tested by the owners or by the insurance inspectors under the following conditions:

1. Written notice shall be given at the Water Department through the Office of Public Works at least two weeks in advance of any testing and shall coincide with the flushing of hydrants.
2. The test shall be conducted in the presence of a Water Department agent.
3. Cost of the Water Department work to be paid by the owner if it occurs outside normal working hours.

XI. PROPERTY OWNER RESPONSIBILITY

The property owner is not only responsible for the maintenance of their water service and household plumbing, but also for their impact on the entire water system.

XII. Water Department Responsibility

A. General

1. No person shall at any time, operate a fire hydrant or gate valve including hydrants or gate valves owned privately.
2. Hydrants or valves can only be used:

- a. By the Water Department, or its agents
 - b. By fire fighters (with the Water Departments permission), for testing, filling fire trucks after a fire, at a working fire, or other emergency.
3. In the event the customer requests water to be turned on or off, the Water Department will not be responsible for any damages occurring due to such action requested.

B. Damage to Water Department Property

Damage or vandalism to hydrants or hydrant markers should be reported immediately to the Water Department. Offenders will be charged the entire cost of restoring the hydrant to proper operating condition and/or replacement when necessary due to the extent of said damage.

1. A bill will be sent to the owner of any property who hires contractors to do work causing damages to any pipes, fittings, shutoff boxes or other materials owned by the Water Department.
2. The Water Department will not repair any structures which have to be removed to raise, lower or operate the shut-off. The Water Department will not be responsible for damages of lawns, gardens or hot top if removal is necessary to get to the property shut-off

C. Waste and Leaks

Property owners shall prevent all unnecessary waste of water. They shall not allow it to run to prevent freezing for longer than necessary for proper use. The Board of Selectmen shall determine what constitutes waste or improper use and will restrict the same when necessary.

D. Fluctuation of Pressure

1. No property owner shall install or use water consumption apparatus which will affect the pressure or operation conditions so as to interfere with the service of another property owner.
2. Where a property owner has or proposes to install apparatus which requires water in sudden and / or material quantities, impairing pressure to the detriment, damage, or disadvantage of other water users, the Water Department reserves the right to require such water user to install devices or apparatus which will confine such fluctuation of demand or reduction of pressure to reasonable limits determined by the Water Department.

3. If a property owner, after receiving written notice from the Water Department fails to present an acceptable remedial plan to confine fluctuation of demand or reduction of pressure within the limits set by the Water Department, that Customer's water service will be discontinued.

XII. OPERATION OF THE WATER DEPARTMENT

A. General

The Water Department will endeavor to continue to provide adequate volume and pressure of water at all times of the day, however, this cannot be guaranteed due to events beyond their control and normal operation requirements.

B. Flushing

A regular schedule of flushing mains will be established by the Water Department and the Board of Selectmen and a Public Notice of planned flushing measures will be published in the local newspaper of general circulation at least two days prior to the dates of flushing and also posted in the Town Office and on the Town website.

C. Drought or Emergency

The Water Department reserves the right, in periods of drought or emergency or when deemed essential to the protection of the public health, safety and welfare, to restrict, curtail or prohibit the use of water for secondary purposes such as sprinkling, car washing, air conditioning or filling swimming pools and shall have the right to fix hours and periods when water may be used for such purposes.

D. Turning Water On and Off

All requests for water to be turned on or off will be made forty eight (48) hours in advance to the Water Department either in writing, by certified mail or by calling the Department of Public Works office. The Water Department will respond giving a date to perform the service. The requested service will be provided as soon as possible after notification. It is imperative that under no circumstances will anyone other than the Water Department personnel turn on or off any water service. The property owner or a representative to be present at the property and sign an acknowledgment indicating the service was completed.

1. Emergency turn-offs at the property owner's request will be attended to as soon as possible at any time of the day.
2. Turn-offs in the event of any type of disaster or unattended home where a leak is discovered may be carried out without notifying the property owner.
3. There are costs associated with shut-offs after business hours. See Schedule A.

E. Interrupted or Unsatisfactory Service

The Water Department will not be responsible for any damages caused by shutoffs in the main or service pipes because of shortage of supply or for repairs, extensions, or connection, or for any other reason beyond the control of the Water Department. Notice of shut off will be given when practical, but nothing in this rule shall be construed as requiring the giving of such notice.

1. The Water Department will not be responsible for damages caused by discolored water, which may be occasioned by cleaning of pipes, reservoirs, or standpipes, or the opening or closing of any valves or hydrants or any other cause when not due to lack of reasonable care on the part of the Water Department.
2. Acceptance of service by the property owner shall be on the express condition that the Water Department shall not be liable for any damage caused by bursting of pipes, collapse or leakage of property owner's equipment, nor for any leakage from any pipes, fixtures or other appliances whenever located between the main pipe and the point of leakage for any cause whatsoever.
3. The Water Department shall not be liable for damages to fences, walls, shrubbery's walks, lawns or any other portion of the property owner's premises occasioned by work or installations.
4. The Water Department in no way guarantees the quantity of water or water pressure or the quality of water, but will endeavor to render the best possible service at all times.

F. Termination of Service without Notification

Any service may be immediately terminated, without notification, for any of the following reasons:

1. An illegal service connection.
2. A Cross-Connection to any other water supply.
3. Tampering with service connections and/or meters.
4. Denial of access to a representative of the Water Department for the purpose of:
 - a. Reading meters.
 - b. Checking and/or repairing meters or services.
 - c. Checking water connections, appliances and/or fixtures.

5. Non-compliance with request to curtail the use of water under special conditions determined by the Water Department.
6. A faulty backflow prevention device.
7. Use of water other than described in the application.
8. Willful waste of water.

XIII Protection of Watershed Land

- A. Purpose-** The purpose of this section is to protect those properties around the public water supplies that are owned by the Town of Jaffrey and within the wellhead protection area or watershed that contributes to the town's public water supplies.
- B. Prohibited Activities:** Any unauthorized activity that disturbs the vegetation and could cause erosion or damage to the soils of town property, or cause spills of any chemicals or fuels, VOCs, liquids or any material that could potentially be harmful to the aquifer. Unauthorized use of motorized vehicles is prohibited. Camping, camp fires, fireworks, use of any chemicals, disposal of refuse, liquids or any kind, port-a-potty's, parking of vehicles, are expressly prohibited activities. Any other activity which in the sole opinion of the Director is detrimental to the watershed, shall be prohibited.

XIV Appeals

A. Appeals & Complaint Procedure

1. Appeals to any regulation must be made in writing to the Director of Public Works who will respond to the appeal. The appeal may be referred by the complainant or the Director to the Jaffrey Board of Selectmen, attention Town Manager, 10 Goodnow Street, Jaffrey, NH 03452 for resolution.
 2. Complaints regarding any facet of the operations of the Jaffrey Water Department may be directed to the Director of Public Works, 23 Knight Street, Jaffrey NH 03452. Should the complaint not be resolved at the Public Works Level, the complainant may submit complaint to the Town Manager for resolution.
 3. All appeals and complaints will receive careful consideration.
- B.** Any appeal of these regulations does not prevent the Jaffrey Water Department from taking any action deemed necessary to maintain the safety and potability of the water system.

XV. SEVERABILITY

The provisions of the Rules and Regulations are declared to be severable and if any provision hereof is held invalid, that shall not effect the other provisions hereof which can be given effect.

Appendix A

Cross Connection and Backflow

I. Purpose

Cross-Connections between water supplies and non-potable sources of contamination are significant threats to health in the water supply industry. This regulation is designed to maintain the safety and potability of the water in the Jaffrey Public Water System by establishing rules and procedures to prevent the contamination of public drinking water by the backflow of water from an approved source or other fluids.

- A. The purpose of this regulation is:
1. To protect the public water supply of the Jaffrey Public Water System from the possibility of contamination by isolating contaminants which could backflow or back-siphon into the public water system within its customers' internal distribution system(s);
 2. To promote the elimination or control of cross-connections, actual or potential, between its customers' in-plant drinking water system(s) and anything that could contaminate or pollute it; and
 3. To provide for the maintenance of a cross-connection control program to effectively prevent the contamination or pollution of all drinking water systems.

This document is intended to supplement the rules listed in section II below. Changes to this document in the future must be approved by the New Hampshire Department of Environmental Services (NHDES).

II. Authority

- A. New Hampshire Administrative Rule Env-Ws 364, or subsequent rules, *Backflow Prevention*. NHRSA 485:11
- B. The Jaffrey Water Department rules and regulations, adopted.

III. Requirements

The water foreman shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollution through the water service connection. If, in the judgment of the water Foreman, an approved backflow prevention device is required at the water service connection to any customer's premises for the safety of the water system, the water foreman or his designated agent shall give notice, in writing, to said

customer to install an approved backflow prevention device at each service connection to his premises. The customer shall, within 90 days, install approved device or devices at his own expense. Failure, refusal, or inability on the part of the customer to install said device or devices within 90 days shall constitute grounds for discontinuing water service to the premises until such device or devices have been properly installed.

IV. Definitions

- A.** Auxiliary Water Supply – Any water supply on or available to the premises other than the purveyor’s approved public potable water supply.
- B.** Backflow – The flow of water or other fluids, mixtures or substances into the distribution pipes of a potable water system from any source other than the intended approved source of supply.
- C.** Backflow Preventer – A device or means designed to prevent backflow or back-siphonage.
 - 1.** Air Gap – A physical separation sufficient to prevent backflow between the free- flowing discharge end of the potable water system and any other system. Physically defined as a vertical distance equal to twice the diameter of the supply pipe but not less than one inch.
 - 2.** Atmospheric Vacuum Breaker – A device which prevents back-siphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in a water system.
 - 3.** Barometric Loop – A fabricated piping arrangement rising at least 35 feet at its topmost point above the highest fixture it supplies. It is utilized in water systems to protect against back-siphonage.
 - 4.** Double Check Valve Assembly – An assembly of two independently operating spring loaded check valves with tightly closing shut-off valves on each side of the double check valve, plus properly located test cocks for the testing of each check valve.
 - 5.** Dual Check Valve with Intermediate Atmospheric Vent – A device having two independently operating spring loaded check valves separated by an atmospheric vent chamber.
 - 6.** Hose Bib Vacuum Breaker – A device which is connected to a hose bib and which acts as an atmospheric vacuum breaker. Not to be used under constant pressure.
 - 7.** Pressure Vacuum Breaker – A device containing one or two independently operated spring loaded check valves and an

independently operated spring loaded air inlet valve located on the discharge side of the check valve(s). The device includes tightly closing shut-off valves on each side of the check valve(s) and properly located test cocks for the testing of the assembly.

8. Reduced Pressure Principle Backflow Preventer – An assembly consisting of two independently operating spring loaded check valves with an automatically operating differential relief valve located between the two check valves, tightly closing shut-off valves on each side of the check valves plus properly located test cocks for the testing of the check valves and the relief valve.
 9. Residential Dual Check – An assembly of two spring loaded independently operating check valves. Generally employed immediately downstream of the water meter to act as a containment device in a single or two family residence.
- D.** Backpressure – A condition in which the owner’s system pressure is greater than the supplier’s system pressure.
- E.** Back-Siphonage – The flow of water or other fluids, mixtures or substances into the distribution pipes of a potable water system from any source other than its intended source caused by the sudden reduction of pressure in the public water system.
- F.** Containment – A method of backflow prevention which requires a backflow prevention device at the water service entrance.
- G.** Contaminant – A substance that may impair the quality of the water creating a potential health hazard to the public.
- H.** Cross-Connection – Any actual or potential connection between the public water system and any source of contamination or unapproved water source.
- I.** Fixture Isolation – A method of backflow prevention in which a backflow preventer, such as a hose bib or an atmospheric vacuum breaker, is located to correct a cross-connection at an in-plant location rather than at a water service entrance. This protects the drinking water in the building.
- J.** Owner – Any person who has legal title to, or license to operate or habitat in, a property upon which a cross-connection inspection is to be made or upon which a cross-connection may be present.

- K. Person – Any individual, partnership, company, public or private corporation, political subdivision or agency of the state, department, agency or instrumentality of the United States, or any other legal entity.
- L. Water Service Entrance – That point in the owner’s water system beyond the sanitary control of the water supplier; generally considered to be the outlet end of the water meter or where the water service first enters the building.
- M. Public Works Director or Water Foreman – The official, or his delegated representative, in charge of the Jaffrey Public Water System who is invested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this ordinance.
- N. Water Supplier – The public water supply system.

V. Administration

- A. The Jaffrey Water Department will operate an approved cross-connection control ordinance, including the keeping of necessary records to fulfill the requirements of NHDES’s Backflow Rules, Regulations, and related laws.
- B. The owner shall allow the Jaffrey Water Department, or delegated representative, to inspect his property for possible cross-connections and shall follow the provisions of the Jaffrey Public Water System’s Rules and Regulations.
- C. If the Jaffrey Water Department requires that the public supply be protected by containment, the owner shall be responsible for the water quality beyond the outlet end of the containment device and should utilize the appropriate device approved for that purpose.

VI. Responsibilities

A. Jaffrey Public Water System

1. On new installations, the Jaffrey Water Department will provide an on-site evaluation and/or inspection and review of plans in order to determine the type of backflow preventer, if any, that will be required.
2. On new installations, the Jaffrey Water Department will issue a permit and perform inspection and testing.
3. For premises existing prior to the start of this program, the Jaffrey Water Department will:

- a. Perform an assessment of the function of the premise and determine if it poses a cross-connection risk. If a risk is present, asses the risk as high hazard or low hazard.
 - b. Inform the owner in writing of any corrective action deemed necessary, the method of achieving the correction, and the time allowed for the correction to be made. Ordinarily, 30 days will be allowed. However, this time period may be shortened depending upon the degree of hazard involved and the history of the device(s) in question.
4. The Jaffrey Water Department will not allow any cross-connection to remain unless it is isolated by an approved backflow prevention assembly, commensurate with the degree of hazard, for which a permit has been issued and which will be regularly inspected/tested to ensure satisfactory operation.
5. The Jaffrey Water Department shall inform the owner in writing of any failure to comply and the time allowed for the correction to be made. If upon re-inspection the owner has not complied, the Jaffrey Water Department may allow an additional 15 days for the correction. In the event the owner fails to comply with the necessary correction by the time of the second re-inspection, the Jaffrey Water Department will inform the owner, by certified letter, that the water service to the owner's premises will be terminated within a period not to exceed five days. In the event that the owner informs the Jaffrey Water Department of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the Jaffrey Water Department.
6. If the Jaffrey Water Department determines at any time that a serious threat to the public health exists, the water service shall be terminated immediately.
7. The Jaffrey Water Department shall begin inspections to determine the nature of existing hazards and corrections to be made, following approval of the program by NHDES. Initial focus will be on high hazard water use.
8. Certified backflow prevention device inspectors must be certified through the NEWWA Certified Backflow Prevention Device Inspectors/Testers Program.
9. The Jaffrey Water Department shall also develop installation standards and specifications for each type of backflow preventer to ensure they

are installed in a manner in which they have been evaluated and approved and to allow for periodic testing and maintenance.

B. Owner

1. The owner shall be responsible for the elimination or isolation with the proper installation of an approved backflow preventer commensurate with the degree of hazard, for all cross-connections on his premises.
2. The owner, after having been informed by a letter from the Jaffrey Water Department, shall, at his expense, install, maintain, and inspect or have inspected (as determined by the Jaffrey Water Department), all backflow preventers on his premises.
3. The owner shall correct any deficiency of a backflow preventer which is revealed by inspection or testing. This shall include the replacement of parts or the replacement of the backflow preventer, if deemed necessary by the Jaffrey Water Department.
4. The owner shall inform the Jaffrey Water Department of any proposed or modified cross-connections and also existing cross-connections of which the owner is aware but has not been found by the Jaffrey Water Department.
5. The owner shall not install a by-pass around any backflow preventer unless there is a backflow preventer of the same type on the by-pass. Owners who cannot shut down operations for inspecting of the device(s) must supply additional devices necessary to allow inspecting to take place.
6. The owner shall install backflow preventers in a manner and location approved by the Jaffrey Water Department.
7. The owner shall only install approved backflow preventers from a list adopted by the Jaffrey Water Department and NHDES.
8. Any owner having a private well or other private water source must:
 - a. Have a permit if the well or source is cross-connected to the Jaffrey Public Water System's system. Permission to cross-connect may be denied by the Jaffrey Water Department. The owner may be required to install a backflow preventer at the service entrance if a private water source is maintained, even if it is not cross-connected to the Jaffrey Water System's system.

- b. In the event the owner installs plumbing to provide drinking water for domestic purposes which is on the Jaffrey Public Water System's side of the backflow preventer, such plumbing must have its own backflow preventer installed.
- 9. The owner shall be responsible for the payment of all fees for permits, annual or semi-annual device inspections, re-testing in the case that the device fails to operate correctly, and re-inspections for non-compliance with the Jaffrey Public Water System or NHDES requirements.

VII. Degree of Hazard

The Jaffrey Water Department recognizes the threat to the public water system arising from cross-connections. All threats will be classified by degree of hazard and will require the installation of approved backflow prevention devices for high and low hazards.

A. Low Degree of Hazard

If backflow were to occur, the resulting effect on the water supply would be a change in its aesthetic qualities. The foreign substance must be non-toxic to human.

B. High Degree of Hazard

If backflow were to occur, the resulting effect on the water supply could cause illness or death if consumed by humans. The foreign substance may be toxic to humans from either a chemical, bacteriological or radiological standpoint. The effects of the contaminants may result from short or long term exposure.

Only the following types of backflow prevention devices may be used for the containment of on-site contaminants for high and low hazard situations respectively:

C. High Hazard:

1. Air gap (AG)
2. Reduced pressure principal backflow preventer (RPZ)
3. Combination of the above

D. Low Hazard:

1. Air gap (AG)

2. Pressure vacuum breaker (PVB)
3. Double check valve assembly (DCVA)
4. Reduced pressure principal backflow preventer (RPZ)
5. Combination of the above

VIII. Permits

The Jaffrey Water Department shall not permit a cross-connection within the public water system unless it is considered necessary and cannot be eliminated.

- A. Cross-connection permits that are required for each backflow prevention device are obtained from the Jaffrey Water Department.
- B. Cross-connection permits shall be renewed every five years and are non-transferable. Permits are subject to revocation and become immediately revoked if the owner should so change the type of cross-connection or degree of hazard associated with the service type of device, replacement of device with a new device, or change of ownership
- C. A permit is not required when fixture isolation is achieved with the utilization of a non-testable backflow preventer in the case of residential dual checks

IX. Existing in-use Backflow Devices

Any existing backflow preventer shall be allowed by the Jaffrey Water Department to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer, or unless an unreasonable risk to the public health results.

X. Periodic Testing

- A. Backflow prevention devices shall be inspected and tested at least semi-annually for high hazard devices and annually for low hazard devices.
- B. Periodic inspections and testing shall be performed by an inspector certified through the NEWWA Backflow Prevention Device Inspectors/Testers Program. The inspections will be done at the owner's expense.
- C. When performed by an inspector from the Jaffrey Water Department, or delegated representative, the inspections shall be conducted during the regular business hours. Exceptions to this, when at the request of the

owner, may require additional charges to cover the increased costs to the Jaffrey Water Department.

- D. Any backflow preventer which fails the inspection test during a periodic inspection will be repaired or replaced. When repairs are necessary, upon completion of the repair the device will be inspected a second time at the owner's expense to ensure correct operation. High hazard situations will not be allowed to continue unprotected, if the backflow preventer fails the inspection and cannot be repaired immediately. In other situations, a compliance date of not more than 30 days after the inspection date will be established. The owner is responsible for spare parts, repair tools, and/or a replacement device. Parallel installation of two devices is an effective means of the owner ensuring that uninterrupted water service is provided during inspections or repair of devices and is strongly recommended when the owner desires such continuity.
- E. These devices shall be repaired or replaced at the expense of the owner whenever said devices are found to be defective. Tests and repairs shall be recorded on forms approved by the water department, and copies shall be distributed to the owner and water superintendent.
- F. Backflow prevention devices may be inspected more frequently than specified in section A above; in cases where there is a history of test failures and the Jaffrey Water Department feels that due to the degree of hazard involved, additional inspections are warranted. Cost of the additional inspections will be borne by the owner.

XI. Records and Reports

- A. **Records** – The Jaffrey Water Department will initiate and maintain the following for a minimum of five years:
 - 1. Master files on customer cross-connection inspections and/or tests.
 - 2. Master files on cross-connection permits.
 - 3. Copies of permits and permit applications.
- B. **Reports** – Each year, by April 1, the Jaffrey Water Department will submit a summary of inspection results to NHDES that includes the following:
 - 1. The name, certifying organization, and certification number of the certified backflow prevention device inspector who performed the inspection and test on the device;

2. The permit number;
3. The name of the owner and the location of the device;
4. The purpose of the device and its hazard class;
5. The type of device;
6. The date and result of each test; and
7. If the test failed, the subsequent test date and result until the device passes.

XII. Fees and Charges (See Schedule A)

XIII. SEVERABILITY

The provisions of the Rules and Regulations are declared to be severable and if any provision hereof is held invalid, that shall not affect the other provisions hereof which can be give effect.

XIV. APPEALS

These regulations are designed to maintain the safety and potability of the water in the Town of Jaffrey water system. Appeals to these regulations can be made pursuant to section XIV of the Water Regulations.

An appeal of these regulations does not prevent the Jaffrey Water Department from taking any action deemed necessary to maintain the safety and potability of the water system

**Schedule A
WATER DEPARTMENT FEE SCHEDULE**

Schedule A WATER DEPARTMENT FEE SCHEDULE			
Metered Water Rate (based on monthly billing)			
	\$11.50	First 1000 gallons	1/1/2012
	\$1.40	Per 100 gallons thereafter	1/1/2012
Water Connection Fees			
<u>Domestic Use</u>			
Residential	(single family)	\$2054	1/1/2014
	(multi-family)	\$2054 per unit	1/1/2014
Commercial	\$11.97 per gallon(min charge equal to residential fee)		1/1/2014
Industrial	\$11.97 per gallon(min charge equal to residential fee)		1/1/2014
Institutional/ Government	\$11.97 per gallon(min charge equal to residential fee)		1/1/2014
Other	\$11.97 per gallon(min charge equal to residential fee)		1/1/2014
<u>Non-Domestic Use</u>			
Per inch diameter of service connection		\$1027 per inch diameter of pipe	1/1/2014
The per gallon design flow for non-residential and multi-family users to be determined based on the design flow values contained in Table 1008-1 from Chapter Env-Wq 1000 of the NH Code of Administrative Rules or if unable to be determined from Table 1008-1, as calculated by the Town based on best engineering principles.			
Annual adjustment to these connections fees to take place beginning January 1, 2014 based on the Engineering News Record (ENR) Construction Costs Index from the previous December. ENR Basis – 12/2012-- 9412.25			
Water Turn on/off	\$40.00		4/28/2008
	\$40.00	Plus OT Fee for after hours callout	
Water Meter Testing (up to 1")	\$100.00		3/12/2012
Backflow Testing	Actual Vendor Fee (per test or retest)		
Cross connection & Backflow Facility Inspection	Actual Vendor Fee		
Water Meter Tampering or Bypass of meter			
Meter Tampering or bypass including accessories	\$100.00	1st offense plus any damage to equipment. Water usage to be estimated	
	\$500.00	2 nd offense plus any damage to equipment, Water Usage to be estimated. Hearing before Board of Selectmen	
Billing			
Duplicate Bills	\$2.00	Water Service Calls	
Final Bills	\$10.00	During Working Hours:	Materials & straight labor charge
Transfer of Ownership	\$10.00	During Overtime Hours	Materials plus overtime labor charge (overtime rate)(2 hour min)

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 at 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

INDEX

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.

Numbers in the indices refer to section numbers in the Code, e.g., 39-3 is a reference to Chapter 39, Section 3.

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