

# **Code of the Town of Jaffrey**

COUNTY OF CHESHIRE

STATE OF NEW HAMPSHIRE

*2013*

*Latest Revision/Amendment – April 22, 2019*

**OFFICIALS  
OF THE  
TOWN OF JAFFREY**

**Town Office**

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

*2019*

**SELECT BOARD**

*Franklin W. Sterling, Jr. (Chairman)  
James A. Weimann  
Bonnie Mitchell*

**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**

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

**2015**

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

**2016**

<b>2703</b>	<b>Town Clock Trust Fund – Designated Selectmen as Agents to Expend</b>	<b>Ch. 27, Art. I</b>
<b>13701</b>	<b>Groundwater Management Zone – Elite Laundry</b>	<b>Ch. 137</b>
<b>17001</b>	<b>Special Events Permit Policy</b>	<b>Ch. 170</b>
<b>17102</b>	<b>Winter Maintenance Policy – Streets and Sidewalks</b>	<b>Ch. 171, Art. IV</b>
<b>18104</b>	<b>Veterans Exemption to \$500</b>	<b>Ch.181, Art. IX</b>

**2017**

<b>2704</b>	<b>Establish Fire Special Details Revolving Fund</b>	<b>Ch. 27, Art. I</b>
<b>2704</b>	<b>Establish Town Office Capital Reserve Fund</b>	<b>Ch. 27, Art. I</b>
<b>2704</b>	<b>Establish TIF District Capital Reserve Fund</b>	<b>Ch. 27, Art. I</b>
<b>2704</b>	<b>Establish Bridge Rehabilitation Capital Reserve Fund</b>	<b>Ch. 27, Art. I</b>
<b>6201</b>	<b>Social Media - Communication and Social Media Policy &amp; Guidelines</b>	<b>Ch. 62, Art. I</b>
<b>12502</b>	<b>Dog Penalties Updated</b>	<b>Ch. 125, Art. II</b>
<b>15901</b>	<b>Sewer Ordinance Added to the Code</b>	<b>Ch. 159</b>
<b>18104</b>	<b>All Veterans’ Tax Credit of \$500</b>	<b>Ch. 181, Art. IX</b>
<b>18510</b>	<b>Sandy Lane Designated as No Parking</b>	<b>Ch. 185, Art. III</b>

**2018**

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

**2019**

<b>1702</b>	<b>Incorporated Cemetery Committee Bylaws</b>	<b>Ch. 17, Art. IV</b>
<b>2701</b>	<b>Place Funds in Chronological Order and Consolidated</b>	<b>Ch. 27, Art. I</b>
<b>2705</b>	<b>Create Police Cruiser Capital Reserve Fund</b>	<b>Ch. 27, Art. I</b>
<b>2705</b>	<b>Create Water Capital Reserve Fund for New Supply</b>	<b>Ch. 27, Art. I</b>
<b>11101</b>	<b>Veterans Day Observance on Armistice Day</b>	<b>Ch. 111, Art. I</b>
<b>18505</b>	<b>Vehicles Removed for Snow Removal</b>	<b>Ch. 185, Art. II</b>
<b>18507</b>	<b>Stop Intersections Replaced in Whole w/ Jurisdictions</b>	<b>Ch. 185, Art. III</b>
<b>18510</b>	<b>Two Yield Intersections Removed for Stop Intersections</b>	<b>Ch. 185, Art. III</b>

## **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.



**TABLE OF CONTENTS**

**PART I**

**ADMINISTRATIVE LEGISLATION**

<b>CHAPTER</b>	<b>PAGE</b>
<b>1. General Provisions</b>	101
Article I Adoption of Code by Annual Town Meeting	
2. (Reserved)	201
3. (Reserved)	301
4. <b>Airport</b>	401
5. (Reserved)	501
6. (Reserved)	601
7. (Reserved)	701
<b>8. Annual Reports</b>	801
Article I Listing Tax-Exempt Property	
Article II Printing Vital Statistics	
9. (Reserved)	901
10. (Reserved)	1001
11. (Reserved)	1101
12. (Reserved)	1201
13. <b>Budget</b>	1301
14. (Reserved)	1401
15. (Reserved)	1501
16. (Reserved)	1601
<b>17. Cemeteries</b>	1701
Article I Cemetery Commission	
Article II Cutter Cemetery Fund	
Article III No Trespassing – Parks, Commons and Cemeteries	
Article IV Cemetery Committee Bylaws	
Article V Cemetery Regulations	
18. (Reserved)	1801
19. (Reserved)	1901
<b>20. Clerk, Town</b>	2001
Article I Motor Vehicle Fees and Their Use	
21. (Reserved)	2101
<b>22. Community and Economic Development</b>	2201
Article I Director, Economic Development	
Article II Tax Increment Financing Districts	
Article III Community Development Block Grant Inter-municipal Agreements	
Article IV Industrial Development Authority	
<b>23. Conservation Commission</b>	2301
Article I Establishment	
Article II Unexpended Appropriations	
Article III Purchase Conservation Land Outside of Jaffrey	
Article IV Forest Management Revenue Apportionment	
Article V Conservation/Water Quality Easements and Conveyances	

<b>CHAPTER</b>	<b>PAGE</b>
24. (Reserved)	2401
25. (Reserved)	2501
26. (Reserved)	2601
27. <b>Finance Department</b>	2701
Article I Special Funds Established	
Article II - Fees	
28. (Reserved)	2801
29. <b>Fire Department</b>	2901
30. <b>Forests, Town</b>	3001
31. (Reserved)	3101
32. (Reserved)	3201
33. <b>Housing Commission, State</b>	3301
Article I Authorization to Operate In Town	
Article 11 Referral of Consent Requests to Town Meeting	
34. <b>Library</b>	3401
Article I Creation of Board	
Article II Acceptance of grants, gifts or funds	
35. <b>Manager, Town</b>	3501
Article I Adoption of Town Manager Plan	
Article II Access to Water Works Department Records	
36. (Reserved)	3601
37. (Reserved)	3701
38. <b>Personnel Policies</b>	3801
Article I Social Security Exclusions	
Article II New Hampshire State Retirement System Plan	
Article III Alternate Retirement Program	
39. (Reserved)	3901
40. (Reserved)	4001
41. (Reserved)	4101
42. <b>Planning Board</b>	4201
Article I Creation of Board	
Article II Approval of Subdivisions, Streets and Parks	
Article III Municipal Capital Improvement Projects	
43. (Reserved)	4301
44. (Reserved)	4401
45. <b>Police Department</b>	4501
46. (Reserved)	4601
47. (Reserved)	4701
48. (Reserved)	4801
49. <b>Poole Fund Committee</b>	4901
50. (Reserved)	5001
51. <b>Public Works</b>	5101
52. (Reserved)	5201
53. (Reserved)	5301
54. (Reserved)	5401

<b>CHAPTER</b>	<b>PAGE</b>
55. <b>Recreation Committee</b>	5501
56. <b>Refuse Disposal District, Regional</b>	5601
57. (Reserved)	5701
58. (Reserved)	5801
59. <b>Selectmen</b>	5901
Article I Obtaining Sewage Disposal Assistance	
Article II Tax Anticipation Borrowing	
Article III Tax Sale Property	
Article IV Acceptance, of Legacies, Gifts, Grants and Subsidies	
Article V Obtaining Available Assistance	
Article VI Restriction of Expenditures	
Article VII Public Hearing before Accepting Gifts	
Article VIII Disposal of Property	
Article IX Acquisition of Land	
60. (Reserved)	6001
61. (Reserved)	6101
62. <b>Social Media</b>	6201
Article I Communication and Social Media Policy & Guidelines	
63. (Reserved)	6301
64. <b>Southwestern New Hampshire Regional Planning Association</b>	6401
65. (Reserved)	6501
66. (Reserved)	6601
67. (Reserved)	6701
68. (Reserved)	6801
69. (Reserved)	6901
70. (Reserved)	7001
71. <b>Tax Collector</b>	7101
Article I Compensation	
Article II Deputies	
72. (Reserved)	7201
73. (Reserved)	7301
74. <b>Tax Map</b>	7401
75. (Reserved)	7501
76. (Reserved)	7601
77. (Reserved)	7701
78. (Reserved)	7801
79. (Reserved)	7901
80. (Reserved)	8001
81. (Town Clerk)	8101
82. (Reserved)	8201
83. <b>Town Meeting</b>	8301
Article I Ballot System	
Article II Election of Clerk, Treasurer and Tax Collector	
Article III Two-Session Meetings	
84. (Reserved)	8401
85. (Reserved)	8501

CHAPTER	PAGE
86. (Reserved)	8601
87. (Reserved)	8701
88. <b>Treasurer, Town</b>	8801
89. (Reserved)	8901
90. <b>Trustees of Trust Funds</b>	9001
Article II Capital Reserve Investment Services	
91. (Reserved)	9101
92. <b>Water Commission</b>	9201
93. (Reserved)	9301
94. (Reserved)	9401
95. (Reserved)	9501

**PART II  
GENERAL LEGISLATION**

96. (Reserved)	9601
97. (Reserved)	9701
98. (Reserved)	9801
99. <b>Airport Vicinity Restrictions</b>	9901
100. (Reserved)	10001
101. (Reserved)	10101
102. (Reserved)	10201
103. <b>Alcoholic Beverages</b>	10301
104. (Reserved)	10401
105. (Reserved)	10501
106. (Reserved)	10601
107. <b>Amusement Devices</b>	10701
108. (Reserved)	10801
109. (Reserved)	10901
110. (Reserved)	11001
111. <b>Armistice/Veterans Day</b>	11101
112. (Reserved)	11201
113. <b>Bicycles</b>	11301
114. (Reserved)	11401
115. (Reserved)	11501
116. (Reserved)	11601
117. <b>Bingo - Keno</b>	11701
118. (Reserved)	11801
119. (Reserved)	11901
120. <b>Buildings, Unsafe and Destroyed</b>	12001
121. (Reserved)	12101
122. (Reserved)	12201
123. (Reserved)	12301

<b>CHAPTER</b>	<b>PAGE</b>
124. (Reserved)	12401
<b>125. Dogs and Other Animals</b>	
Article I Animals on Town Recreation Property; Nuisance	
Article II Running at Large	
<b>126. Drug Paraphernalia</b>	12601
127. (Reserved)	12701
<b>128. Excavations</b>	12801
<b>129. Fees</b>	12901
<b>130. Firearms</b>	13001
Article I Cheshire Pond Area	
<b>131. Fireworks</b>	13101
132. (Reserved)	13201
<b>133. Flood Hazards</b>	13301
134. (Reserved)	13401
135. (Reserved)	13501
<b>136. General Assistance Guidelines</b>	13601
<b>137. Groundwater Management Zone – Elite Laundry</b>	13701
138. (Reserved)	13801
<b>139. Historic District</b>	13901
140. (Reserved)	14001
<b>141. House Numbering Ordinance</b>	14101
142. (Reserved)	14201
<b>143. Junkyards</b>	14301
144. (Reserved)	14401
<b>145. KENO</b>	14501
146. (Reserved)	14601
147. (Reserved)	14701
148. (Reserved)	14801
<b>149. Littering</b>	14901
150. (Reserved)	15001
<b>151. Mobile Homes and Trailers</b>	15101
152. (Reserved)	15201
<b>153. Noise</b>	15301
<b>154. Nudity</b>	15401
<b>155. Parks and Playgrounds</b>	15501
Article I Shattuck Park at Thorndike Pond	
Article II Dogs Prohibited	
Article III No Trespassing – Parks, Commons and Cemeteries	
<b>156. Recycling/Waste Transfer Station</b>	15601
157. (Reserved)	15701
158. (Reserved)	15801

<b>CHAPTER</b>	<b>PAGE</b>
159. <b>Sewers</b>	15901
160. (Reserved)	16001
161. (Reserved)	16101
162. (Reserved)	16201
163. (Reserved)	16301
164. (Reserved)	16401
165. (Reserved)	16501
166. (Reserved)	16601
167. <b>Site Plan Review</b>	16701
168. <b>Smoking Policy</b>	16801
169. (Reserved)	16901
170. <b>Special Event Permit Policy</b>	17001
171. <b>Streets and Sidewalks</b>	17101
Article I - Encroachments	
Article II - Snow and Ice Removal	
Article III - Town Bridge Postings	
Article IV – Winter Maintenance Policy	
172. (Reserved)	17201
173. (Reserved)	17301
174. (Reserved)	17401
175. <b>Subdivision of Land</b>	17501
176. (Reserved)	17601
177. (Reserved)	17701
178. <b>Sweepstakes Tickets</b>	17801
179. (Reserved)	17901
180. (Reserved)	18001
181. <b>Taxation</b>	18101
Article I     Payment on Account	
Article II    Exemptions For the Elderly	
Article III   Prepayment	
Article IV    Solar Energy Exemption	
Article V     Semiannual Billing	
Article VI    Discount for Prompt Payment	
Article VII   Exemption for the Blind	
Article VIII  Real Estate Tax Lien Procedures	
Article IX    Veteran’s Exemption	
Article X     Service Disability Tax Exempt	
Article XI    Resident Tax	
182. <b>Town Property</b>	18201
Article I     Camping Policy	
Article II    No Trespassing – Parks, Commons and Cemeteries	
Article III   Lease Land at Jaffrey Landfill	
Article IV    Lease Land on Union Street	
183. (Reserved)	18301
184. (Reserved)	18401

<b>CHAPTER</b>	<b>PAGE</b>
185. <b>Vehicles and Traffic</b>	18501
186. <b>Vehicles, Motor, Permits for</b>	18601
Article I    Waiver of Fees for Certain Veterans	
187. <b>Vendors</b>	18701
188. <b>Water Department Regulations</b>	18801
189. <b>Wetlands Conservation</b>	18901
190. (Reserved)	19001
191. (Reserved)	19101
192. (Reserved)	19201
193. <b>Zoning</b>	19301
194. (Reserved)	19401
195. (Reserved)	19501

## **INDEX**

# 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,<sup>1</sup> and August 9, 1967,<sup>2</sup> 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.”<sup>3</sup>

#### 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.”<sup>1</sup>]

#### 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,<sup>1</sup> as amended by Article 14 of the March 8th, 1965 Town Meeting,<sup>2</sup> 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**

**INDEX**

<u><b>SECTION</b></u>	<u><b>PAGE NO.</b></u>
<b>SECTION I - GENERAL ADMINISTRATION</b>	
A.    Purpose	2
B.    Authority	2
C.    Definition of Terms	2
D.    Cemetery Locations	3
E.    Hours of Operation	3
<b>SECTION II - GENERAL SUPERVISION</b>	
A.    General Provisions	3
B.    Personal Conduct	4
C.    Motor Vehicle Traffic Within a Cemetery	5
D.    Service Charges and Overdue Indebtedness	5
<b>SECTION III - INTERMENTS AND DISINTERMENTS</b>	
A.    General Provisions	6
B.    Cremations	7
<b>SECTION IV - ACQUISITION AND OWNERSHIP OF LOTS</b>	
A.    Purchase	7
B.    Lot Sizes and Pricing	8
C.    Transfer of Cemetery Lots	8
D.    Records	8
E.    Property Rights of Owners	8
F.    Protection from Loss or Damage	8
<b>SECTION V - SOLE AGREEMENT</b>	9
<b>SECTION VI - CONTROL OF WORK WITHIN CEMETERY</b>	
A.    General Provisions	9
B.    Changes in Grade and Replanting	10
C.    Care of Lots and Graves (Perpetual Care)	10
<b>SECTION VII - MONUMENTS AND MARKERS</b>	
A.    General Provisions	10
B.    Size of Monuments and Markers	12
C.    Materials Permitted	12
D.    Foundations and Settings	12
<b>SECTION VIII - VIOLATIONS AND PENALTIES</b>	13
<b>SECTION IX - APPEALS</b>	13
<b>SECTION X - SAVINGS CLAUSE</b>	13
<b>ADDENDUM - BURIAL LOT SIZES AND PRICING</b>	15
<b>APPENDIX A - GRAPHICAL EXPLANATION OF MONUMENT SIZING AND LOT AND GRAVE RELATIONSHIP</b>	
<b>APPENDIX B - STATE LAW RELATING TO CEMETERIES</b>	

**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)	\$350.00
Double Grave Lot (7.0'W x 12'L)	\$700.00
Four Grave Lot (14'W x 12'L)	\$1,400.00
Cremation Lot (3.5'W x 6'L)	\$350.00

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	\$350.00
Weekends	\$450.00
Holidays	\$550.00
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) \$10.00

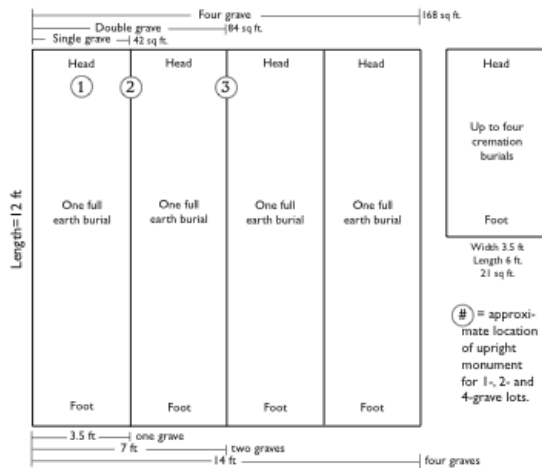
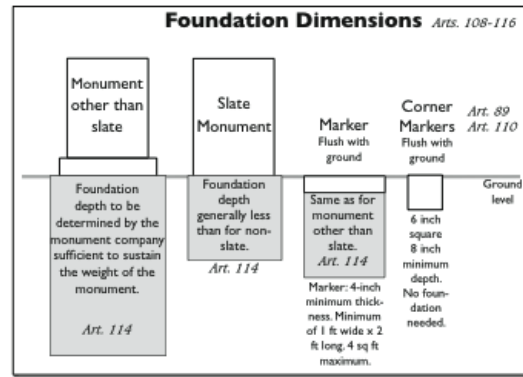
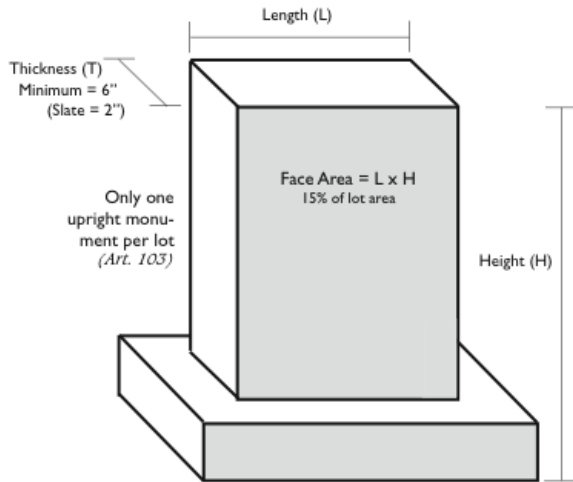
Approved by the Board of Selectmen after a public hearing on April 23, 2003.

**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 \$9,000<sup>1</sup> 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.’)<sup>1</sup>

#### **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. <sup>2</sup>

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

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

**SECTION II – STONE BRIDGE TIF**

§ 22-II-II-1. Legislative Intent.

§ 22-II-II-2. District Boundaries.

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

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

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

§ 22-II-II-1. Legislative Intent.

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

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

§22-II-II-2. District Boundaries.

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

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

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

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

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

**ARTICLE III  
COMMUNITY DEVELOPMENT BLOCK GRANT INTERMUNICIPAL  
AGREEMENTS**

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

**ARTICLE IV  
INDUSTRIAL DEVELOPMENT AUTHORITY**

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

1. Editor’s Note; The amount of compensation is established annually by the Town Manager pursuant to RSA 37:6 II.
2. Editor’s Note; The appropriation for Downtown Improvements/Team Jaffrey Main Street Program Management is included in the TIF Plan subject to amendment by Town Meeting as recommended by the Select Board.



# **CONSERVATION COMMISSION**

## **Chapter 23**

### **CONSERVATION COMMISSION**

#### **ARTICLE I Establishment**

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

#### **ARTICLE II Unexpended Appropriations**

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

#### **ARTICLE III PURCHASE CONSERVATION LAND OUTSIDE JAFFREY**

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

#### **ARTICLE IV FOREST MANAGEMENT REVENUE APPORTIONMENT**

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

## CONSERVATION COMMISSION

### ARTICLE V

#### CONSERVATION/WATER QUALITY EASEMENTS & CONVEYANCES

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

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

#### GENERAL REFERENCES

Historic District Commission - See Ch. 139

*Managing Town Forests – See Ch 135.*

*Finance – Land Use Change Tax – See Ch. 27*

*Select Board Acquisition of Land – See Ch. 59*

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

## **FINANCE DEPARTMENT**

### **CHAPTER 27**

## **FINANCE DEPARTMENT**

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

[Article 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.”]

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

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

[Article 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.”]

## FINANCE DEPARTMENT

[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.”]

[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.]

## FINANCE DEPARTMENT

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

[Article 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 II**  
**FEEES**

Fees for Regulatory Process.

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

GENERAL REFERENCES

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



## **FIRE DEPARTMENT**

### **Chapter 29**

## **FIRE DEPARTMENT**

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

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

#### **GENERAL REFERENCES**

Finance Department - See Ch. 27

## ***TOWN FORESTS***

### ***Chapter 30***

#### **TOWN FORESTS**

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

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

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

**HOUSING COMMISSION, STATE**

**Chapter 33**

**HOUSING COMMISSION, STATE**

**ARTICLE I**

**Authorization To Operate in Town**

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

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

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

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

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

HOUSING COMMISSION, STATE

**ARTICLE II**

**Referral of Consent Requests to Town Meeting**

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

**LIBRARY**

**Chapter 34**

**LIBRARY**

***ARTICLE I***

**Creation of Board**

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

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

***ARTICLE II***

**Acceptance of Grants, Gifts or Funds**

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

[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 26<sup>1</sup>

**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 27<sup>1</sup> 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.”<sup>1</sup>

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

### **ARTICLE II**

#### **Approval of Subdivisions, Streets and Parks**

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

### **ARTICLE III**

#### **Municipal Capital Improvement Projects**

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

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

## PLANNING BOARD

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

### GENERAL REFERENCES

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

## **POLICE DEPARTMENT**

### **Chapter 45**

## **POLICE DEPARTMENT**

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

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

#### GENERAL REFERENCES

**Town meetings and elections** - See Ch. 83.

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

## **POOLE FUND COMMITTEE**

### **Chapter 49**

## **POOLE FUND COMMITTEE**

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

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

#### GENERAL REFERENCES

Cemetery trust funds - See Ch. 17.

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

## **PUBLIC WORKS**

### **Chapter 51**

## **PUBLIC WORKS**

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

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

#### GENERAL REFERENCES

Waterworks - See Ch. 92.

Landfill - See Ch. 147.

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

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

## RECREATION COMMITTEE

### Chapter 55

#### RECREATION COMMITTEE

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

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

#### GENERAL REFERENCES

Town Meeting - See Ch. 83.

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

## REFUSE DISPOSAL DISTRICT, REGIONAL

### Chapter 56

## REFUSE DISPOSAL DISTRICT, REGIONAL

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

[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.<sup>1</sup>]

*[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.<sup>2</sup>]

1. Editor’s Note: Article 4, voted in the affirmative 3-17-84 by the Annual Town Meeting, reads as follows: “To see if the Town will vote to authorize the Selectmen and Town Treasurer to borrow money upon the credit of the Town in anticipation of taxes.” Currently effective provisions regarding tax anticipation borrowing are on file in the office of the Town Clerk.
2. Editor’s Note: Article 6, voted in the affirmative 3-17-84 by the Annual Town Meeting, reads as follows: “To see if the Town will vote to authorize the Selectmen to sell at public auction property acquired or property which may be acquired by tax sale, such public auction to be held after being advertised in a local weekly newspaper for three successive weeks.” Currently effective provisions regarding tax sale property are on file in the office of the Town Clerk.



## SELECTMEN

### **Disposal of Property**

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

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

## ARTICLE IV

### **Acceptance of Legacies, Gifts, Grants and Subsidies**

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

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

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

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

## SELECTMEN

### ARTICLE V

#### **Obtaining Available Assistance**

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

[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."<sup>5</sup> Prior to voting on this Article, it was amended to "add the phrase 'attempt to' prior to the word 'restrict,' and to add the phrase 'regular annual' prior to the phrase 'town meeting.'" ]

### ARTICLE VII

#### **Public Hearing before Accepting Gifts**

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

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

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

## SELECTMEN

### **ARTICLE IX Acquisition of Land**

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

#### GENERAL REFERENCES

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

## 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](http://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.”<sup>1]</sup>

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

### **ARTICLE II Deputies**

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

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

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

#### **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.”<sup>1]</sup>

#### **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.’”<sup>2]</sup>

(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.”<sup>3]</sup>

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.”<sup>1</sup>]

#### GENERAL REFERENCES

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

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

## **TRUSTEES OF TRUST FUNDS**

### **Chapter 90**

#### ARTICLE I

(Reserved)

#### ARTICLE II

### **Capital Reserve Investment Management Services**

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

## WATER COMMISSION

### Chapter 92

## WATER COMMISSION

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

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

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

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

#### GENERAL REFERENCES

Sewers - See Ch. 159.

Subdivision of land - See Ch. 175.

*Select Board, See Ch. 59*

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

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

## PART II

### GENERAL LEGISLATION

## AIRPORT VICINITY RESTRICTIONS

### Chapter 99

## AIRPORT VICINITY RESTRICTIONS

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

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

#### GENERAL REFERENCES

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

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



**§ 99-1. Definitions.**

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

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

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

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

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

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

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

**TREE** - Any object of natural growth.

**§ 99-2. Airport reference point.**

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

**§ 99-3. Applicability.**

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

**§ 99-4. Areas with height restrictions.**

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

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

**§ 99-5. Unrestricted heights.**

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

**§ 99-6. Uses restricted.**

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

**§ 99-7. Nonconforming uses continued.**

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

**§ 99-8. Variances.**

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

**§ 99-9. Permits.**

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

**§ 99-10. Hazard markings and lights.**

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

**§ 99-11. Administrative agency.**

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

**§ 99-12. Board of Appeals.**

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

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

**§ 99-13. Violations and penalties.**

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

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 or buildings within the limits of the Town of Jaffrey, New Hampshire.

#### § 103-2. Violations and penalties.

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

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

## AMUSEMENT DEVICES

### Chapter 107

## AMUSEMENT DEVICES

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

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

#### GENERAL REFERENCES

Alcoholic beverages - See Ch. 103.  
Bingo - See Ch. 117.  
Sweepstakes tickets - See Ch. 178.  
Zoning restrictions - See Ch. 193.

**§ 107-1. Legislative intent.**

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

**§ 107-2. Definitions.**

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

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

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

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

**§ 107-3. Gambling devices not permitted.<sup>1</sup>**

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

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



**§ 107-4. Minimum age for users.**

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

**§ 107-5. Alcoholic beverages.<sup>2</sup>**

No amusement center shall serve alcoholic beverages on the premises.

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

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

**§ 107-7. License required.**

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

**§ 107-8. Licensing requirements.**

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

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

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

**§ 107-9. License fees.**

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

**§ 107-10. Management plan.**

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

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

**§ 107-11. Display of license.**

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

**§ 107-12. Duration of license.**

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

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

**§ 107-13. Licensing existing centers.**

- A. Any amusement center now in operation must pay all the fees and apply for a license within thirty (30) days of the effective date of this chapter.<sup>4</sup>
- 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.

4. 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 11<sup>th</sup> day of the 11<sup>th</sup> 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.<sup>1</sup> *amended 3/16/96 at the Annual Town Meeting Article 27.* Amendments noted where applicable.]

#### GENERAL REFERENCES

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

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

**§ 113-1. Registration required.**

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

*Repealed 3/16/96 Article 27*

**§ 113-2. Enforcing and registering officer.**

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

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

*Repealed 3/16/96 Article 27*

**§ 113-3. Fees.**

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

*Repealed 3/16/96 Article 27*

**§ 113-4. Expiration date.**

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

*Repealed 3/16/96 Article 27*

**§ 113-5. Operation on sidewalks not permitted.**

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

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

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

**§ 113-7. Light required at night.**

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

**§ 113-8. Warning signal required.**

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

**§ 113-9. Brakes required.**

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

**§ 113-10. Unsafe operation unlawful.**

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

**§ 113-11. Revocation and suspension.**

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

**§ 113-12. Violations and penalties.**

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

**§ 113-13. Severability.**

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

**§ 113-14. "Rules of the Road for Bicycles"**

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

## **BINGO - 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?”<sup>1</sup>]

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

#### **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.

## **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.<sup>1</sup>**

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:

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

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

SECTION II – DETERMINATION

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

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

SECTION III – POSSESSION OF DRUG PARAPHERNALIA

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

SECTION IV – MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA

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

SECTION V – DELIVERY OF DRUG PARAPHERNALIA TO A MINOR

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

SECTION VI – ADVERTISEMENT OF DRUG PARAPHERNALIA

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



# EXCAVATIONS

## Chapter 128

### EXCAVATIONS

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

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

#### GENERAL REFERENCES

Conservation Commission - See Ch. 23.

Planning Board - See Ch. 42.

Wetlands - See Ch. 189.

Land use - See Ch. 193.

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

**FIREARMS**

**Chapter 130**

**FIREARMS**

**ARTICLE I**

**Cheshire Pond Area**

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

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

## **FIREWORKS**

### **Chapter 131**

## **FIREWORKS**

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

### **POLICY FOR WHOLESALE/RETAIL SALES OF PERMISSIBLE FIREWORKS POLICY STATEMENT**

#### **I. Authority**

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

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

#### **II. Application**

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

#### **III. Eligibility Requirements**

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

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

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

§131.4 WHOLESALE/RETAIL SALES OF PERMISSIBLE FIREWORKS §131.6

**IV. Site Location**

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

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

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

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

**V. Conditions of Sales**

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

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

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

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

**VI. Duration**

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

§131.7 WHOLESALE/RETAIL SALES OF PERMISSIBLE FIREWORKS §131.8

**VII. Fees**

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

**VIII. Revocation**

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

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

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

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

# FLOOD HAZARDS

## Chapter 133

# FLOOD HAZARDS

**[HISTORY: Originally Adopted 9-16-75 by a Special Town Meeting, Art. 2.<sup>1</sup> 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. 184.

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**

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

#### **Article II PURPOSE & AUTHORITY**

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

#### **Article III DEFINITIONS**

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

#### **Article IV OFFICIAL MAP**

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

**Article V**  
**NAMING AND NUMBERING SYSTEM**

1. Property Numbers
  - A. Each residence and business property shall have a number indicating its position on the road on which it is located.
  - B. In general, one whole number on each side of the road shall be assigned for every fifty (50) feet interval of road frontage.
  - C. Every improved property with more than one principal use or occupancy shall have a separate designator for each use or occupancy (i.e. 123 Any Road, Apt. 2).

**Article VI**  
**NUMBERS AND NAMES TO BE POSTED**

1. Every owner of an improved property shall, within thirty (30) days of notification as defined in Article IX, Section 5 of this ordinance, or within thirty (30) days of new habitation, display and maintain in a conspicuous place on said property the number assigned.
  - A. The number assigned shall be displayed in numeral form and be no less than three inches (3") high. Numerals shall be a contrasting color from the background, and preferably reflective in nature.
  - B. Assigned numbers of each improved property shall be posted near the principal entrance to the property and in a manner as to be legible from the road on which the property is located, and which can be seen when approaching from either direction.
  - C. Owners of buildings which are not visible from the road shall place the assigned number on both sides of a post or mailbox at the entrance to the property.
2. Every person whose duty it is to display the assigned number shall remove any different number which might be mistaken for, or confused with, the number or name assigned in conformance with this ordinance.

**Article VII**  
**PROPOSED ROADS AND STRUCTURES**

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

**Article VIII**  
**VIOLATIONS AND PENALTIES**

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

**Article IX**  
**AMENDMENT AND OTHER LEGAL PROVISIONS**

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

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

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

# JUNKYARDS

## Chapter 143

### JUNKYARDS

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

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

#### GENERAL REFERENCES

Landfill – See Ch. 147

Zoning – See Ch. 193

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

No person shall locate or maintain in the town a motor vehicle junkyard or machinery junkyard (both as defined by New Hampshire Revised Statutes Annotated, as amended by Ch. 267, Section 1-4<sup>1</sup>) unless the yard is fenced or screened so as to be completely hidden from view from any highway.

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

**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

#### 1. PURPOSES AND PRINCIPLES

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

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

#### 2. AUTHORITY

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

#### 3. DEFINITIONS

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

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

c) Junk means parts of motor vehicles, machinery, or intact motor vehicles or mechanized equipment (whether or not motorized) that is dysfunctional and no longer planned for use and that has been inactive for a period of one year or more or that has been left or deposited in an unpermitted location for a period of seven (7) days or more; and scrap (such material includes, but is not limited to, metals, glass, paper, cordage, wiring, fabric, or rubber).

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

- e) Liquid waste means any waste material in liquid form.
- f) Septage means the residue from septic tanks containing a mixture of liquid and solid particles.
- g) Solid waste is a term that may be used interchangeably with the terms refuse and garbage.
- h) Sludge means a liquid/solid mixture that generally has a water or other liquid content ranging from 1% to 40% by weight and that is either organic or inorganic in nature and that is derived from an industrial process or a water treatment process.
- i) Yard waste means any material resulting from cleanup or landscaping of residential, commercial, or industrial yards or property (including materials such as grass cuttings, leaves, shrubbery or tree clippings, cones, needles, bark, weeds, stakes, or similar materials).

#### 4. PROVISIONS

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

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

- a) Waste materials in approved containers, receptacles, or bags that are temporarily placed for pickup by a public or private hauler permitted by the State of New Hampshire, provided the materials are not left outside for more than one day (as raccoons and the like go after garbage).
- b) Solid recyclable materials set aside for pickup by a public or private hauler permitted by the State of New Hampshire, provided the materials are not left outside for more than three days.
- c) Materials resulting from construction work, provided the materials are removed and stored indoors by the end of each working day or provided the waste materials are removed within three days.

## 5. ENFORCEMENT

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

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

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

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

## 6. PENALTIES

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

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

## 7. RELATIONSHIP TO OTHER LAWS

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

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

## **MOBILE HOMES AND TRAILERS**

### **Chapter 151**

#### **MOBILE HOMES AND TRAILERS**

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

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

#### **GENERAL REFERENCES**

Airport vicinity restrictions - See Ch. 99.

Flood hazard areas - See Ch. 133.

Sewers - See Ch. 159.

Site Plan review - See Ch. i67.

Subdivision of land - See Ch. 175.

Wetlands - See Ch. 189.

Zoning - See Ch. 193.

# NOISE ORDINANCE

## Chapter 153

### Article I TITLE

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

### Article II PURPOSE AND AUTHORITY

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

### Article III DEFINITIONS

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

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

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

#### **Article IV ZONING DISTRICTS**

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

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

#### **Article V NOISE DISTURBANCES – PROHIBITED TIME RESTRICTIONS**

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

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

**Article VI  
EXEMPTIONS**

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

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

**Article VII  
TEMPORARY SPECIAL PERMITS**

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

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



**Article VIII  
VIOLATIONS AND PENALTIES**

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

**Article IX  
SEVERABILITY**

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

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

## NUDITY

### Chapter 154

## NUDITY

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

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

## **PARKS AND PLAYGROUNDS**

### **Chapter 155**

## **PARKS AND PLAYGROUNDS**

### **ARTICLE I**

#### **Shattuck Park at Thorndike Pond**

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

### **ARTICLE II**

#### **DOGS PROHIBITED**

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

### **ARTICLE III**

#### **NO TRESPASSING**

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

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

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

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

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

## **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 1<sup>st</sup> through May 31<sup>st</sup> 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.



**SEWERS**

**Chapter 159**

**SEWERS**

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

## TABLE OF CONTENTS

---

ARTICLE I – GENERAL PROVISIONS .....	15904
Section 1.1 Purpose and Policy .....	15904
Section 1.2 Administration.....	15905
Section 1.3 Acronyms .....	15905
Section 1.4 Definitions.....	15905
ARTICLE II – GENERAL SEWER USE REQUIREMENTS.....	15915
Section 2.1 Use of Public Sewers.....	15915
Section 2.2 Private Wastewater Disposal.....	15917
Section 2.3 Building Sewers and Connections.....	15917
Section 2.4 New Sewers or Sewer Extensions .....	15922
Section 2.5 Variances .....	15923
Section 2.6 Prohibited Discharge Standards .....	15924
Section 2.7 Federal Categorical Pretreatment Standards .....	15926
Section 2.8 Local Discharge Restrictions .....	15927
Section 2.9 Town's Right of Revision .....	15929
Section 2.10 Dilution.....	15929
Section 2.11 Mass-Based Limitations .....	15929
ARTICLE III – PRETREATMENT OF WASTEWATER .....	15930
Section 3.1 Pretreatment Facilities.....	15930
Section 3.2 Additional Pretreatment Measures .....	15930
Section 3.3 Accidental Discharge/Slug Control Plans .....	15931
Section 3.4 Pollution Prevention Plans .....	15931
ARTICLE IV – INDUSTRIAL WASTEWATER DISCHARGE PERMIT (idp) APPLICATION .	15933
Section 4.1 Industrial User Classification System .....	15933
Section 4.2 IDP Requirement .....	15934
Section 4.3 State Discharge Permit Request Requirement .....	15934
Section 4.4 Industrial Wastewater Discharge Permitting: Existing Connections .....	15934
Section 4.5 Industrial Wastewater Discharge Permitting: New Connections .....	15934
Section 4.6 Industrial Wastewater Discharge Permitting: Federal Categorical Pretreatment Standards	15935
Section 4.7 IDP Application Contents .....	15935
Section 4.8 Signatories and Certification.....	15935
Section 4.9 Hauled Wastewater Permits .....	15936

## TABLE OF CONTENTS

---

V – IDP ISSUANCE PROCESS .....	15936
Section 5.1 IDP Decisions .....	15936
Section 5.2 IDP Duration .....	15936
Section 5.3 IDP Contents .....	15937
Section 5.4 IDP Appeals .....	15938
Section 5.5 IDP Modification.....	15939
Section 5.6 IDP Transfer .....	15939
Section 5.7 IDP Termination.....	15940
Section 5.8 IDP Reissuance.....	15940
Section 5.9 Regulation of Waste Received from Other Jurisdictions.....	15940
ARTICLE VI – REPORTING REQUIREMENTS .....	15940
Section 6.1 Baseline Monitoring Reports .....	15940
Section 6.2 Compliance Schedules/Progress Reports .....	15941
Section 6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline .....	15942
Section 6.4 Periodic Compliance Reports.....	15942
Section 6.5 Reports of Changed Conditions .....	15943
Section 6.6 Reports of Slugs or Potentially Adverse Discharges .....	15943
Section 6.7 Reports from Unpermitted Users .....	15944
Section 6.8 Notice of Violation / Repeat Sampling and Reporting .....	15944
Section 6.9 Discharge of Hazardous Waste .....	15944
Section 6.10 Analytical Requirements .....	15944
Section 6.11 Sample Collection .....	15944
Section 6.12 Timing .....	15945
Section 6.13 Recordkeeping.....	15945
Section 6.14 Program Administration Fee .....	15945
ARTICLE VII – POWERS AND AUTHORITIES OF INSPECTORS.....	15946
Section 7.1 Compliance Monitoring .....	15946
Section 7.2 Right of Entry: Inspection and Sampling .....	15946
Section 7.3 Search Warrants .....	15947
ARTICLE VIII – CONFIDENTIAL INFORMATION / PUBLIC PARTICIPATION.....	15947
ARTICLE IX – PUBLICATION OF POLLUTION PREVENTION ACHIEVEMENTS .....	15947
ARTICLE X – ENFORCEMENT REMEDIES.....	15948
Section 10.1 Notification of Violation.....	15948
Section 10.2 Compliance Schedule Development .....	15948
Section 10.3 Pollution Prevention Plan Development .....	15948
Section 10.4 Publication of Users in Significant Noncompliance .....	15948

## TABLE OF CONTENTS

---

Section 10.5 Show Cause Orders .....	15949
Section 10.6 Cease and Desist Orders.....	15949
Section 10.7 Consent Orders .....	15949
Section 10.8 IDP Termination.....	15949
Section 10.9 Termination of Discharge.....	15950
Section 10.10 Emergency Suspensions .....	15950
Section 10.11 Recovery of Expenses .....	15951
Section 10.12 Harm to Town Property.....	15951
Section 10.13 Injunctive Relief.....	15951
Section 10.14 Civil Penalties .....	15952
Section 10.15 Criminal Prosecution.....	15952
Section 10.16 Nonexclusive Remedies .....	15952
ARTICLE XI – AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS .....	15953
Section 11.1 Upset.....	15953
Section 11.2 Prohibited Discharge Standards .....	15954
Section 11.3 Bypass .....	15954
ARTICLE XII – SEPTAGE DISPOSAL .....	15955
Section 12.1 Septage Hauler Requirements .....	15955
Section 12.2 Temporary Septage Permits .....	15956
Section 12.3 Septage Permits .....	15956
Section 12.4 Septage Disposal Charge.....	15957
ARTICLE XIII - SEWER USE RATES - FEES .....	55
Section 13.1 Application for Sewer Service .....	55
Section 13.2 Sewer Connection Fee.....	55
Section 13.3 Payment of Bills .....	56
ARTICLE XIV – VALIDITY .....	57
ARTICLE XV – INTERPRETATION OF REQUIREMENTS .....	15959
Section 15.1 Interpretation .....	15959
Section 15.2 Appeals.....	15959
ARTICLE XVI – MODIFICATIONS .....	15960
ARTICLE XVII – ORDINANCE IN FORCE .....	15961
APPENDICES .....	60

---

**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.

## JAFFREY MUNICIPAL SEWER USE ORDINANCE

---

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.



## JAFFREY MUNICIPAL SEWER USE ORDINANCE

---

- 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.

## JAFFREY MUNICIPAL SEWER USE ORDINANCE

---

- 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

## JAFFREY MUNICIPAL SEWER USE ORDINANCE

---

- 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.

## JAFFREY MUNICIPAL SEWER USE ORDINANCE

---

- 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.

## JAFFREY MUNICIPAL SEWER USE ORDINANCE

---

- 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

## JAFFREY MUNICIPAL SEWER USE ORDINANCE

---

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.];

## JAFFREY MUNICIPAL SEWER USE ORDINANCE

---

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.



## JAFFREY MUNICIPAL SEWER USE ORDINANCE

---

- 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.



## JAFFREY MUNICIPAL SEWER USE ORDINANCE

---

- 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

## JAFFREY MUNICIPAL SEWER USE ORDINANCE

---

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

## JAFFREY MUNICIPAL SEWER USE ORDINANCE

---

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

## JAFFREY MUNICIPAL SEWER USE ORDINANCE

---

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.

## JAFFREY MUNICIPAL SEWER USE ORDINANCE

---

- 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;

## JAFFREY MUNICIPAL SEWER USE ORDINANCE

---

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;

## JAFFREY MUNICIPAL SEWER USE ORDINANCE

---

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



## JAFFREY MUNICIPAL SEWER USE ORDINANCE

---

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:

## JAFFREY MUNICIPAL SEWER USE ORDINANCE

---

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 (see Water 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

---

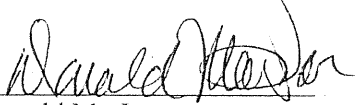
ARTICLE XVII- ORDINANCE IN FORCE

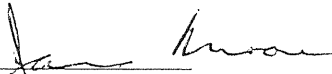
This Ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

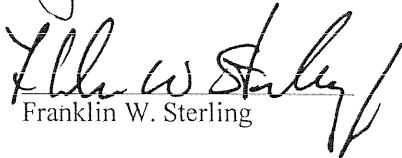
Duly enacted and ordained this 23 day of Jan. 2017 by the Board of Selectmen of the Town of Jaffrey in Cheshire County, State of New Hampshire, at a duly noticed and duly held session of the said Board of Selectmen.

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:

<b>POLLUTANT</b>	<b>MAXIMUM ALLOWABLE INDUSTRIAL LOADING (lbs/day)</b>	<b>POLLUTANT</b>	<b>MAXIMUM ALLOWABLE INDUSTRIAL LOADING (lbs/day)</b>
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.

<b>POLLUTANT</b>	<b>mg/L</b>	<b>POLLUTANT</b>	<b>mg/L</b>
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

**JAFFREY MUNICIPAL SEWER USE ORDINANCE**

---

<b>POLLUTANT</b>	<b>mg/L</b>	<b>POLLUTANT</b>	<b>mg/L</b>
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
------------------------------	---	--------------------

**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.

<b>Sump Pump User (Prior Approval Required)</b>	\$10.00 per month	4/28/2008
---	-------------------	-----------

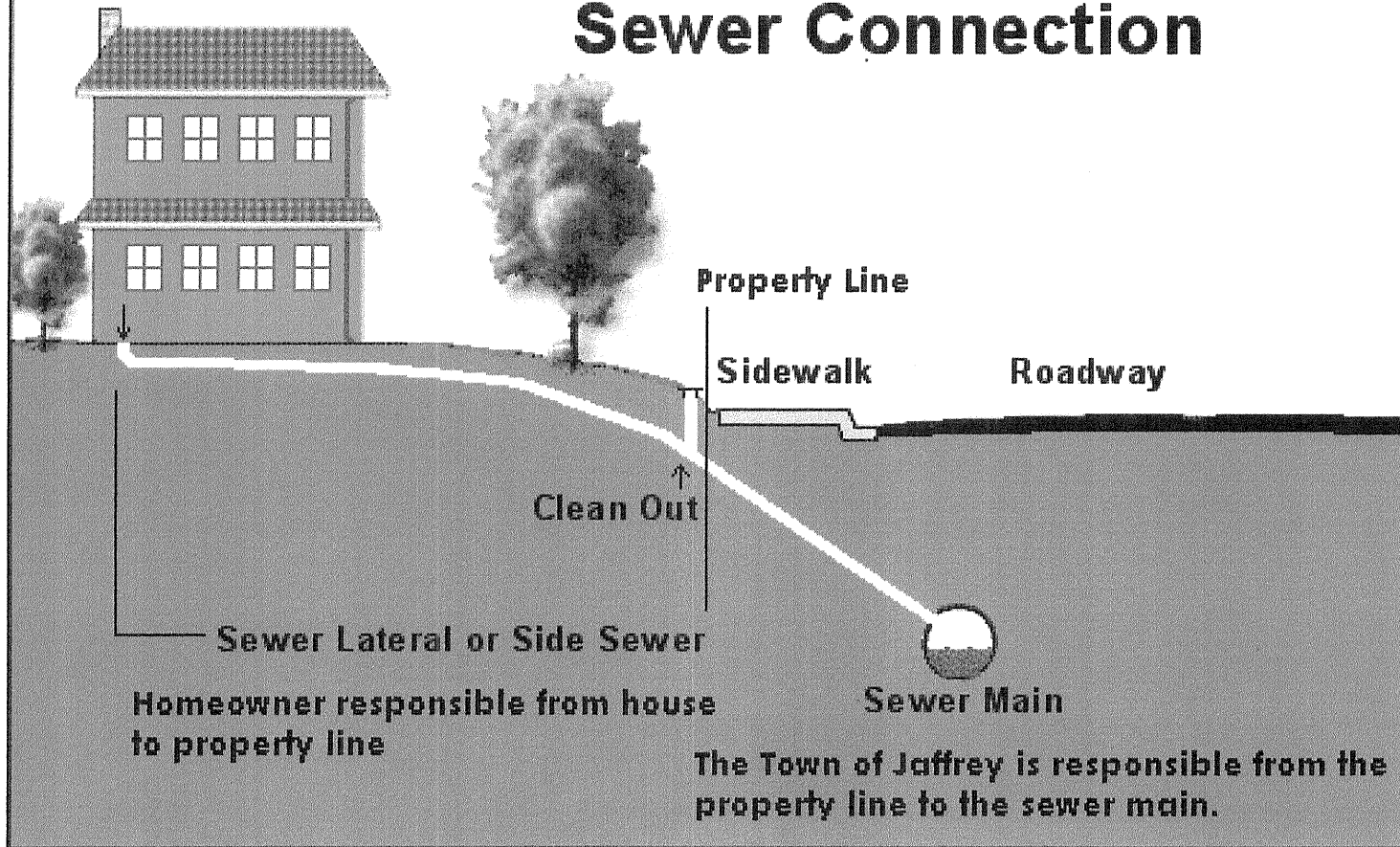
<b>Septage Disposal</b>	\$0.05 per gallon (Jaffrey) \$0.075 per gallon (In-District) \$0.10 per gallon (Outside District) \$10.00 per drop (Camper/RV) \$25.00 seasonal (Camper/RV)	4/22/2010
-------------------------	---	-----------

**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 162<sup>1</sup>**

**(R E S E R V E D)**

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

## **SITE PLAN REVIEW**

### **Chapter 167**

## **SITE PLAN REVIEW**

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

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

#### GENERAL REFERENCES

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

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

# SMOKING POLICY

## Chapter 168

### SMOKING POLICY

§ 168-1. Designated no-smoking areas.

§ 168-2. Posting of signs.

#### § 168-1. Designated no-smoking areas.

A. In accordance with RSA 155:45<sup>1</sup>, the following town-owned buildings, in their entirety, are hereby designated as no-smoking areas.

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

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

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



**§ 168-2. Posting of signs.**

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

*Editor's Note:*<sup>1</sup> *The current RSA citation is RSA 155:64-78.*

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

# **SPECIAL EVENTS PERMIT**

## **Chapter 170**

### **Special Events Permit**

#### **Article I PURPOSE**

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

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

#### **Article II TIMELINE**

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

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

#### **Article III AUTHORITY**

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

**Article IV**  
**DEFINITIONS**

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

**Article V**  
**APPLICATION PROCEDURE**

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

**Article VI  
ITEMS TO ACCOMPANY SPECIAL EVENT PERMIT APPLICATION**

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

**Article VII  
CRITERIA FOR EVALUATING AND SCHEDULING SPECIAL EVENTS**

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

**Article VIII  
SPECIFIC STATUTES AND MUNICIPAL CODES**

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

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

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

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

NH State Fire Code, NFPA 1, 2009

Jaffrey Municipal Code  
Chapter 187 Regulating Outdoor Vendors and Transient Sales

IBC Building Code  
Electrical Permit  
Health Inspections  
Portable restrooms

## **STREETS, SIDEWALKS & BRIDGES**

### **Chapter 171**

## **STREETS, SIDEWALKS & BRIDGES**

### **ARTICLE I Encroachments**

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

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

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

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

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

**§ 171-2. Obstructions.**

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

**§ 171-3. Violations and penalties.**

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

**ARTICLE III**  
**Town Bridges – Posting**

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

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

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

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

## GENERAL REFERENCES

Public works - See Ch. 51.

Bicycles - See Ch. 113.

Mobile homes - See Ch. 151.

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

**ARTICLE IV**  
**Winter Maintenance Policy**

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

**§ 171-4 Equipment.**

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

**§ 171-5 Routes**

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

**§ 171-6 Manpower**

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

**§ 171-7 Materials**

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

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

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

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

- Gilmore Pond Road
- Squantum Road

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



**§171-8 Communications**

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

**§171-9 Schools**

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

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

**§171-10 Parking**

The Town enacts a winter parking ban effective from November 1<sup>st</sup> to April 15<sup>th</sup> 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 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.”] <sup>1</sup>

1. 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.<sup>1</sup>]

(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%)<sup>1</sup> for real estate taxes paid within fifteen (15) days after the postmarked date of the tax bill”.)<sup>2</sup>

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.]

**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. Parking prohibited at all times.**

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

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

**§ 185-12. Parking prohibited certain hours.**

- A. No person shall park any vehicle on any street in the Town of Jaffrey between the hours of 11:00 p.m. and 6:00 a.m. from November 1 to April 15. This prohibition also applies to all Town-owned parking lots, with the exception of all outer row spaces on the North and East side of the Blake Street Lot and the spaces on Memorial Drive immediately in front of the Police Station. In the event of 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:

<b>Name of Street</b>	<b>Direction of Travel</b>	<b>Limits</b>
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:

<b>Name of Street</b>	<b>Location</b>
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

**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

**Town Jurisdiction:****Stop Sign On**

Oak Street  
 Overview Drive  
 Pinecrest Street  
 Plantation Drive  
 Plantation Drive (WB)  
 Prescott Road  
 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**

Webster Street  
 Nutting Road  
 Ridgecrest Road  
 Squantum Road  
 Fitzgerald Drive  
 Squantum Rd (S end of Island)  
 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:

<b>Yield Sign On</b>	<b>Direction of Travel</b>	<b>At Intersection of</b>
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:

<b>Name of Street</b>	<b>Hours/Days</b>	<b>Limits</b>
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.

<b>Name of Street</b>	<b>Max. Gross Weight (pounds)</b>	<b>Location</b>
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:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
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 1<sup>st</sup> Permit; \$50 2<sup>nd</sup> Permit and all others

Weekly: \$400 1<sup>st</sup> Permit; \$300 2<sup>nd</sup> Permit and all others  
(Applies to any 7 consecutive day period)

Monthly: \$1,500 1<sup>st</sup> Permit; \$1000 2<sup>nd</sup> Permit and all others  
(Applies to any 30 consecutive day period)

Annual: \$2,500 1<sup>st</sup> Permit; \$2,000 2<sup>nd</sup> 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.]**

# WETLANDS CONSERVATION

## Chapter 189

### WETLANDS CONSERVATION

**[HISTORY: Adopted 3-13-79 by the Annual Town Meeting, with amendments at the 1990 and 1993 Town Meetings.]**

**The Regulations governing Wetlands Conservation are located with the Jaffrey Zoning Ordinances as updated and published annually by the Planning Board.**

#### GENERAL REFERENCES

Conservation Commission - See Ch. 23.  
Planning Board - See Ch. 42.  
Regional Planning Association - See Ch. 64.  
Excavations - See Ch. 128.  
Flood hazard areas - See Ch. 133.  
Mobile homes - See Ch. 151.  
Sewers - See Ch. 159.  
Site plan review - See Ch. 167.  
Subdivision of land - See Ch. 175.  
Zoning and land use - See Ch. 193.

## ZONING

### Chapter 193

## ZONING

**[HISTORY: Part 1, adopted 3-13-62 by the Annual Town Meeting, Art. 9; Part 2, adopted 3-4-75 by the Annual Town Meeting, Art. 8; amended in its entirety 3-8-88 by the Annual Town Meeting. Amendments approved a various subsequent Town Meetings.]**

#### GENERAL REFERENCES

Conservation Commission - See Ch. 23.  
Planning Board - See Ch. 42.  
Regional Planning Association - See Ch. 64.  
Airport vicinity - See Ch. 99.  
Excavations - See Ch. 128.  
Flood hazard areas - See Ch. 133.  
Historic district - See Ch. 139.  
Junkyards - See Ch. 143.  
Mobile homes - See Ch. 151.  
Sewers - See Ch. 159.  
Site plan review - See Ch. 167.  
Subdivision of land - See Ch. 175.  
Wetlands - See Ch. 189.



# **APPENDIX**

---

# 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.

-A-

ACCESSORY APARTMENT, defined .....	193
ACCESSORY BUILDINGS	
Defined.....	193
Zoning .....	Ch. 193
ACCESSORY USES	
Defined.....	193
Zoning .....	193
See also NONCONFORMING USES; PERMITTED USES; and SPECIAL EXCEPTION USES	
ADOPTION OF CODE; adoption of Code	
by Annual Town Meeting.....	Ch. 1, Art. I
ADVERTISEMENTS	
Drug Paraphernalia.....	126-6
Tax sale property .....	Ch. 59, Art. III
AIRPORT	
Defined .....	99-1
Discontinuance .....	Ch. 4
Records.....	Ch. 4
AIRPORT HAZARD defined.....	99-1
AIRPORT VICINITY RESTRICTIONS	
Administrative agency.....	99-11
Airport reference point .....	99-2
Applicability .....	99-3
Board of Appeals.....	99-12
Definitions .....	99-1
Hazard markings and lights .....	99-10
Height.....	99-4, 99-5
Nonconforming uses continued.....	99-7
Permits.....	99-9
Uses restricted .....	99-6
Variances.....	99-8
Violations and penalties .....	99-13

---

ALCOHOLIC BEVERAGE	
ESTABLISHMENTS; permitted uses.....	193
ALCOHOLIC BEVERAGES	
Amusement devices.....	107-5
Consumption in public places .....	103-1
Permits.....	103-1
Prohibited acts .....	103-1
Violations and penalties .....	103-2
AMUSEMENT CENTER defined.....	107-2
AMUSEMENT DEVICES	
Additional requirements .....	107-16
Alcoholic beverages .....	107-5
Definitions.....	107-2
Fees .....	107-9
Gambling devices.....	107-3
Hearings .....	107-15
Legislative intent.....	107-1
Licenses.....	107-7 - 107-9, 107-11 - 107-15
Management plan .....	107-10
Minimum age for users.....	107-4
Notices.....	107-15
Prizes of material value not permitted.....	107-6
Violations and penalties .....	107-17
ANIMALS, see DOGS AND OTHER ANIMALS	
ANNUAL REPORTS, see REPORTS	
APARTMENT BUILDINGS	
Defined.....	193
Lots.....	193
Lot sizes .....	193
APARTMENT HOUSE defined.....	193
APPEALS	
Bicycles .....	113-11
Board of Appeals.....	99-12
Excavations .....	128
Historic District .....	139
Mobile homes and trailers .....	151
Signs.....	193
Subdivision of land.....	175
APPOINTMENTS	
Board of Adjustment .....	193
Board of Appeals.....	99-12
Budget Committee.....	Ch. 13
Cemetery Commission .....	Ch. 17, Art. I
Chief of Police.....	Ch. 45
Deputies.....	Ch. 71, Art. II
Deputy Treasurer.....	Ch. 88
Historic District Commission.....	Ch. 139
Planning Board.....	Ch. 42, Art. I
Public Works Superintendent.....	Ch. 51
Recreation Committee .....	Ch. 55
Water Commission .....	Ch.92
APPROACH ZONE defined .....	99-1
ASSOCIATION defined.....	107-2
ACQUISITION OF LAND	
By Select Board.....	Ch. 59, Art. IX

---

**-B-**

BASAL AREA defined .....	Ch. 189
BED-AND-BREAKFAST	
ESTABLISHMENT defined .....	Ch. 193
BICYCLES	
Appeals.....	113-11
Brakes required .....	113-9
Conant Cemetery.....	A196-1
Enforcing officer .....	113-2
Fees .....	113-3
Lights required .....	113-7
Number of riders per bicycle restricted .....	113-6
Operation on sidewalks .....	113-5
Registration .....	113-1 - 113-4, 113-11
Rules of the Road .....	113-14
Unsafe operation .....	113-10
Violations and penalties .....	113-12
Warning signal required .....	113-8
BINGO .....	Ch. 117
BOARD defined.....	175-2
BOARD OF ADJUSTMENT	
Appointments .....	Ch. 193
Membership.....	Ch. 193
Special exception uses.....	Ch. 193
Variances.....	Ch. 193
Zoning .....	Ch. 193
BOARD OF APPEALS	
Airport vicinity restrictions .....	99-12
Appointments .....	99-12
Membership.....	99-12
Powers and duties.....	99-12
Terms of office.....	99-12
BOARD OF WATER COMMISSIONERS, see WATER COMMISSION	
BOD (DENOTING "BIOCHEMICAL OXYGEN DEMAND") defined.....	159-6
BONDS	
Deputy Treasurer.....	Ch. 88
Site plan review.....	Ch. 167
BOUNDARY AGREEMENTS defined .....	Ch. 175
BRIDGES, POSTING OF TOWN .....	Ch. 171, Art. III
BUDGET	
Adoption of Municipal Budget Law	
Provisions .....	Ch. 13
Budget Committee.....	Ch. 13
Selectmen .....	Ch. 59, Art. VI
BUDGET COMMITTEE	
Appointments .....	Ch. 13
Budget .....	Ch. 13
Meetings : .....	Ch. 13
Membership.....	Ch. 13
Powers and duties .....	Ch. 13
Records.....	Ch. 13
Reports .....	Ch. 13
Residency requirements .....	Ch. 13
Terms of office .....	Ch. 13
BUFFER AREA .....	Ch. 193
Defined.....	Ch. 193
BUILDING defined.....	Ch. 193

BUILDING DRAIN defined .....	159-6
BUILDING HEIGHT; zoning .....	Ch. 193
BUILDING PERMITS	
Cluster housing and developments .....	Ch. 193
Flood hazards .....	133-1
Mobile homes and trailers .....	Ch. 15110
Site plan review .....	167-16
Subdivision of land.....	175-17
Zoning .....	Ch. 193
See also FEES; LICENSES; and PERMITS	
BUILDING SEWER defined .....	159-6
BUILDINGS, UNSAFE AND DESTROYED; removal or repair of ruins required.....	120-1

-C-

CAMPING ON TOWN LAND .....	Ch. 182, Art. I
CAPITAL COST defined .....	159-2
CEMETERIES	
Cemetery Commission .....	Ch. 17, Art. I
Conant Cemetery .....	Ch. 17, Art. I; A196-1, A196-2
Cutter Cemetery funds.....	Ch. 17, Art. II
Gravestone Restoration Trust Fund.....	Ch. 27, Art. II
Superintendent of Cemeteries .....	Ch. 17, Art. III
Trees Expendable Trust Fund.....	Ch. 27, Art. II
No Trespassing.....	Ch. 17, Art. IV
CEMETERY COMMISSION	
Appointments .....	Ch. 17, Art. I
Cemeteries.....	Ch. 17, Art. I
Conant Cemetery.....	Ch. 17, Art. I
Membership.....	Ch. 17, Art. I
Records.....	Ch. 17, Art. I
Terms of office.....	Ch. 17, Art. I
CERTIFICATION RESTRICTIONS;	
group homes .....	Ch. 193
CERTIFICATE OF OCCUPANCY	
Fees .....	Ch. 193
site plan review.....	167-6
Zoning .....	Ch. 193
CHIEF OF POLICE	
Appointment.....	Ch. 45
Police Department.....	Ch. 45
CHILD CARE AGENCY, defined.....	Ch. 193
CLERK, TOWN, see TOWN CLERK	
CLOCK, TOWN, Maintenance Trust Fund.....	Ch. 27, Art. II
CLUSTER HOUSING AND DEVELOPMENTS	
Advantages .....	Ch. 193
Approved as one project.....	Ch. 193
Building permits.....	Ch. 193
Character of development .....	Ch. 193
Determination of number of units .....	Ch. 193
Explanation of term.....	Ch. 193
Incremental approvals prohibited.....	Ch. 193
Landscaping .....	Ch. 193
Lots.....	Ch. 193
Lot sizes .....	Ch. 193
Minimum lot area.....	Ch. 193

Open spaces.....	Ch. 193
Permitted uses.....	Ch. 193
Reservation of open space.....	Ch. 193
Rural districts.....	Ch. 193
Site plan review and approval.....	Ch. 193
Special exception uses.....	Ch. 193
Zoning.....	Ch. 193
COMBINED SEWER defined.....	159-6
COMMERCIAL AND GENERAL BUSINESS DISTRICTS	
Permitted uses.....	Ch. 193
Zoning.....	Ch. 193
See also GENERAL BUSINESS DISTRICTS	
COMMUNITY AND ECONOMIC DEVELOPMENT.....	Ch. 25
Director, Economic Development.....	Ch. 25, Art. I
Tax Increment Financing Districts.....	Ch. 25, Art. II
CDBG Intermunicipal Agreement.....	Ch. 25, Art. III
Industrial Development Authority.....	Ch 25, Art IV
COMPENSATION, see SALARIES AND COMPENSATION	
COMPLETED APPLICATION defined.....	175-2
CONANT CEMETERY	
Bicycles.....	A196-1
Cemeteries.....	Ch. 17, Art. I;A196-1, A196-2
Cemetery Commission.....	Ch. 17, Art. I
Discretionary closing of cemeteries.....	A196-2
Excavations.....	A196-1
Fees.....	A196-1
Fences.....	A196-1
Firearms.....	A196-1
Lots.....	A196-1
Rules and regulations.....	A196-1
Superintendent of Cemeteries.....	A196-1, A196-2
CONDOMINIUM BUILDINGS	
Defined.....	Ch. 193
Lots.....	Ch. 193
CONDOMINIUM defined.....	Ch. 193
CONDOMINIUM LMNG UNIT defined.....	Ch. 193
CONDOMINIUM UNIT defined.....	Ch. 193
CONSERVATION COMMISSION	
<i>Acquisition of Conservation Land by Select Board...</i>	<i>Ch. 59, Art. IX</i>
Conservation fund.....	Ch. 23, Art. II
<i>Conservation/Water Quality Easements and     Conveyances.....</i>	<i>23-5</i>
Establishment.....	Ch. 23, Art. I
<i>Forest Management Apportionment of Funds.....</i>	<i>23-4</i>
<i>Land Use Change Tax Allocation.....</i>	<i>Ch. 27, Art. II</i>
Management of Town Forests.....	<i>Ch. 22</i>
<i>Purchase Land Outside Jaffrey.....</i>	<i>23-3</i>
Unexpended appropriations.....	Ch. 23, Art. II
CORPORATION defined.....	107-2
COST OF OPERATION AND MAINTENANCE defined.....	159-2
COSTS, see FEES	
CUTTER CEMETERY; cemeteries.....	Ch. 17, Art. II

---

-D-

DEFINITIONS

Accessory apartment .....	Ch. 193
Accessory building.....	Ch. 193
Accessory use.....	Ch. 193
Airport.....	99-1
Airport hazard .....	99-1
Amusement center.....	107-2
Amusement device .....	107-2
Apartment building .....	Ch. 193
Apartment house .....	Ch. 193
Approach zone.....	99-1
Association.....	107-2
Basal area .....	Ch. 1894
Bed-and-breakfast establishment.....	Ch. 193
Board.....	175-2
BOD (denoting “biochemical oxygen demand”) .....	159-6
Boundary agreements.....	175-2
Buffer area.....	Ch. 193
Building.....	Ch. 193
Building drain.....	159-6
Building sewer.....	159-6
Capital cost.....	159-2
Child Care agency .....	Ch. 193
Combined sewer .....	159-6
Completed application.....	175-2
Condominium.....	Ch. 193
Condominium building.....	Ch. 193
Condominium living unit .....	Ch. 193
Condominium unit.....	Ch. 193
Corporation .....	107-2
Cost of operation and maintenance .....	159-2
Development .....	167-7
Domestic wastewater.....	159-6
<b>Drug Paraphernalia .....</b>	<b>126-1</b>
Dwelling.....	Ch. 193
Dwelling unit.....	Ch. 193
Easement .....	159-6
Elderly housing .....	Ch. 193
Engineer .....	175-2
Ephemeral Ponds.....	Ch. 1894
Family .....	Ch. 193
Firm .....	107-2
Floatable oil.....	159-6
Front yard .....	Ch. 193
Garbage .....	159-6
Grease.....	159-6
Grit .....	159-6
Group home.....	Ch. 193
Group residence facility .....	Ch. 193
<b>House Numbering Ordinance.....</b>	<b>141-3</b>
Industrial wastes.....	159-6
Intermittent Stream.....	Ch. 189
<b>Litter Ordinance .....</b>	<b>149-2</b>
Living unit.....	Ch. 193
Lot line adjustments .....	175-2

Major residential development .....	Ch. 193
Minor subdivision .....	175-2
Mobile home .....	Ch. 151
Mobile home lot .....	Ch. 151
Mobile home park .....	Ch. 151
Mobile home stand .....	Ch. 151
Mobile home subdivision .....	175-
Multifamily .....	Ch. 193
Natural outlet.....	159-6
<b>Noise Ordinance.....</b>	<b>153-3</b>
Nonconforming use .....	99-1
Nonconforming use of land or building .....	Ch. 193
Normal high water mark.....	Ch. 189
Perennial Stream .....	Ch. 189
Person.....	99-1, 107-2, 159-6
pH.....	159-6
Places of amusement .....	Ch. 193
Plan.....	175-2
Pond.....	Ch. 1894
Preliminary consultation.....	175-2
Preliminary layout .....	175-2
Preliminary plan .....	175-2
Properly shredded garbage .....	159-6
Public recreation.....	Ch. 193
Rear yard .....	Ch. 193
Public sewer .....	159-6
River.....	Ch. 189
Sanitary sewage.....	159-6
Sanitary sewer .....	159-6
Setback .....	Ch. 193
Sewage .....	159-6
Sewer.....	159-6
Side yard.....	Ch. 193
Slug .....	159-6
Special exception.....	Ch. 193
Storm drain.....	159-6
Street .....	175-2, Ch. 193
Street Frontage .....	Ch. 193
Structure .....	Ch. 193
Subdivision.....	175-2
Subdivision regulations .....	167-7
Subdivision, technical .....	175-2
Superintendent.....	159-6
Suspended solids .....	159-6
Tree .....	99-1
Two-family dwellings .....	Ch. 193
Unpolluted water .....	159-6
Variance .....	Ch. 193
Wastewater.....	159-6
Wastewater facilities .....	159-6
Wastewater treatment works .....	159-6
Watercourse.....	159-6
Wetlands.....	Ch. 193
Wireless Communications Facility.....	Ch. 193
Yard.....	Ch. 193
Zoning .....	167-7
<b>DEPUTIES</b>	
Appointments .....	Ch. 71, Art. II



Powers and duties.....	Ch. 71, Art. II
Tax Collector.....	Ch. 71, Art. II
DEPUTY TREASURER	
Appointment.....	Ch. 88
Bond.....	Ch. 88
Powers and duties.....	Ch. 88
Town Treasurer.....	Ch. 88
DESTROYED BUILDINGS, see BUILDINGS, UNSAFE AND DESTROYED	
DEVELOPMENT defined.....	167-7
DIRECTOR, ECONOMIC	
DEVELOPMENT.....	Ch. 25
DOGS AND OTHER ANIMALS	
Nuisances.....	125-2
Relation to other legislation.....	125-6
Responsibility of owner.....	125-5
Running at large.....	Ch. 125, Art. II
Seeing Eye dogs.....	125-3
Town recreation property.....	125-1
Violations and penalties.....	125-4
<b>DOWNTOWN JAFFREY TAX INCREMENT FINANCE DISTRICT</b>	
<i>Adoption of specific plan.....</i>	<i>Ch. 22, Art. II, Section I-3</i>
<i>District Boundaries.....</i>	<i>Ch. 22, Art. II, Section I-2</i>
<i>Advisory Board.....</i>	<i>Ch. 22, Art. II, Section I-4</i>
DOMESTIC WASTEWATER defined.....	159-6
DRAINAGE	
Mobile home parks.....	Ch. 151
Sewers.....	159-25
DRUG PARAPHENALIA ORDINANCE	
Advertisement of Drug Paraphenalia.....	126-6
Definitions.....	126-1
Determination.....	126-2
Manufacture or Delivery of Drug Paraphernalia.....	126-4
Possession of Drug Paraphernalia.....	126-3
DUTIES, see POWERS AND DUTIES	
DWELLING defined.....	Ch. 193
DWELLING UNIT defined.....	Ch. 193

**-E-**

EASEMENT defined.....	159-6
ECONOMIC DEVELOPMENT	
Director.....	Ch. 22
ELDERLY HOUSING	
Applicability.....	Ch. 193
Defined.....	Ch. 193
General requirements.....	Ch. 193
Parking.....	Ch. 193
Purpose.....	Ch. 193
Site plan review.....	Ch. 193
Special exception conditions.....	Ch. 193
Zoning.....	Ch. 193
ELECTION WORKERS,	
Remuneration of.....	Ch. 20, Article II
ELECTRICITY, see UTILITIES	
EMERGENCIES; wetlands conservation.....	Ch. 189
ENGINEER defined.....	175-2
EPHEMERAL STREAM defined.....	Ch. 189
EROSION CONTROL; excavations.....	Ch. 128
EXCAVATIONS	

Appeals.....	Ch. 128
Applicability.....	Ch. 128
Conant Cemetery.....	A196-1
Enforcement.....	Ch. 128
Erosion control.....	Ch. 128
Fees.....	Ch. 128
Legislative authority.....	Ch. 128
Notices.....	Ch. 128
Permits.....	Ch. 128
Public hearing.....	Ch. 128
Restoration of excavated land.....	Ch. 128
Sewers.....	159-23
Violations and penalties.....	Ch. 128

**-F-**

FAMILY defined.....	Ch. 193
---------------------	---------

**FEES**

Amusement devices.....	107-9
Bicycles.....	113-3
Certificate of occupancy.....	Ch. 193
Conant Cemetery.....	A196-1
Excavations.....	Ch. 128
<b>Fireworks.....</b>	<b>131-7</b>
Mobile Home parks.....	Ch. 1515
Mobile homes and trailers.....	Ch. 1515
Motor Vehicle.....	121-1
Private Sewage disposal system.....	159-10, 159-42
<b>Regulatory Process.....</b>	<b>Ch. 27, Art. III</b>
Sewer connection fee.....	159-5
Sewers.....	159-1 – 159-5, 159.15, 159.16
Site plan review.....	167-8
Subdivision of land.....	175-3,175-12
User charge system, sewer.....	159-1 - 159-5.10
Waiver of motor vehicle permit fees for veterans.....	Ch. 186
Zoning.....	Ch. 193

See also BUILDING PERMITS, LICENSES, and PERMIT

**FENCES**

Conant Cemetery.....	A196-1
Junkyards.....	143-1

**FINANCE DEPARTMENT**

Cemetery Trees Expendable Trust.....	Ch. 27, Art. II
Downtown Street Sign Replacement Fund.....	Ch. 27, Art. II
Fees established for regulatory processes.....	Ch. 27, Art. II
Firefighting Equipment Capital Reserve Fund.....	Ch. 27, Art. II
Gravestone Restoration Trust Fund.....	Ch. 27, Art. II
Jaffrey Meeting House Expendable Trust.....	Ch.27, Art. II
Land Acquisition Capital Reserve Fund.....	Ch.27, Art. II
Land Use Change Tax Allocation.....	Ch. 27, Art. II
Recreation Revolving Fund.....	Ch. 27, Art. II
Town Clock Maintenance Trust Fund.....	Ch. 27, Art. II
Police Special Details Revolving Fund.....	Ch. 27, Art. II

**FINES:** see VIOLATIONS AND PENALTIES

**FIRE ALARM BOXES**

Mobile home parks.....	Ch. 151
Mobile homes and trailers.....	Ch. 151

**FIREARMS**

Cheshire Pond area.....	Ch. 130, Art. I
-------------------------	-----------------

Conant Cemetery .....	A196-1
<b>FIRE CHIEF</b>	
Inspections.....	Ch. 151
Appointment of .....	Ch. 29, Art. 22
Mobile homes and trailers .....	Ch. 151
<b>FIRE DEPARTMENT</b>	
<i>Firefighting Equipment Capital Reserve Fund.....</i>	<i>Ch. 27, Art. II</i>
Mobile home parks.....	Ch. 151
Mobile homes and trailers .....	Ch. 151
See also Ch. 29	
<b>FIRE HYDRANTS</b>	
Mobile home parks.....	Ch. 151
Mobile homes and trailers .....	Ch. 151
<b>FIREWORKS.....</b>	<b>Ch. 131</b>
FIRM defined .....	107-2
<b>FLEXIBLE DEVELOPMENT</b>	
Alternative area and frontage requirements.....	Ch. 193
Lots.....	Ch. 193
Major residential development.....	Ch. 193
Purpose.....	Ch. 193
Zoning .....	Ch. 193
FLOATABLE OIL defined .....	159-6
<b>FLOOD HAZARDS</b>	
Building permits .....	Ch. 133
Sewage system .....	Ch. 133
Subdivision of land.....	Ch. 133
Water system .....	Ch. 133
FLOODPLAIN LAND .....	Ch. 193
FLOOR AREA; zoning .....	Ch. 193
FORESTS, TOWN.....	Ch. 30
FRONT YARD defined.....	Ch. 193
<b>FUNDS</b>	
Capital Reserve for fire equipment.....	Ch. 27, Art. II
Recreation .....	Ch. 27, Art. II

**-G-**

GAMBLING; amusement devices .....	107-3
GARBAGE defined.....	159-6
<b>GENERAL ASSISTANCE GUIDELINES.....</b>	<b>Ch. 136</b>
<b>GENERAL BUSINESS DISTRICTS</b>	
Zoning .....	Ch. 193
See also COMMERCIAL AND GENERAL BUSINESS DISTRICTS	
GENERAL PROVISIONS, see ADOPTION OF CODE	
<b>GIFTS, ACCEPTANCE OF</b>	
By Library Trustees.....	Ch. 34, Art II
By Selectman.....	Ch. 59, Art. IV
Public Hearing.....	Ch. 59, Art VII
GREASE defined.....	159-6
<b>GRANTS, RECEIPT OF</b>	
<i>By Select Board .....</i>	<i>Ch. 59, Art V</i>
<i>By Library Trustees.....</i>	<i>Ch. 34, Art II</i>
GRIT defined.....	159-6
GROUNDWATER MANAGEMENT ZONE – ELITE.....	Ch. 137
<b>GROUP HOMES</b>	
Certification and recertification.....	Ch. 193
Defined.....	Ch. 193

Location spacing .....	Ch. 193
Lots.....	Ch. 193
Maximum number of residents.....	Ch. 193
Occupancy restrictions .....	Ch. 193
Special exception uses.....	Ch. 193
Zoning .....	Ch. 193
GROUP RESIDENCE FACILITY defined.....	Ch. 193
GUNS, see FIREARMS	

**-H-**

HAZARDOUS AND RADIOACTIVE WASTES

Storage.....	Ch. 193
Zoning .....	Ch. 193

HEARINGS

Amusement devices.....	107-15
Excavations .....	Ch. 1285
Gifts.....	Ch. 59, Ch VII
Mobile homes and trailers .....	Ch. 151
Sewers .....	159-2
Site plan review .....	167-11,167-12, 167-14
Special exeption uses.....	Ch. 189
Subdivision of land.....	175-4 - 175-6, 175-11,175-19, 175-20
Wetlands conservation .....	Ch. 189
Zoning .....	Ch. 193

HEIGHT

Airport vicinity restrictions .....	99-4, 99-5
Zoning .....	Ch. 193

HISTORIC DISTRICT

Appeals.....	Ch. 139
District authorized .....	Ch. 139
District boundaries .....	Ch. 139
Exterior changes on property .....	Ch. 139
Historic District Commission.....	Ch. 139
Interpretation .....	Ch. 139
Legislative intent .....	Ch. 139
Remedies .....	Ch. 139
Signs .....	Ch. 193
Zoning .....	Ch. 193

HISTORIC DISTRICT COMMISSION

Adoption of rules.....	Ch. 139
Appointments .....	Ch. 139
Compensation.....	Ch. 139
Historic District .....	Ch. 139
Meetings.....	Ch. 139
Membership.....	Ch. 139
Organization .....	Ch. 139
Powers and duties .....	Ch. 139
Qualifications .....	Ch. 139
Records.....	Ch. 139
Residency requirements .....	Ch. 139
Successive terms limitation .....	Ch. 139
Terms of office .....	Ch. 139
Vacancies .....	Ch. 139

HOME OCCUPATION.....

Defined.....	Ch. 193
--------------	---------

---

<b>HOUSE NUMBERING ORDINANCE</b> .....	<b>Ch. 141</b>
<i>Definitions</i> .....	<b>141-3</b>
<i>Naming and Numbering System</i> .....	<b>141-5</b>
<i>Numbers and Names to be Posted</i> .....	<b>141-6</b>
<i>Official Map</i> .....	<b>141-4</b>
<i>Proposed Roads and Structures</i> .....	<b>141-7</b>
<i>Purpose and Authority</i> .....	<b>141-2</b>
<i>Violations and Penalties</i> .....	<b>141-8</b>

**HOUSING**

<i>CDBG Intermunicipal Agreement</i> .....	<b>22-3</b>
HOUSING COMMISSION, STATE	
Authorization to operate in town .....	Ch. 33, Art. I
Referral to Town Meeting .....	Ch. 33, Art. II

**-I-**

ICE REMOVAL, see SNOW AND ICE REMOVAL  
ILLUMINATION, see LIGHTING

<b>INDUSTRIAL DEVELOPMENT AUTHORITY</b> .....	<b>22-4</b>
---	-------------

**INDUSTRIAL DISTRICTS**

Permitted uses .....	Ch. 193
Zoning .....	Ch. 193

INDUSTRIAL WASTES defined .....	159-6
---------------------------------	-------

**IN-GROUND FUEL TANKS**

Setbacks.....	Ch. 193
Storage.....	Ch. 193
Zoning .....	Ch. 193

**INSPECTIONS**

Fire Chief .....	Ch. 151
Mobile home parks .....	Ch. 151
Mobile homes and trailers .....	Ch. 151
Private sewage disposal system.....	159-10,159-42
Sewers .....	159-15, 159-22

INTERMITTENT STREAM defined .....	Ch. 189
-----------------------------------	---------

**INTERMUNICIPAL AGREEMENTS**

<i>CDBG Housing Rehabilitation</i> .....	<b>22-3</b>
<i>Disposal of Solid Waste</i> .....	<b>Ch. 56</b>

**INVESTIGATIONS**

Streets.....	Ch. 171, Art. I
Wetlands conservation .....	Ch. 189

**-J-**

<b>JAFFREY MEETING HOUSE, Expendable Trust</b> .....	<b>Ch. 27, Art. II</b>
JUNKYARDS, fencing or screening required.....	143-1

**-K-**

**-L-**

**LANDFILL**

Cooperative Agreement with other towns .....	<b>Ch. 56</b>
--	---------------

See also REFUSE DISPOSAL

LANDSCAPING; cluster developments .....	Ch. 193
---	---------

LAND USE; zoning.....	Ch. 193
-----------------------	---------

LIBRARY TRUSTEES .....	
------------------------	--

Creation of Board .....	Ch. 34, Art. I
Acceptance of grants and gifts .....	Ch. 34, Art II
<b>LICENSES</b>	
Amusement devices.....	107-7 - 107-9, 107-11 - 107-15
Mobile home parks.....	Ch. 151
Mobile homes and trailers .....	Ch. 151
See also BUILDING PERMITS; FEES; and PERMITS	
<b>LIGHTING</b>	
Airport vicinity restrictions .....	99-10
Bicycles .....	113-7
Mobile home parks.....	Ch. 151
Mobile homes and trailers .....	Ch. 151
Nursing homes.....	Ch. 193
Sidewalks .....	Ch. 151
Streets.....	Ch. 151
<b>LITTER ORDINANCE .....</b>	<b>Ch. 149</b>
<i>Definitions</i> .....	<i>149-2</i>
<i>Enforcement</i> .....	<i>149-5</i>
<i>Penalties</i> .....	<i>149-6</i>
<i>Provisions</i> .....	<i>149-4</i>
LIVING UNIT defined.....	Ch. 193
LOT LINE ADJUSTMENTS defined .....	175-2
<b>LOTS</b>	
Apartment buildings.....	Ch. 193
Cluster housing and developments .....	Ch. 193
Conant Cemetery.....	A196-1
Condominium building.....	Ch. 193
Contiguous .....	Ch. 193
Flexible development .....	Ch. 193
Group homes .....	Ch. 193
Major residential development.....	Ch. 193
Mobile home parks.....	Ch. 151
Mobile homes and trailers .....	Ch. 151
	Ch. 151
Mobile home subdivisions.....	175-16
Nonconforming uses .....	Ch. 193
Nursing homes.....	Ch. 193
Subdivision of land.....	175-21
Two-family dwellings .....	Ch. 193
Wetlands conservation .....	Ch. 189
Zoning .....	Ch. 193

**-M-**

**MAJOR RESIDENTIAL DEVELOPMENT**

Applicability.....	Ch. 193
Application.....	Ch. 193
Approval.....	Ch. 193
Defined.....	Ch. 193
Development schedule .....	Ch. 193
Flexible development within .....	Ch. 193
Lots.....	Ch. 193
Multifamily developments .....	Ch. 193
Number of dwelling units.....	Ch. 193
Open space .....	Ch. 193
Zoning .....	Ch. 193

---

MANAGER, TOWN, see TOWN MANAGER

MEETINGS

Budget Committee.....	Ch. 13
Historic District Commission.....	Ch. 1398

See also TOWN MEETING

MEMBERSHIP

Board of Adjustment.....	Ch. 193
Board of Appeals.....	99-12
Budget Committee.....	Ch. 13
Cemetery Commission.....	Ch. 17, Art. I
Historic District Commission.....	Ch. 1394
Planning Board.....	Ch. 42, Art. I
Recreation Committee.....	Ch. 55

METERS; user charge system, sewer..... 159-5.5, 159-5.6, 159-5.8

MINOR SUBDIVISION defined..... 175-2

MOBILE HOME defined..... Ch. 151

MOBILE HOME LOT defined..... Ch. 151

MOBILE HOME PARKS

Compliance required.....	Ch. 151
Defined.....	Ch. 151
Drainage.....	Ch. 151
Electricity.....	Ch. 151
Fees.....	Ch. 151
Fire alarm boxes.....	Ch. 151
Fire Department.....	Ch. 151
Fire hydrants.....	Ch. 151
Inspections.....	Ch. 151
Licenses.....	Ch. 151
Lighting.....	Ch. 151
Location and size.....	Ch. 151
Mobile home lots.....	Ch. 151
Mobile homes and trailers.....	Ch. 151
Nonconforming uses.....	Ch. 151
Off-street parking.....	Ch. 151
Planning Board.....	Ch. 151
Refuse disposal.....	Ch. 151
Sewers and sewer lines.....	Ch. 151
Special exception uses.....	Ch. 193
Streets.....	Ch. 151
Vehicular access.....	Ch. 151
Water.....	Ch. 151

MOBILE HOMES AND TRAILERS

Amendments.....	Ch. 151
Appeals.....	Ch. 151
Building permits.....	Ch. 151
Compliance required.....	Ch. 151
Definitions.....	Ch. 151
Electricity.....	Ch. 151
Fees.....	Ch. 151
Fire alarm boxes.....	Ch. 151
Fire Chief.....	Ch. 151
Fire Department.....	Ch. 151
Fire hydrants.....	Ch. 151
Fuel oil.....	Ch. 151
Grounding of mobile homes.....	Ch. 151
Inspections.....	Ch. 151

Licenses.....	Ch. 151
Lighting.....	Ch. 151
Liquefied petroleum gas.....	Ch. 151
Mobile home lots.....	Ch. 151
Mobile home parks.....	Ch. 151
Mobile home stands.....	Ch. 151
Nonconforming uses.....	Ch. 151
Off-street parking.....	Ch. 151
Planning Board.....	Ch. 151
Public hearings.....	Ch. 151
Refuse disposal.....	Ch. 151
Setbacks.....	Ch. 151
Sewers and sewer lines.....	Ch. 151
Storage.....	Ch. 151
Streets.....	Ch. 151
Vehicular access.....	Ch. 151
Violations and penalties.....	Ch. 151
Walkways.....	Ch. 151
Water.....	Ch. 151
MOBILE HOME STAND defined.....	Ch. 151
MOBILE HOME SUBDIVISIONS	
Defined.....	175-2
Lots.....	175-16
Permitted uses.....	Ch. 193
Subdivision of land.....	175-16
MOTOR VEHICLE FEES.....	121-1
MOUNTAIN ZONE.....	Ch. 193
MULTIFAMILY defined.....	Ch. 193
MULTIFAMILY DEVELOPMENTS;	
Major residential development.....	Ch. 193
MUNICIPAL BUDGET LAW.....	Ch. 118

-N-

NATURAL OUTLET defined.....	159-6
<b>NOISE ORDINANCE.....</b>	<b>Ch. 153</b>
<i>Definitions.....</i>	<i>153-3</i>
<i>Exemptions.....</i>	<i>153-6</i>
<i>Noise Disturbances – Prohibited Time Restrictions..</i>	<i>153-5</i>
<i>Purpose and Authority.....</i>	<i>153-2</i>
<i>Temporary Special Permits.....</i>	<i>153-7</i>
<i>Violations and Penalties.....</i>	<i>153-8</i>
NONCONFORMING USE OF LAND OR BUILDING	
Defined.....	Ch. 193
NONCONFORMING USES	
Airport vicinity restrictions.....	99-7
Continuation of.....	Ch. 193
Defined.....	99-1
Mobile home parks.....	Ch. 151
Mobile homes and trailers.....	Ch. 151
Nonconforming lots of record.....	Ch. 193
Noncontiguous substandard lots.....	Ch. 193
Signs.....	Ch. 193
Wetlands conservation.....	Ch. 189
Zoning.....	Ch. 193



---

See also ACCESSORY USES; PERMITTED USES; and SPECIAL EXCEPTION USES

NON-MOTORIZED VEHICLES

Areas where allowed ..... 185-24  
Exceptions ..... 185-27  
Shopping areas, in relation to ..... 185-25  
Skateboards ..... 185-26

NORMAL HIGH WATER MARK defined ..... 89-4

NOTICES

Amusement devices ..... 107-15  
Excavations ..... Ch. 1285  
Private sewage disposal systems ..... 159-42  
Sewers ..... 159-2, 159-8, 159-22, 159-24  
Site plan review ..... 167-11  
Special exception uses ..... Ch. 189  
Subdivision of land ..... 175-4, 175-11  
User charge system, sewer ..... 159-4  
Wetlands conservation ..... Ch. 189  
Zoning ..... Ch. 193

**NUDITY**

*Prohibition of in public places* ..... Ch. 154

NURSING HOMES

Lighting ..... Ch. 193  
Lots ..... Ch. 193  
Off-street parking ..... Ch. 193  
Site plan review ..... Ch. 193  
Special exception uses ..... Ch. 193  
Zoning ..... Ch. 193

NUISANCES; dogs and other animals ..... 125-2

**-O-**

OBSTRUCTIONS; snow and ice removal ..... 171-2

OFFENSES, see VIOLATIONS AND PENALTIES

OFF-STREET PARKING

Mobile home parks ..... 51-11, Ch. 151  
Mobile homes and trailers ..... Ch. 151  
Nursing homes ..... Ch. 193

See also PARKING

ONE-WAY STREETS ..... 185-5, 185-15

OPEN SPACE;

Cluster development ..... Ch. 193  
Major residential development ..... Ch. 193

**-P-**

PARKING

Double parking ..... 185-14  
Elderly housing ..... Ch. 193  
No parking any time ..... 185-11, 185-21  
No parking certain hours ..... 185-12, 185-22  
Time limit parking ..... 185-13, 185-23  
Vehicles and traffic ..... 185-11 - 185-14, 185-21 - 185-23

See also OFF-STREET PARKING

PARKS AND PLAYGROUNDS

Appropriation of funds ..... Ch. 155

<i>Dogs Prohibited</i> .....	<i>Ch. 155, Art. II</i>
Shattuck Park at Thorndike Road.....	Ch. 155, <i>Art. I</i>
Supervision and operation.....	Ch. 155
<i>No Trespassing</i> .....	<i>Ch. 155, Art. III</i>
PARKS; Planning Board.....	Ch. 42, Art. II
PENALTIES, see VIOLATIONS AND PENALTIES	
PERENNIAL STREAM defined.....	Ch. 189
PERFORMANCE BOND, see BONDS PERMITS	
Airport vicinity restrictions.....	99-9
Alcoholic beverages.....	103-1
Excavations.....	Ch. 1284 - Ch. 1287
Private sewage disposal system.....	159-10
Sewers.....	159-14, 159-15, 159-33
Signs.....	Ch. 193
Wetlands conservation.....	Ch. 189
Zoning.....	Ch. 193
See also BUILDING PERMITS; FEES; and LICENSES	
PERMITTED USES	
Alcoholic beverage establishments.....	Ch. 193
Cluster developments.....	Ch. 193
Commercial and General	
Business Districts.....	Ch. 193
Industrial Districts.....	Ch. 193
Mobile home subdivisions.....	Ch. 193
Residence A Districts.....	Ch. 193
Residence B Districts.....	Ch. 193
Rural Districts.....	Ch. 193
Signs.....	Ch. 193
Wetlands conservation.....	Ch. 189
Waiver of motor vehicle permit fees for veterans.....	Ch. 186
Zoning.....	Ch. 193
See also ACCESSORY USES; NONCONFORMING USES; and SPECIAL EXCEPTION USES	
PERSON defined.....	99-1, 107-2, 159-6
PERSONNEL POLICIES	
Alternate retirement program.....	Ch. 38, Art. III
New Hampshire State Retirement System Plan.....	Ch. 38, Art. II
Social Security exclusions.....	Ch. 38, Art. I
pH defined.....	159-6
PLACES OF AMUSEMENT defined.....	Ch. 193
PLAN defined.....	175-2
PLANNING BOARD	
Appointments.....	Ch. 42, Art. I
Approval of subdivisions, streets and parks.....	Ch. 42, Art. 11
Creation.....	Ch. 42, Art. I
Membership.....	Ch. 42, Art. I
Mobile home parks.....	Ch. 1516
Mobile homes and trailers.....	Ch. 1516
Municipal capital improvement projects.....	Ch. 42, Art. III
Powers and duties.....	Ch. 42, Arts. I and II
Reports.....	Ch. 42, Art. I
Residency requirements.....	Ch. 42, Art. I
Subdivision of land.....	175-8 - 175-10
Zoning.....	Ch. 193
PLAYGROUNDS, see PARKS AND PLAYGROUNDS	
POLICE DEPARTMENT	
Chief of Police.....	Ch. 45

<i>Police Special Detail Revolving Fund</i> .....	<i>Ch. 27, Art. II</i>
POND defined .....	Ch. 189
POOLE FUND COMMITTEE; reports.....	Ch. 49
PORCHES AND DECKS .....	Ch. 193
POWERS AND DUTIES	
Board of Appeals.....	99-12
Budget Committee.....	Ch. 13
Deputies.....	Ch. 71, Art. II
Deputy Treasurer .....	Ch. 88
Historic District Commission .....	Ch. 1399
Planning Board.....	Ch. 42, Arts. I and II
Public Works Superintendent .....	Ch. 51
Superintendent of Cemeteries .....	Ch. 17, Art. III
Superintendent, sewers.....	159-36
PRELIMINARY CONSULTATION defined .....	175-2
PRELIMINARY LAYOUT defined.....	175-2
PRELIMINARY PLAN defined.....	175-2
PRIVATE SEWAGE DISPOSAL SYSTEMS	
Additional requirements .....	159-13
Connection to public sewer .....	159-11
Fees .....	159-10, 159-42
Inspections.....	159-10, 159-42
Legislative intent .....	159-41
Notices.....	159-42
Operation.....	159-12
Permits.....	159-10
Sewers .....	159-9 - 159-13, 159-41, 159-42
Standards .....	159-42
Tests .....	159-42
See also SEWAGE DISPOSAL SYSTEMS and SEWERS	
PROPERLY SHREDDED	
GARBAGE defined.....	159-6
PUBLIC HEARING, see HEARINGS	
PUBLIC RECREATION defined.....	Ch. 193
PUBLIC SEWER defined.....	159-6
PUBLIC WORKS;	
Public Works Superintendent .....	Ch. 51
PUBLIC WORKS SUPERINTENDENT	
Appointment.....	Ch. 51
Powers and duties.....	Ch. 51
Public works.....	Ch. 51
Salaries and compensation .....	Ch. 51
Responsibility for Recycling facility.....	Ch. 156, Art II

**-Q-**

QUALIFICATIONS	
Historic District Commission.....	Ch. 1394
See also RESIDENCY REQUIREMENTS	

**-R-**

RADIOACTIVE WASTES, see HAZARDOUS AND RADIOACTIVE WASTES	
---	--

REAR YARD defined .....	Ch. 193
RECORDS	
Airport .....	Ch. 4
Budget Committee.....	Ch. 13
Cemetery Commission .....	Ch. 17, Art. I
Historic District Commission.....	Ch. 1398
Sewers .....	159-29
Subdivision of land.....	175-20
Town Manager .....	Ch. 35, Art. II
RECREATION COMMITTEE	
Appointments .....	Ch. 55
Membership.....	Ch. 55
Terms of office.....	Ch. 55
RECREATION FUND.....	Ch. 27, <i>Art. II</i>
RECYCLING/WASTE TRANSFER STATION	
Acceptable wastes .....	Ch. 156 Art. IV
Authorized users.....	Ch. 156, Art. III
Hours of operation.....	Ch. 156, Art. VI
Penalties .....	Ch. 156 Art. VIII
Unacceptable wastes.....	Ch. 156, Art. V
REFUSE DISPOSAL	
Mobile home parks.....	Ch. 151
Mobile homes and trailers .....	Ch. 151
See also LANDFILL; RECYCLING/WASTE TRANSFER STATION	
REFUSE DISPOSAL DISTRICT, REGIONAL .....	Ch. 56
<i>Intermunicipal Agreement with Fitzwilliam</i>	
<i>And Dublin .....</i>	<i>Ch. 56</i>
<b>REGULATORY PROCESS, fees.....</b>	<b>Ch. 27, Art. III</b>
REPORTS	
Budget Committee.....	Ch. 13
Listing tax-exempt property .....	Ch. 8, Art. I
Planning Board.....	Ch. 42, Art. I
Poole Fund Committee.....	Ch. 49
Printing vital statistics .....	Ch. 8, Art. II
Selectmen .....	Ch. 59, Art. VI
RESIDENCE A DISTRICTS	
Permitted uses .....	Ch. 193
Zoning .....	Ch. 193
RESIDENCE B DISTRICTS	
Permitted uses .....	Ch. 193
Zoning .....	Ch. 193
RESIDENCY REQUIREMENTS	
Budget Committee.....	Ch. 13
Historic District Commission.....	Ch. 1394
Landfill use.....	147-1
Planning Board.....	Ch. 42, Art. I
See also QUALIFICATIONS	
RETIREMENT; personnel policies .....	Ch. 38, Arts. H and III
RIGHT OF ENTRY;	
Superintendent, sewers.....	159-38
RIVER defined .....	Ch. 1894
ROAD WEIGHT LIMITS.....	185-10, 18520
RURAL DISTRICTS	
Cluster housing and developments.....	Ch. 193
Permitted uses .....	Ch. 193
Zoning .....	Ch. 193

SALARIES AND COMPENSATION

Historic District Commission..... Ch. 1396  
Public Works Superintendent..... Ch. 51  
Tax Collector..... Ch. 71, Art. I  
Town Clerk..... Ch. 20

SALES; tax sale property ..... Ch. 59, Art. III

SANITARY SEWAGE defined ..... 159-6

SANITARY SEWER defined..... 159-6

SCREENING; junkyards..... 143-1

SEEING EYE DOGS;

Dogs and other animals..... 125-3

**SELECT BOARD**

Acceptance of legacies, gifts,

Grants and subsidies..... Ch. 59, Art. IV

**Acquisition of Land..... Ch. 59, Art. IX**

Budget..... Ch. 59, Art. VI

**Fees for regulatory processes..... Ch. 29, Art II**

Obtaining available assistance..... Ch. 59, Art. V

Obtaining sewage disposal assistance ..... Ch. 59, Art. I

Reports ..... Ch. 59, Art. VI

Restriction of expenditures..... Ch. 59, Art. VI

**Sewer Rates..... Ch. 92**

Tax anticipation borrowing ..... Ch. 59, Art. II

Tax sale property..... Ch. 59, Art. III

**Water Rates..... Ch. 92**

Zoning..... Ch. 193

SETBACKS

Defined..... Ch. 193

In-ground fuel tanks ..... Ch. 193

Mobile homes and trailers..... Ch. 151

Sewage disposal systems..... Ch. 189

Zoning..... Ch. 193

SEWAGE defined..... 159-6

SEWAGE DISPOSAL SYSTEMS

Flood hazards ..... 133-3

Selectmen..... Ch. 59, Art. I

Setbacks..... Ch. 189

Wetlands conservation ..... Ch. 189

See also PRIVATE SEWAGE DISPOSAL SYSTEMS and SEWERS

SEWERS;

Administering official ..... 159-5

Allowance for payment of sewer construction..... 159-4

Building sewers..... 159-15 - 159-19, 159-21 - 159-23

Capital Reserve Fund ..... Ch. 159, Art. III

Connection of building sewer to public sewer ..... 159-21

Connection of surface runoff to public sewer ..... 159-20

Costs of building sewer - responsibility of owners ..... 159-16

Dilution of wastes..... 159-34

Discharges..... 159-24 - 159-26, 159-31

Disposal of sewage outside of public sewer..... 159-7

Drainage..... 159-25

Excavations ..... 159-23

Fees ..... 159-1 - 159-5, 159-15

Hearings .....	159-2
Inspections.....	159-15, 159-22
Installation and use of control structures .....	159-29
Interceptors.....	159-27
Limitations .....	159-1, 159-8
Maintenance of pretreatment and flow-equalizing facilities .....	159-28
Mobile home parks .....	Ch. 151
Mobile homes and trailers .....	Ch. 151
Notices.....	159-2, 159-8, 159-22, 159-24
Permits.....	159-14, 159-15, 159-33
Private sewage disposal systems .....	159-9 - 159-13, 159-41, 159-42
<b>Rates, established by Select Board.....</b>	<b>Ch. 92</b>
Records.....	159-29
Safety rules.....	159-37
Septic tank wastes .....	159-33
Sewer Fund.....	159-3
Special agreements .....	159-32
Standards for measurements, test, and analyses .....	159-31
Superintendent.....	159-24, 159-26, 159-30, 159-36, 159-38
Tampering with facilities.....	159-35
Tests .....	159-18
Town to pay cost .....	159-1
Use of public sewer required.....	159-8
User charge system.....	159-1 - 159-5.10
Violations and penalties .....	159-39
Word usage and definitions.....	159-6
See also PRIVATE SEWAGE DISPOSAL SYSTEMS.and SEWAGE DISPOSAL SYSTEMS SHORELINE PREOTECTION OVERLAY DISTRICT .....	Ch. 193
SIDEWALKS Bicycles .....	113-5
Lighting .....	Ch. 151
Mobile homes and trailers .....	Ch. 151
SIDE YARD defined .....	Ch. 193
SIGNS Appeals.....	Ch. 193
<b>Downtown Street Sign Replacement Fund.....</b>	<b>Ch. 27, Art.II</b>
Enforcement .....	Ch. 193
Erection of.....	Ch. 193
Existing nonconforming uses .....	Ch. 193
Historic District .....	Ch. 193
Landfill .....	147-4
Permits.....	Ch. 193
Permitted uses .....	Ch. 193
Prohibited signs .....	Ch. 193
Purpose and intent .....	Ch. 193
Restrictions on signs near rights-of-way .....	162-1
Smoking policy .....	168-2
Temporary signs .....	Ch. 193
Violations and penalties .....	Ch. 193
Zoning .....	Ch. 193
SITE PLAN REVIEW Amendments.....	167-14
Application.....	167-8 - 167-10

Approval.....	167-10,167-16
Building permits.....	167-16
Certificate of occupancy.....	167-6
Cluster developments.....	Ch. 193
Definitions.....	167-7
Elderly housing.....	Ch. 193
Fees.....	167-8
Hearings.....	167-11, 167-12, 167-14
Information required.....	167-3
Legislative authority.....	167-1
Legislative intent.....	167-2
Notices.....	167-11
Nursing homes.....	Ch. 193
Performance bond.....	167-5
Requirements.....	167-4
Waivers.....	167-13
Zoning.....	Ch. 193
SLUDGE, application.....	Ch. 193
SLUG defined.....	159-6
SOCIAL SECURITY; personnel policies.....	Ch. 38, Art. I
SOUTHWESTERN NEW HAMPSHIRE REGIONAL	
PLANNING ASSOCIATION.....	Ch. 64
SPECIAL EVENT PERMIT POLICY.....	Ch. 170
SPECIAL EXCEPTION defined.....	Ch. 193
SMOKING POLICY	
Designated no-smoking areas.....	1684
Posting of signs.....	168-2
SNOW AND ICE REMOVAL	
Exceptions.....	171-1
Obstructions.....	171-2
Prohibited acts.....	171-1
Streets and sidewalks.....	171-1 - 171-3
Violations and penalties.....	171-1, 171-3
SPECIAL EXCEPTION USES	
Board of Adjustment.....	Ch. 193
Cluster developments.....	Ch. 193
Elderly housing.....	Ch. 193
Group homes.....	Ch. 193
Hearings.....	Ch. 189
Mobile home parks.....	Ch. 193
Notices.....	Ch. 189
Nursing homes.....	Ch. 193
Utility buildings.....	Ch. 193
Wetlands conservation.....	Ch. 189
Zoning.....	Ch. 193
See also ACCESSORY USES; NONCONFORMING USES; and PERMITTED USES	
STATE HOUSING COMMISSION, see HOUSING COMMISSION, STATE	
STONE BRIDGE TIFD	
Adoption of Specific Plan.....	22-2-2-3
Advisory Board.....	22-2-2-4
District Boundaries.....	22-2-2-2
STOP INTERSECTIONS.....	185-7, 185-17
STORAGE	
Hazardous and radioactive wastes.....	Ch. 193
In-ground fuel tanks.....	Ch. 193
Mobile homes and trailers.....	Ch. 151

STORM DRAIN defined.....	159-6
STREETS, SIDEWALKS & BRIDGES	
Bridges, Posting of .....	Ch. 171, Art. III
Encroachments .....	Ch. 171, Art. I
Snow and ice removal .....	171-1 - 171-3
STREETS	
Defined .....	175-2
Encroachments .....	Ch. 171, Art. I
Investigations .....	Ch. 171, Art. I
Lighting .....	Ch. 151
Mobile home parks .....	Ch. 151
Mobile homes and trailers .....	Ch. 151
Planning Board.....	Ch. 42, Art. 11
STRUCTURE defined.....	Ch. 193
SUBDIVISION defined.....	175-2
SUBDIVISION OF LAND	
Amendments.....	175-20, 175-23
Appeals.....	175-22
Applications .....	175-3 - 175-5
Building permits .....	175-17
Conformity required .....	175-7
Definitions.....	175-2
Enforcement .....	175-23
Fees .....	175-3, 175-12
Final plat.....	175-12, 175-15
Flood hazards .....	133-2
General requirements .....	175-13
Information required in preliminary layout .....	175-14
Legislative authorities .....	175-1
Lots:.....	175-21
Mobile home subdivisions.....	175-16
Notices.....	175-4,175-11
Penalties .....	175-21
Planning Board.....	Ch. 42, Art. II; 175-8 - 175-10
Public hearings .....	175-4 - 175-6, 175-11,175-19, 175-20
Records.....	175-20
Variances .....	175-18
SUBDIVISION REGULATIONS defined.....	167-7
SUBDIVISION, TECHNICAL defined .....	175-2
SUPERINTENDENT defined .....	159-6
SUPERINTENDENT OF CEMETERIES	
Cemeteries.....	Ch. 17, Art. II
Conant Cemetery.....	A196-1, A196-2
Powers and duties.....	Ch. 17, Art. III
SUPERINTENDENT , SEWERS	
Powers and duties.....	159-36
Right of entry .....	159-38
Sewers .....	159-24, 159-26, 159-30, 159-36, 159-38
SUSPENDED SOLIDS defined .....	159-6
SWEEPSTAKES TICKETS.....	Ch. 178

**-T-**

TAX ANTICIPATION NOTES .....	59-2
TAXATION	
Discount for prompt payment.....	Ch. 181, Art. VI



Exemption for the blind.....	Ch. 181, Art. VII
Exemption for the elderly.....	Ch. 181, Art. II
Payment on account .....	Ch. 181, Art. I
Prepayment.....	Ch. 181, Art. III
Real Estate Tax Lien Procedure .....	Ch. 18 Art. VII
Resident Tax, non-assessment.....	Ch. 181, Art. XI
Semiannual billing.....	Ch. 181, Art. V
Service related total disability exemption .....	Ch. 181, Art. X
Solar energy exemption.....	Ch. 181, Art. IV
Veteran's Exemption.....	Ch. 181, Art. IX
<b>TAX COLLECTOR</b>	
Appointment.....	Ch. 71, Art I
Compensation.....	Ch. 71, Art. I
Deputies.....	Ch. 71, Art. II
Town Meeting .....	Ch. 83, Art. II
<b>TAX INCREMENT FINANCE DISTRICTS</b>	
<i>Authorization to establish.....</i>	<i>22-2</i>
<i>Downtown TIF .....</i>	<i>Ch. 22, Art. II, Section I</i>
<i>Stone Bridge TIF.....</i>	<i>22-2-2</i>
SEE ALSO DOWNTOWN JAFFREY TIFD and STONE BRIDGE TIFD	
TAX MAP .....	Ch. 74
<b>TAX SALE PROPERTY</b>	
Advertisements.....	Ch. 59, Art. III
Selectmen .....	Ch. 59, Art. III
<b>TERMS OF OFFICE</b>	
Board of Appeals.....	99-12
Budget Committee.....	Ch. 13
Cemetery Commission .....	Ch. 17, Art. I
Historic District Commission.....	Ch. 1395, Ch. 1396
Recreation Commission .....	Ch. 55
<b>TESTS</b>	
Private sewage disposal systems .....	159-42
Sewers .....	159-18,159-31
Wetland conservation.....	Ch. 189
THROUGH TRUCKING RESTRICTED.....	185-9,185-19
<b>TOWN BUILDINGS</b>	
Maintenance Capital Reserve Fund.....	Ch. 27, Art. II
<b>TOWN CLERK</b>	
Collection of Motor Vehicle Fees .....	Ch. 20, Art. I
Compensation.....	Ch. 20
Election .....	Ch. 83, Art. II
Town Meeting .....	Ch. 83, Art. II
<b>TOWN FORESTS</b>	
Forest Management Apportionment of Funds.....	23-4
Acquisition of Map 242/Lots 57.3 & 57.4.....	23-5
Establish Town Forests .....	Ch. 30
<b>TOWN LAND</b>	
Camping .....	Ch. 182, Art. I
<b>TOWN MANAGER</b>	
Access to Water Works Department Records .....	Ch. 35, Art. II
Adoption of Town Manager Plan .....	Ch. 35, Art. I
Continuation of Town Manager Plan .....	Ch. 150
<b>TOWN MEETING</b>	
Ballot system.....	Ch. 83, Art. I
Election of Tax Collector .....	Ch. 83, Art. II
Election of Town Clerk.....	Ch. 83, Art. II

---

Election of Town Treasurer.....	Ch. 83, Art. II
Housing Commission, State .....	Ch. 33, Art. II
Two-session meetings .....	Ch. 83, Art. III
See also MEETINGS	
TOWN PROPERTY	
Camping Policy .....	Ch. 182
No Trespassing, Parks, Commons and Cemeteries .....	Ch. 182
Purchase Land Outside Jaffrey.....	22-3
Conveyance of Easement on Map 239 Lot 159.....	22-5
TOWN TREASURER	
Deputy Treasurer.....	Ch. 88
Election .....	Ch. 83, Art. II
Town Meeting .....	Ch. 83, Art. II
TRAFFIC, see VEHICLES AND TRAFFIC	
TRAILERS, see MOBILE HOMES AND TRAILERS	
TREASURER, TOWN, see TOWN TREASURER	
TREE defined .....	99-1
TRUST FUNDS	
Town Clock.....	Ch. 27, Art. II
TWO-FAMILY DWELLINGS	
Defined.....	Ch. 193
Lots.....	Ch. 193

-U-

UNPOLLUTED WATER defined.....	159-6
UNSAFE BUILDINGS, see BUILDINGS, UNSAFE AND DESTROYED	
USER CHARGE SYSTEM, SEWER	
Adoption of necessary standards .....	159-5.2
Computation of charges.....	159-5.6
Definitions.....	159-2
Determination of rates .....	159-5.4
Establishment of sewer user charge rate.....	159-3
Findings.....	159-1
Imposition of sewer user charge.....	159-5.3
Maintenance of separate account.....	159-5.1
Meters.....	159-5.5, 159-5.6, 159-5.8
Notice of rates to user.....	159-4
Recovery of costs .....	159-5
Rules and regulations for collection of charges.....	159-5.7
Sewer connection fees .....	159-5
System to take precedence .....	159-5.10
Violations and penalties .....	159-5.9
UTILITIES	
Mobile home parks.....	Ch. 151
Mobile homes and trailers .....	Ch. 151
Special exception uses.....	Ch. 193
U-TURNS.....	185-6, 185-16

-V-

VARIANCES	
Airport vicinity restrictions .....	99-8
Board of Adjustment .....	Ch. 193
Defined.....	Ch. 193

Subdivision of land.....	175-18
Zoning .....	Ch. 193
VEHICLES	
Landfill.....	147-1
Mobile home parks.....	Ch. 151
Mobile homes and trailers .....	Ch. 151
Recreational.....	Ch. 193
VEHICLES, MOTOR, PERMITS FOR	
Waiver of fees for certain veterans.....	Ch. 186
VEHICLES AND TRAFFIC	
Amendments.....	185-1
Non-motorized .....	185-24
One-way streets .....	185-5,185-15
Parking .....	185-11 - 185-14, 185-21 - 185-23
Road weight limits .....	185-10, 185-20
Stop intersections .....	185-7,185-17
Through trucking restricted.....	185-9,185-19
Traffic regulations .....	185-5 - 185-14
U-turns.....	185-6,185-16
Violations and penalties .....	185-4,185-9,185-12
Yield intersections.....	185-8,185-18
VENDOR ORDINANCE .....	Ch. 187
VETERANS	
Tax exemption.....	Ch. 181, Art IX
Waiver of motor vehicle fees .....	Ch. 186
VIOLATIONS AND PENALTIES	
Airport vicinity restrictions .....	99-13
Alcoholic beverages .....	103-2
Amusement devices.....	107-17
Bicycles .....	113-12
Dogs and other animals .....	125-4
Excavations .....	Ch. 128
<i>House Numbering Ordinance.....</i>	<b>141-8</b>
Landfill.....	147-6
<i>Litter Ordinance .....</i>	<b>149-6</b>
Mobile homes and trailers .....	Ch. 151
<i>Noise Ordinance.....</i>	<b>153-8</b>
Recycling/Waste Transfer Station.....	Ch. 156 Art. VIII
Sewers .....	159-39
Signs .....	Ch. 193
Subdivision of land.....	175-21
Snow and ice removal .....	171-1, 171-3
User charge system, sewer .....	159-5.9
Vehicles and traffic .....	185-4,185-9,185-12
Wetlands conservation .....	Ch. 189
Zoning .....	Ch. 193

**-W-**

WALKWAYS, see SIDEWALKS	
WASTEWATER defined .....	159-6
WASTEWATER FACILITIES defined .....	159-6
WASTEWATER TREATMENT	
WORKS defined.....	159-6
WATER	

Flood hazards .....	133-3
Mobile home parks .....	Ch. 151
Mobile homes and trailers .....	Ch. 151
WATER COMMISSION;	
Appointments .....	Ch. 92
Rates established by Select Board .....	Ch. 92
WATER DEPARTMENT REGULATIONS .....	Ch. 188
WATERCOURSE defined .....	159-6
WEAPONS, see FIREARMS	
WETLANDS defined .....	Ch. 193
WETLANDS CONSERVATION	
Amendments .....	Ch. 189
Applicability .....	Ch. 189
Definitions .....	Ch. 189
Emergency operations .....	Ch. 189
Enforcement .....	Ch. 189
Forest management .....	Ch. 189
Incorrect designation of soils .....	Ch. 189
Investigations .....	Ch. 189
Legislative intent .....	Ch. 189
Mineral exploration .....	Ch. 189
Minimal shore lot frontages .....	Ch. 189
Nonconforming uses .....	Ch. 189
Notices .....	Ch. 189
Permits .....	Ch. 189
Permitted uses .....	Ch. 189
Placement of buildings .....	Ch. 189
Polluting surface and ground waters .....	Ch. 189
Public hearings .....	Ch. 189
Relation to other districts .....	Ch. 189
Sewage disposal systems .....	Ch. 189
Special exception uses .....	Ch. 189
Tests .....	Ch. 189
Violations and penalties .....	Ch. 189
WIRELESS COMMUNICATION	
FACILITY, defined .....	Ch. 193
WINTER MAINTENANCE POLCIY	
Streets and Sidewalks .....	Ch. 171-4

**-X-**

**-Y-**

YARD defined .....	Ch. 193
YIELD INTERSECTIONS .....	185-8,185-18

**-Z-**

ZONING	
Accessory apartment .....	Ch. 193
Accessory buildings .....	Ch. 193
Accessory uses .....	Ch. 193
Additional requirements .....	Ch. 193
Amendments .....	Ch. 193
Applicability .....	Ch. 193
Authorization to adopt rules .....	Ch. 193

---

Board of Adjustment .....	Ch. 193
Boundaries enumerated .....	Ch. 193
Boundaries established .....	Ch. 193
Buffer area.....	Ch. 193
Building height.....	Ch. 193
Building permits .....	Ch. 193
Certificates of occupancy .....	Ch. 193
Child Care Agency .....	Ch. 193
Cluster housing and developments .....	Ch. 193
Commercial and General Business Districts .....	Ch. 193
Defined.....	167-7, Ch. 193
Definitions.....	Ch. 193
Designation of districts.....	Ch. 193
District boundaries .....	Ch. 193
District regulations .....	Ch. 193
Districts established.....	Ch. 193
Elderly housing .....	Ch. 193
Establishment of boundaries .....	Ch. 193
Fees .....	Ch. 193
Flexible development .....	Ch. 193
Floodplain land.....	Ch. 193
Floor area .....	Ch. 193
General Business Districts.....	Ch. 193
General provisions.....	Ch. 193
Group homes .....	Ch. 193
Guide to zoning districts.....	Ch. 193
Hazardous wastes .....	Ch. 193
Historic District .....	Ch. 193
Home Occupation.....	Ch. 193
Industrial Districts .....	Ch. 193
In-ground fuel tanks .....	Ch. 193
Injunction and legal actions.....	Ch. 193
Land use .....	Ch. 193
Legislative intent .....	Ch. 193
Life Safety Code.....	Ch. 193
Lots.....	Ch. 193
Lot sizes .....	Ch. 193
Major residential development.....	Ch. 193
Minimum floor area .....	Ch. 193
Mountain Zone .....	Ch. 193
Nonconforming uses .....	Ch. 193
Notices.....	Ch. 193
Nursing homes.....	Ch. 193
Permits.....	Ch. 193
Permitted uses .....	Ch. 193
Planning Board.....	Ch. 193
Porches and decks .....	Ch. 193
Public hearings .....	Ch. 193
Purpose.....	Ch. 193
Recreational vehicles.....	Ch. 193
Residence A Districts .....	Ch. 193
Residence B Districts .....	Ch. 193
Responsibility of owner.....	Ch. 193
Rural Districts .....	Ch. 193
Selectmen .....	Ch. 193
Setbacks.....	Ch. 193

---

Shoreline Protection Overlay District .....	Ch. 193
Signs .....	Ch. 193
Site plan review .....	Ch. 193
Site plan approval.....	Ch. 193
Sludge, application of.....	Ch. 193
Special exception uses.....	Ch. 193
Streets and street frontage .....	Ch. 193
Storage and disposal of hazardous and radioactive wastes.....	Ch. 193
Table of requirements.....	Ch. 193
Violations and penalties .....	Ch. 193
Variances.....	Ch. 193
Wireless Communications facility .....	Ch. 193