



TOWN OF DEERING

Board of Selectmen

762 Deering Center Road
Deering, NH 03244

Meeting Minutes

January 2, 2018

Selectmen present: Aaron Gill, Allen Belouin, John Shaw
The meeting was called to order at 1900.

MEETING MINUTES:

Meeting Minutes – December 18th.

Mr. Gill made the motion to approve the meeting minutes of December 18th. Mr. Belouin seconded the motion. The vote was unanimous and so moved.

New Business

Fire Department – Review of new truck specifications & price quotes

Mr. Gill advised Fire Chief Gorman that the budget committee was not supporting the new truck acquisition at this time because no information, other than a rough estimate of cost, was provided to the committee during the budget process. So, there remained a lot of work left to do and not much remaining time for it. Fire Chief Gorman briefed the Board on the specifications for the new fire apparatus (the specs can be reviewed in the December 18, 2018 BoS minutes). He explained that the new truck will replace Engine 3 (1986 International). Mr. Gill noted that the replacement was one of the recommendations in the Fire Department study. The long-range plan is to replace two vehicles with one vehicle. The water carrying capacity of the new truck is 2,000 gallons and the overall length is 30.5 feet which will allow it to fit in the Donovan station. Mr. Gorman noted that he had one bid for \$480,000.

Budget & Warrant Article Review

The Board reviewed a draft Town Warrant and the attendant budget (see attached). The table below illustrates expenditures and revenues by component. The 2019 operating budget of \$2,105,920 increased \$26,543 from the 2018 operating budget of \$2,079,377.

	Expenditures	Revenues	Source
Operating Budget	\$ 2,105,920.19	\$ 590,000.00	Own Source
CIP Budget	\$ 334,750.00	\$ 50,000.00	UFB
WA #3 Fire Truck	\$ 500,000.00	\$ 500,000.00	CRF/Lease
WA #6 Pave Parking Lot	\$ 30,000.00	\$ 30,000.00	UFB
WA #8 Solar Energy ETF	\$ 17,000.00	\$ 17,000.00	UFB
WA #9 TC Full Time	\$ 10,729.00	\$ -	Tax
Total	\$ 2,998,399.19	\$ 1,187,000.00	\$ 1,811,399.19

The 2019 funding amount of \$325,750 for the CIP (capital improvement plan) has decreased by \$78,300 from the 2018 funding level of \$404,050. Funding requests for individual warrant articles in 2019 totals \$556,369 versus 2018 individual warrant articles funding of \$79,740. Without the cost of a new fire truck (\$500,000) total requested funding is \$56,369.

Ordinances Review – 2nd Reading & Review

The Board again reviewed the clean copies of the ordinances. Mr. Gill made the motion to adopt the following ordinances;

Noise Disturbance Ordinance

Public Area Safety and Enjoyment Ordinance

and to amend the following ordinances;

Animal and Dog Control Ordinance

General Parking and Traffic Control Ordinance

Littering and Dumping on Town Property Ordinance

Open Container Ordinance

Vendor-Hawker-Peddler Ordinance

Mr. Belouin seconded the motion. The vote was unanimous and so moved.

Other Business

Mr. Gill spoke about the HVAC maintenance agreement for the Town noting that Hilltop Heating is a local business and they were not included in the original bid. Mr. Belouin explained that the 2017 bid included proposals from Eckhardt & Johnson and J Lawrence Hall. Aside from being the Chief Engineer at the Radisson in Manchester, Mr. Belouin noted that his specialty is HVAC. He was unaware at the time of the bid that Hilltop Heating was a local business. Mr. Belouin recommended providing the current bid specs to Hilltop Heating and having them submit a bid. The TA agreed to provide the specs to Hilltop.

TO BE REVIEWED AND/OR SIGNED:

- Employee Payroll	<u>December 26th</u>
	\$15,217.63
- Employee Payroll	<u>January 2nd</u>
	\$12,511.16
- AP ACH XFER	<u>January 2nd</u>
	\$99.05
- AP Manifest (2018)	<u>January 2nd</u>
	\$21,436.42
AP Manifest (2019)	<u>January 2nd</u>
	\$325,909.78
- Vehicle Renewal Error	\$129.20
- Pole License	
- Intent to Cut	201-002-000

There being no further business to come before the Board Mr. Gill made the motion to adjourn. Mr. Belouin seconded the motion. The vote was unanimous and so moved. The meeting adjourned at 2030.

Respectfully Submitted,

\s\ Russell McAllister
Town Administrator

**TOWN OF DEERING, NEW HAMPSHIRE
NOISE DISTURBANCE ORDINANCE**

Enacted: January 2, 2019

Section I - PURPOSE STATEMENT & AUTHORITY

It is declared to be the intent of the Town of Deering to promote an environment free from excessive noise which unnecessarily jeopardizes the health and welfare of the citizens of the Deering and/or degrades the quality of life within the community, without unduly prohibiting, limiting or otherwise regulating the function to certain noise-producing equipment which is not amenable to such controls yet is essential to the economy and quality of life of the community.

The purpose of this Section is to establish standards for the control of noise and noise disturbances in the Town by prohibiting specific activities during designated times and by setting maximum permissible sound levels within the Town, as authorized under New Hampshire Statute 31:39(n).

Section II - DEFINITIONS

For the purposes of this Section, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

- A. Intra-Property Real Property Division:** shall mean the ceilings, walls, floors, doors and windows of any duplex, multi-family, or condominium dwelling or structure which separate the real property leased or owned by one person from that owned or leased by another person.
- B. 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.
- C. Public Right-of-Way:** any street, avenue, boulevard, highway, sidewalk, or alley, or similar place, which is owned, maintained, or controlled by a governmental entity.
- D. Public Space:** any real property or structure thereon which is owned, maintained, or controlled by a governmental entity.
- E. Real Property Boundary:** any imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person.
- F. Noise Disturbance:** any sound created or allowed to continue within a real property boundary or intra-building real property division or public right-of-way or public space, which can be heard across said boundary or intra-building real property division in the confines of another or adjacent real property boundary or intra-building real property division or a public right-of-way or public space which would, or in actuality does, annoy or disturb a reasonable person of normal sensitivities, OR as otherwise defined in New Hampshire RSA 644:2.

Section III – ORDINANCE: NOISE DISTURBANCES PROHIBITED

It shall be unlawful for any person to make, continue, or cause to be made or continued, any excessive noise(s), unnecessarily loud noise(s), or any noise(s) which annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of any others within the Town as defined and described herein, or as otherwise defined and controlled under New Hampshire RSA 644:2:

- A. Between 10:00 P.M. and 6:00 A.M.** – such noise or noises as created by:
 - 1. The loading, unloading, opening, closing, or otherwise handling boxes, crates, containers, building material, trash -cans, dumpsters or similar objects.
 - 2. The operation or use of agricultural equipment to include, but not limited to tedders, bailers, and tractors.
 - 3. The operation or use of construction vehicles to include, but not limited to bulldozers, graders, dump trucks, backhoes, earth moving equipment, front end loaders and log skidders on the job site.
 - 4. The operation or use of tools, or construction equipment to include but not limited to, cement mixers, hammers, staple or nail guns, power tools (i.e. saws, drills, grinders, sanders), chain saws, lawnmowers, electric hedger trimmers, lawn-edgers, and jack hammers, and
- B. Between 10:00 P.M. and 7:00 A.M.** – such noise or noises as created by:
 - 1. Operating, playing or using of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which amplifies sound or
 - 2. By the display of permissible fireworks.
- C. Unnecessary Noise from Motor Vehicles:** It shall be a violation to cause a noise disturbance, at any time of the day or night, through the use of a motor vehicle as described herein:
 - 1. A person operating in or in control of a parked or moving motor vehicle shall not operate or permit the operation of an electronically amplified sound system in or on the motor vehicle so as to produce sound that is clearly audible in a public right-of way of way or any public space or any adjacent private space, more than 50 feet from the motor vehicle except as otherwise authorized.
 - 2. A person shall not operate a motor vehicle so as to make any loud, unusual, or unnecessary noise occasioned by any one or more of the following actions by the operator:
 - (a) Misuse of power - exceeding tire traction limits in acceleration, sometimes known as “laying down rubber” or “peeling rubber”, or excessive acceleration where there is no emergency.
 - (b) Misuse of braking power exceeding tire traction limits in deceleration where there is no emergency.
 - (c) Rapid acceleration by means of quick up-shifting of transmission gears with either a clutch of manual transmission or automatic transmission.
 - (d) Rapid deceleration by means of quick downshifting of transmission gears with either a clutch or manual transmission or an automatic transmission.
 - (e) Racing of engines by manipulation of the accelerator, gas pedal, carburetor, or gear selection whether the vehicle is either in motion or standing still.
 - (f) Misuse of air brakes or “jake-brakes” by using them when there is nothing in tow behind the vehicle equipped with said air brakes or “jake-brakes”.
 - (g) OR any other such action as defined and restricted or prohibited under New Hampshire RSA 265:75.

Section IV - EXEMPTIONS

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

- A. Noise of safety signals, warning devices and emergency pressure relief valves.
- B. Noises resulting from any authorized vehicle, when responding to an emergency call or acting in time of emergency, training exercises, and maintenance.

- C. Noises resulting from emergency maintenance work as performed by the Town, State or public utility companies, to include snow removal operations.
- D. Municipal maintenance work where the abutters to the work site have been given prior notice of the project.
- E. Any other noise resulting from activities of a temporary duration permitted by law or for which a license or permit therefore has been granted by the Town.
- F. Snow blowers and other types of private or commercial snow removal operations.
- G. Parades and public gatherings for which the Town has issued a permit.
- H. Bells, chimes or carillons, while being used for religious purposes, or in conjunction with religious services, and those bells, chimes or carillons that are presently installed and in use for any other purpose.
- I. The un-amplified human voice, except where otherwise prohibited by the provisions of this Section or by any other Town Ordinance or state law.

Section V – TEMPORARY SPECIAL PERMITS

The Police Chief or his/her designee is hereby authorized to issue special permits for periods not exceeding thirty (30) days to persons wishing to exceed those limits provided for herein, based upon a demonstration as follows:

- A. 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.
- B. Activity sought to be engaged in is necessary in order to avoid undue hardship and will not be inconsistent with the statement of purpose.

Section VI – ENFORCEMENT

This ordinance shall be enforced by any Police Officer of the Deering Police Department, or by any other Police Officer with jurisdiction, either actual jurisdiction or constructive jurisdiction via any authorized Mutual Aid Agreement. Nothing in this section shall remove an individual officer's discretion in regards to the actual enforcement or issuance of fines and penalties relating to this section.

Section VII - PENALTY

- A. Any person, firm, or corporation who violates the provisions of this Chapter shall be guilty of a violation for each offense and shall be subject to a fine of \$100.00 dollars for each first known offense, nor more than \$500.00 for each subsequent offense. Such fines as assessed shall be paid to the Town of Deering via the Police Department within five (5) days (72 Hours).
- B. Any person, firm, or corporation who violates the provisions of this Section three (3) or more times in a calendar year shall be subjected to the provision of an enhanced penalty and shall be subject to a fine of no less than \$300.00 dollars for each subsequent offense. Such fines as assessed shall be paid to the Town of Deering via the Police Department within five (5) days (72 Hours).

- C. The penalties as laid out above shall not remove a police officer's discretion to summons a violator into court to answer to said charges, in lieu of issuing an ordinance violation on scene.

Section VIII – APPEAL

If any person fails to pay any Civil Penalty Fine within the required time period for response, OR otherwise requests an appeal or court hearing of such Civil Penalty Fine under this section, the Police Department shall issue a summons to said person to appear in the District Court of Jurisdiction for arraignment and such applicable hearings, that being the 6th Circuit Court- Hillsborough.

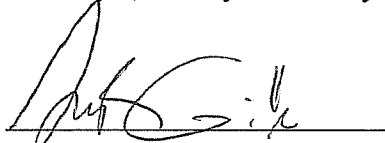
Section IX - SEVERABILITY


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

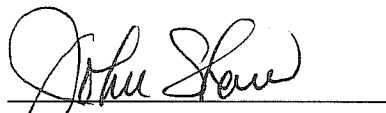
CERTIFICATION:

The above Ordinance for the Town of Deering was approved, with said amendments and updates on:

January 2, of the year **2019** by a vote of the Board of Selectman.



Aaron Gill, Chair

Allen Belouin, Selectman

John Shaw, Selectman

Town of Deering, NH 03244
PUBLIC AREA SAFETY AND SERENITY ORDINANCE

Enacted: January 2, 2019

Section I – PURPOSE & AUTHORITY

In accordance with and under the authority of the New Hampshire Revised Statutes Annotated, Chapter 41, Section 11 and Chapter 47, Section 17, VII and VIII, authorizing the Board of Selectmen to enact ordinances governing the use of public lands and properties, the following Ordinance is adopted by the Board of Selectmen of the Town of Deering. This ordinance shall provide the rules and regulations of the use of the Deering Reservoir Public Areas by members of the public in order to ensure the safety and serenity of the Deering Beach and other adjacent Public Lands owned or governed by the Town of Deering. Such rules shall be inclusive of the Deering Town Beach, the Deering Reservoir Boat Launch, the Deering Reservoir Dam and Levee, and any public parking and roadways adjacent to said Deering Reservoir areas.

Section II – WORDS and PHRASES DEFINED

The following words and phrases when used in this Ordinance have the following meaning:

Adjacent Public Ways: In this policy and ordinance shall mean any public roadway, or any private roadway that is open to the public, located along Reservoir Road between Farrell Hill Road and Locke Farm Road, including but not limited to Cellar Hole Road and White Gate Road.

Deering Public Beach Area: Shall mean the area including the public swimming area and the adjacent picnic knob, as well as all areas between the primary Deering Reservoir Beach Parking Lot and said designated swimming area.

Deering- Other Public Areas: Shall mean any public gathering or recreational area owned, leased, or otherwise controlled and governed by the Town of Deering or its administrative leadership. Examples would include but not be restricted to hiking areas on public or conservation lands, public parking areas, the Deering Town Pavilion, the Deering Town Hall and surrounding commons,

Deering Reservoir Public Boat Launch: Shall mean the public boat launching area located on Reservoir Road in said Deering, between the Deering Public Beach Area and the Deering Reservoir Dam, to include the vehicular access way, waiting lanes, and turnaround lanes adjacent to the designated boat launching ramp.

Deering Reservoir Dam: Shall mean the water dam the projects from the Deering Reservoir Boat Launch Access Lane to the Deering Reservoir Levee, including the cement and wood dam and any adjustable spillways, including all control modules, ladders, boards, and such. The Deering Reservoir Dam shall include the area within 15 Feet of any dam structure, and also shall include the spillway below the dam, extending from the dam proper underneath the bridge tunnel, to the far end of the bridge abutments.

Deering Reservoir Levee: Shall mean the manmade stone and gravel embankment that travels encases the southern end of the Deering Reservoir from the Deering Reservoir Dam to the western embankment by White Gate Road.

Deering Reservoir Public Parking Areas: Shall mean the authorized and recognized Public Parkings Areas utilized by citizens visiting the Deering Reservoir Public Beach, Boat Launch, and Levee areas. This shall include the Public Parking Lot extending from Cellar Hole Road to the Parking Permit Kiosk at the entrance to the Public Beach, as well as the Public Parking Lot extending from the Deering Reservoir Dam approximately half the length of the Deering Reservoir Levee, and including the Deering Boat Trailer Lot, which is located across Reservoir Road from the Deering Reservoir Levee.

Heat Source: for the purposes of this policy, a heat source shall mean any manner of relaying or transferring natural or artificially produced heat, to include combustibles, lighters, vapor chambers, matches, stoves of gas, wood, coal, or other,

Lit or Burning Embers: Shall mean any combustible matter that produces heat in a quantity that would make it possible to ignite such matter or other nearby natural or man-made matter.

Section III – ORDINANCE: FIRE SAFETY

Any act that is known to present a risk of public safety shall be prohibited or governed by the Town of Deering and its Governing Body for the purpose of protecting citizens and their properties from harm and to protect the natural resources of the Town of Deering and specifically the Deering Reservoir Public Recreation Areas.

1. Open Flames – It shall be unlawful to kindle an open flame of any type, to include but not be inclusive of an open fire, whether in a pit or not, any type of gas, wood, electric, or fuel oven or grill. Lighters and cigarettes/tobacco or other smokeable material(s) shall also be prohibited.
2. Heating Elements – It shall be unlawful to utilize any gas, wood, electric, or battery operated heating unit, to include but not be exclusive of space heaters, warmers, ovens, grills, “vape” pens, melting pots, pipes, hookahs, or similar smoking or vaping systems shall be prohibited.
3. Cooking or Steaming – it shall be unlawful to cook or steam any food or consumable preparation while utilizing any open flames or any other heating source or element while upon public areas, unless one member of the attending shall hold written permission from the Emergency Services directors for the Town of Deering.
4. Combustible Materials – it shall be unlawful to hold or store any combustible material upon any public area within the Town of Deering, except that boaters may temporarily place boat fuel in a safe location during the launching or recovery of any gasoline powered motor vessel.

Section IV – ORDINANCE: BIOHAZARDS and WASTE

Any act that is known to present a risk of public safety shall be prohibited or governed by the Town of Deering and its Governing Body for the purpose of protecting citizens and their properties from harm and to protect the natural resources of the Town of Deering and specifically the Deering Reservoir Public Recreation Areas, the Town Pavilion, and the Town Hall and Commons.

1. It shall be unlawful for any person to deposit or dispose of, whether purposefully or neglectfully, any biohazardous waste upon at public property, to include but not be exclusive of human or animal waste or excrement, food waste, containers including bags or boxes, or any other matter.
2. Any person in charge of any animal or fowl that is upon any public area within the Town of Deering shall be responsible to immediately clean up any such biohazardous matter that shall be emitted, including but not limited to the immediate cleaning of any animal excrement that shall be deposited.
3. It shall be unlawful to any person to deposit or dispose of, whether purposefully or neglectfully, any medical waste or any paraphernalia of legal or illegal substances or tools of use, to included but not be exclusive of pipes, glass or metallic implements, syringes, bottles, canisters, hoses, filters, upon any public property or public areas within the Town of Deering.
4. It shall be unlawful for any person to deposit or dispose of any waste matter, natural or manmade, upon any area of Public Property or Public Area within the Town of Deering.

5. With the exception of garbage cans found within the Town Hall, the Town of Deering shall consider all public areas within the Town as being “carry-in/carry-out” areas, and shall not provide refuse containers, with the exception that during certain public events the Town of Deering may elect to provide such refuse containers on a case by case basis.

Section V – ORDINANCE: Freedom to Enjoy Peace and Serenity

Any act or activity that is known to present a risk of public annoyance or alarm shall be prohibited or governed by the Town of Deering and its Governing Body for the purpose of protecting citizens and their properties from harm and to protect the natural resources of the Town of Deering and specifically the Deering Reservoir Public Recreation Areas, the Town Pavilion, and the Town Hall and Commons.

1. It shall be unlawful for any person to create any unreasonably loud noise, whether vehicular, human, or amplified noises, at a time or place that would offend a normal person upon or adjacent to any Public Recreation Area within the Town of Deering.
2. It shall be unlawful for any person to utilize amplified music or sound sources while upon any public property or public recreation area within the Town of Deering, with certain exception as presented below:
 - a. Any emergency or maintenance vehicle or related emergency or maintenance crew personnel may utilize amplified noise makers in the course of their official duties.
 - b. Any person or group that has made and a received application for a special event that would required sound amplification made do so under the restrictions and constraints of such an application.
3. It shall be unlawful for an person or group of persons to engage in wild or tumultuous activities that would offend a normal person upon or adjacent to any Public Recreation Area within the Town of Deering.

Section VI – EXEMPTIONS

Any Police Officer, Public Safety Officer, Fire Official, Rescue Squad Member, or Public Works Employee who is either employed by the Town of Deering or has been requested under mutual aid assistance, is exempt from the restrictions of Section IV of this Ordinance while in actual performances of their official duties.

Section VII – ENFORCEMENT

This ordinance shall be enforced by any Police Officer of the Deering Police Department, or by any other Police Officer with jurisdiction, either actual jurisdiction or constructive jurisdiction via any authorized Mutual Aid Agreement. Nothing in this section shall remove an individual officer’s discretion in regards to the actual enforcement or issuance of fines and penalties relating to this section.

Section VIII - PENALTIES

- A. A (known) first offense for such violation may be issued a Civil Penalty fine of \$100.00, except that any person violated Section IV – Biohazards and Waste, shall be fined not less than \$250 in the first offense, payable to the Town of Deering and answered via the Police Department within 72 hours (5 business days) of issuance.
- B. A (known) second or subsequent violation may be issued a Civil Penalty fine of at least \$250.00 but no more than \$500.00, payable to the Town of Deering and answered via the Police Department within 72 hours (5 business days) of issuance, except that any person known to have previously violated Section IV – Biohazards and Waste and is found in violation of this Section and second or subsequent time, shall be immediately summons to appear in court and/or arrested in custody and offered bail, at the discretion of the citing law enforcement officer.

- C. Any such violations, in lieu of a Civil Penalty Fine, may be issued a Town Ordinance Violation Summons requiring the named defendant to report to the District Court of Jurisdiction for arraignment, that being the 6th Circuit – Hillsboro District Court.

Section IX – Default or Appeal

If any person who has been issued such and fails to pay any Civil Penalty Fine within the required time period for response, OR otherwise requests an appeal or court hearing of such Civil Penalty Fine under this section, the Police Department shall issue to any such person a summons to appear in the District Court of Jurisdiction for arraignment and such applicable hearings, that being the 6th Circuit Court- Hillsborough.


Section X - Severability

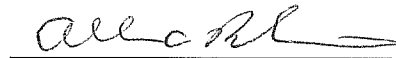
In the event any section, subsection, sentence, clause or phrase of this Ordinance shall be adjudicated to be invalid or unconstitutional, such part or phrase is declared to be severable, and all remaining portions of this Ordinance shall remain in full force and effect.


CERTIFICATION:

The above Ordinance for the Town of Deering was approved, with said amendments and updates on:

January 2, of the year **2019** by a vote of the Board of Selectman.



Aaron Gill, Chair

Allen Belouin, Selectman

John Shaw, Selectman

TOWN OF DEERING, NEW HAMPSHIRE
ANIMAL and DOG CONTROL ORDINANCE

Enacted 1980
Amended 1990
Amended 1994
Amended 1999
Amended 2013
Amended 2019

Section I - POLICY STATEMENT & AUTHORITIES

The purpose of this ordinance is to set forth and govern the licensure, vaccination, and control of dogs within the Town of Deering, pursuant to the Town's Authority under New Hampshire Statutes 47:17, 466:30, 466:31, and all other related animal and dog control statutes.

Section II - DEFINITIONS

For the purposes of this Section, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Dog: Shall mean any canine or canine mix, licensed or unlicensed, of any age, including both spayed/neutered canines and any such that are not so spayed/neutered.

Animal: Shall mean any other mammal, fowl, or reptile, be they domesticated, feral, or wild, to include but not be limited to any such farm animals.

Stray/Running At Large: Shall mean any dog or other animal that is not upon the property of its owner and is not otherwise under the constant and complete control of its owner or appropriate guardian.

Nuisance: Shall mean any sustained noise created by any dog or other animal, of a period exceeding 30 minutes, such noise that can be heard in a public place, or in any other private place.

Vicious: Shall mean any instance of barking, growling, snapping, lunging, jumping, biting, snarling, scratching, or any other activity which may be considered an attack or threat of attack against any person or against any other dog or animal, whether such occurs singularly or within a pack of dogs or animals, and regardless of whether any injury or damage actually occurs to any person or animal.

Section III – DOG CONTROL ORDINANCE (1980, amended 1990 & 1999)

A. **Dogs Causing Nuisances:** No dog, whether licensed or unlicensed, shall run at large or in any other way make a nuisance of itself within the limits of the Town of Deering. The term "nuisance" or "vicious" as herein used shall be considered to be as defined in N. H. RSA, Chapter 466, Section 31, Paragraph II: 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 it barks for sustained periods of more than 1/2 hour, or during the night hours so as to disturb the peace and quiet of a neighborhood or area;
2. If it digs, scratches, or excretes, or causes waste or garbage to be scattered on property other than its owner's;

3. A female dog in season (heat) shall not be 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;
4. If it growls, snaps at, runs after or chases any person or persons;
5. 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;
6. If, whether alone or in a pack with other dogs, it bites, attacks, or preys on game animals, domestic animals, fowl or human beings.”

B. Dogs Running at Large: No dog, whether licensed or unlicensed, shall run at large or in any other way make a nuisance of itself within the limits of the Town of Deering.

1. Any dog who is found to be running at large or to be causing a nuisance in violation of this ordinance may, at the discretion of the Police Chief of the Town of Deering, be impounded or otherwise restrained at the expense of the owner.
2. Any dogs found running at large, without having attached to the same either the license or the owner's name and address shall be impounded. If the dog is unclaimed at the end of 7 days, the dog may be disposed of in accordance with applicable laws or rules and regulations.
3. Exemptions: This subparagraph shall not include a dog which is being used for hunting, herding, supervised competition, or exhibition or training for such activities if accompanied by the owner or custodian, meaning that the owner or custodian must be able to see or hear the dog, or have reasonable knowledge of where the dog is hunting or herding, or where training is being conducted or where trials are being held, provided that such dog does not have to be within sight at all time;

Section IV – DOG REGISTRATIONS and VACCINATIONS REQUIRED

Under New Hampshire Statutes 466:30, 466:31, and other related and subsequent laws and rules, all dogs over the age of 6 months shall be registered with the Town Clerk of the Town of Deering annually, and shall have valid and up-to-date Rabies Vaccinations Certifications on file with said Town Clerk. Any failure to abide by this ordinance shall be a Violation of same.

Section V – IMPOUNDMENT and SEIZURES

- A. Quarantine: Dogs or other animals found to have been vicious which caused any injury to a person or another animal, shall be quarantined for a period of no less than 10 days, and shall be examined by a license veterinarian at the conclusion of that time period. At the discretion of a Police Officer or assigned Animal Control Officer, this quarantine may be allowed to occur at the dog's place of residence, although in many cases it should be done at a veterinary facility or a secure kennel.
- B. Impoundment: Dogs or other animals found to be vicious, whether or not they have caused injury, may be impounded by a Police Officer or assigned Animal Control Officer for a period of time, for a minimum of 10 days, for evaluation for the public safety, by removing the dog to a secure kennel facility.
- C. Impoundment/Stray: Any dog or other animal found to be a nuisance or running-at-large or stray, who is not wearing a dog registration tag, or whose owner cannot be readily identified or located, OR any such dog that has a known history of running-at-large, may be impounded by any Police Officer or Animal Control Officer for a period of time until such owner can be located.
- D. Seizures: If the Police Department has knowledge of a vicious and/or dangerous dog or other animal, or any dog or other animal that is in need of emergency medical care, they may seize said dog or other animal with a Search and Seizure warrant, or in an emergency situation, under probable cause as a community caretaking function, and hold said dog at a secure kennel facility until directed to release said dog or other animal by a court of jurisdiction, or until such dog or animal is no longer considered a threat to public safety.

- E. All costs related to the quarantine, impoundment, or seizure of any dog or animal shall be borne by the owner of the dog or animal in question. These costs may include but not be limited to the wages or fees charged by any animal control officer or animal welfare agency, any kennel or stabling fees, and emergency medical or veterinary care for any injured animal or person, any food or medications for such dog or animal during the period of quarantine, impound, or seizure, and any other associated costs.

Section VI – Application of Ordinance to Other Animals

The above restrictions defined as applying to and the controlling of Nuisance, Vicious, and At-Large Dogs, shall also apply to any other domesticated animal, farm or stock animal, including but not restricted to horses, cows, sheep, goats, pigs, fowl of all kinds, or any other such mammal, marsupial, fowl, reptile, farm animal, stock animal, or any other animal, be they domesticated, semi-domesticated, feral or non-feral, as such can be determined to be owned or cared for by any person.

Section VII – ENFORCEMENT

This ordinance shall be enforced by any Police Officer of the Deering Police Department, or by any other Police Officer with jurisdiction, OR by any Animal Control Officer assigned or contracted by the Town of Deering or the Deering Police Department, either actual jurisdiction or constructive jurisdiction via any authorized Mutual Aid Agreement. Nothing in this section shall remove an individual officer's discretion in regards to the actual enforcement or issuance of fines and penalties relating to this section.

Section VIII - PENALTIES

Any person, firm, or corporation who violates the provisions of this Chapter shall be guilty of a Town Ordinance Violation for each offense and shall be subject to a fine of not less than \$25.00 dollars, nor more than \$500.00 for each offense. Such offenses may be investigated and enforced by members of the Police Department. Such fines as assessed shall be paid to the Town of Deering via the Deering Police Department within 72 Hours (5 days).

Section IX – APPEAL

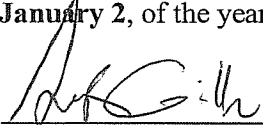
If any person fails to pay any Civil Penalty Fine within the required time period for response, OR otherwise requests an appeal or court hearing of such Civil Penalty Fine under this section, the Police Department shall issue a summons to said person to appear in the District Court of Jurisdiction for arraignment and such applicable hearings, that being the 6th Circuit Court- Hillsborough.

Section X - SEVERABILITY

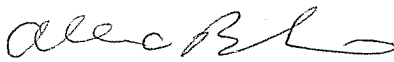
If any provisions of this Section or the application of such provisions to any person or circumstances shall be held invalid, the validity of the remainder of this Section and applicability of such provisions to other persons or circumstances shall not be affected thereby.

CERTIFICATION:

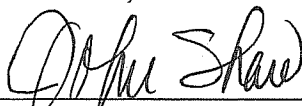
The above Ordinance for the Town of Deering was approved, with said amendments and updates on: **January 2**, of the year **2019** by a vote of the Board of Selectman.



Aaron Gill, Chair



Allen Belouin, Selectman



John Shaw, Selectman

Town of Deering, NH 03244
GENERAL PARKING and TRAFFIC CONTROL ORDINANCE

Enacted: 1970
Amended: 1994
Amended: 1999
Amended: 2012
Amended: 2019

Section I - Authority

In accordance with an under the authority of the New Hampshire Revised Statutes Annotated, Chapter 41, Section 11 and Chapter 47, Section 17, VII and VIII, authorizing the Board of Selectmen to enact ordinances governing the use of public ways and traffic devises and signals, the following Ordinance is adopted by the Board of Selectmen of the Town of Deering. This ordinance repeals and replaces the Previous Parking Ordinance.

Section II - Words and Phrases Defined.

The following words and phrases when used in this Ordinance have the following meaning:

Curb: The lateral boundaries of the portion of a street designated for the use of vehicles, whether marked by curbstones or not so marked.

Immediately Adjacent Parking: shall mean any portion of a vehicle or its load that is parked within five (5) feet of the travel portion and immediate shoulder portion of any public roadway within the Town.

Park or Parking: The standing of a vehicle, whether occupied or not, attended or unattended, upon any street, road, or way, other than temporarily for the purposes of and while expeditiously taking or leaving passengers, or loading or unloading merchandise, then in actual readiness for immediate delivery or receipt.

Public Portion of Roadway: Shall mean the entire travel portion of said roadway as well as the ditching, curbing, or curtilage of said roadway, specifically to include all area “between the stone walls” of any way, and in any manner shall include a minimum of 25 feet from the center line of any roadway.

Standing: Any stopping of a vehicle, whether occupied or not.

Stop: When required, means complete cessation of movement, while said vehicle is still completely under the control and direction of a validly licensed driver. Completely under the control shall mean said driver is in actuality behind the controls of said vehicle, and said vehicle is prepared for immediate movement.

Stop or Stopping: When prohibited means any stopping of a vehicle when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control sign or signal.

Trash: Debris, rubbish, garbage or any material that would meet the description of the same under RSA 149-M.

Way: Way shall have the same definition as found in RSA 259:125. It is otherwise termed as a road, a roadway, a street, an avenue, or any other such common meaning.

Winter Weather Event: Shall mean any snow, rain, sleet, freezing rain, ice, fog, or other winter season precipitative storm event occurring between October 15th and April 15th of any Calendar Year, and shall include the periods of time Immediately prior to, during, and immediately following a Winter Weather Event which shall be defined as the 24 hours prior to a forecasted weather event, the entirety of a weather event, and the 48 hours following the end of a weather event.

Vehicle: Vehicle shall have the same definition as found in RSA 259:122.

Section III - Parking Regulations (1970)

Unless directed by a Police Officer or in compliance with an official traffic control device, no person except the driver of an emergency vehicle shall on any way park any vehicle:

- A. General Parking Prohibitions - No vehicle shall be parked or stopped within the Town of Deering:
 - 1. Upon the roadway side of any stopped or parked vehicle, or upon any sidewalk, or upon or within 30 feet of any intersection, or upon or within 20 feet of any crosswalk.
 - 2. Adjacent to, or alongside, any street excavation, or upon any bridge, or upon any railroad tracks.
 - 3. At any place where official signs prohibit parking.
 - 4. In front of any public or private driveway.
 - 5. In any parking space, whether on public or private property, specially designated for the physically handicapped by means of a sign stating that the space is reserved for the physically handicapped or displaying the "Wheelchair Symbol" as defined in RSA 275-C: 9, unless that person has a special registration number plate, decal tag, or car issued pursuant to RSA 261:86, RSA 261:87, or RSA 261:88.
 - 6. Within 20 feet of any entrance to a Fire or Police Station (unless a parking space is clearly designated by signs or pavement markings).
 - 7. For a period of time greater than that indicated by signs erected upon the authority of the Chief of Police, the Road Agent, the Fire Chief, or the Administrative Body of the Town of Deering.
 - 8. On any town owned roadway for a period greater than 24 hours, after 24 hours a towing sticker will be placed on the vehicle giving the owner only 24 additional hours to remove. This only applies to roadways that are not marked with an allowable parking time of less than 24 hours.
- B. Drivers of vehicles shall at all times park their vehicles:
 - 1. With right side wheels to the curb (unless official traffic control devices designate to the contrary).
 - 2. No further than 1 foot from the nearest curb.
 - 3. Within any pavement markings designating a parking space if such markings exist.
- C. Special Parking Prohibitions:
 - 1. Winter Weather Parking Prohibition: Between October 15th and April 15th of each Calendar Year, is shall be a violation to park a vehicle of any type upon or adjacent to the public portion of any Town or State maintained Roadways within the Town of Deering at any time immediately prior to, during, or immediately following a Winter Weather Event, or in any other manner as to interfere with the safe and efficient removal or disposal of snow or other matter, or any other road maintenance, from or upon the highways and parking lots within the Town.
 - 2. Overnight Parking Prohibited: It shall be a violation to park or otherwise leave any vehicle upon or immediately adjacent to the public portion of Town or State maintained Roadways within the Town of Deering, between the hours of Midnight and 6:00 AM on any day of the week throughout the entirety of the Calendar Year.
 - 3.

D. Beach and Boat Launch Parking Prohibited: Enacted August 18, 1999

1. It shall be unlawful for any person to park or let stand any motor vehicle or trailer in the designated as No Parking zones along Reservoir Road in the area of the Deering Reservoir Dam.
2. It shall be unlawful for any person to park or let stand any motor vehicle with an attached trailer in any other parking zone that is otherwise not designated as a trailered vehicle parking area along Reservoir Road in the area of the Deering Reservoir Dam.
3. It shall be unlawful for any person to park or let stand any motor vehicle or trailer at the Public Boat Launch, so called, in the area designated at the Deering Reservoir Dam in said areas posted with appropriate signs, except for the purpose of:
 - a. Launching or picking up watercraft.
 - b. Temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
 - c. Work being done by employees of the Town of Deering or any governmental agency, said persons must be actively working at said time.
4. It shall be unlawful for any person to park or let stand any motor vehicle that is not towing an attached trailer in any area marked specifically for the parking of trailered vehicles only.

E. Citations and Towing of Unlawfully Parked Vehicles (1970)

1. Any vehicle parked contrary to this ordinance may be towed at the owners' expense, in the following manner:
2. No Parking Zones will be signed as such by the Town of Deering in a manner and place approved by the Public Safety and Road Agents of the Town of Deering, in such a way as to warn violators of such a towing policy.
3. Any Police Officer may authorize towing for any violations of this ordinance.
4. The Road Agent of the Deering Highway Department or his designee may order vehicles towed for violations of Section III when said violator is impeding the plowing or removal of snow.
5. Any person(s) whose vehicle is towed pursuant to this ordinance shall be liable for all costs of such towing and storage, but shall have a right to a hearing upon the same terms and conditions as set forth in RSA 262:33 II and III.
6. Any Law Enforcement Officer or Parking Control Officer assigned by the Police Department shall have the authority to issue Citations and Fines for Violation of these Ordinances, as further set forth in the Enforcement section of this ordinance.

F. Exemptions of Parking Control:

All such parking restrictions as defined in this ordinance shall not apply to:

1. Emergency vehicles, government or government contract maintenance vehicles, or other such vehicles official vehicles conducting lawful business, or
2. Vehicles that may have obtained a temporary parking approval for such action by the Chief of Police, the Chief of Fire, the Road Agent, or the Town Administration.
3. Vehicles bearing Handicap Placards or Handicap or Disable Veterans License Plates, as issued by the Department of Motor Vehicles/Registry in the Home State or Country of origin, under NH-RSA 265:73 and NH-RSA 265:74.

H. Parking Fines and Forfeitures: (1994)

1. Any person violating any provisions of this Section, excluding Paragraph G shall be guilty of an ordinance violation, provided however that such person may pay Civil Forfeiture to the Town of Deering, via the Police Department in the amount of not less than (\$50.00) within (5 business days). If such forfeiture is paid, no further action will be taken against such person.
2. Any person violating any provisions of this Section in a Second or Subsequent Incident, excluding Paragraph G shall be guilty of an Ordinance Violation, provided however that such person may pay Civil Forfeiture to the Town of Deering, via the Police Department in the

amount of not less than (\$100.00) within (5 business days). If such forfeiture is paid, no further action will be taken against such person.

3. Any person who fails to comply with the civil fine/forfeiture as assessed within the given time period shall be summons by the Police Department to answer said violations in the appropriate court of jurisdiction, at present that being the 6th Circuit Court- Henniker or the 6th Circuit Court- Hillsborough.
4. If any person requests a hearing or appeal of any fine or forfeiture under this section, the Police Department shall act to prepare a summons for the defendant to answer said violations in the appropriate court of jurisdiction, at present that being the 6th Circuit Court- Henniker or the 6th Circuit Court- Hillsborough.
5. Any person violating any provisions of Paragraph G shall be guilty of a violation, and shall be summons by the Police Department to answer to said Violation through the civil process as designated by the NH Department of Safety.
6. The registered owner of any vehicle violating any part of this section shall be liable for said violation and for any fine or forfeiture resulting from said violation, unless such owner personally identifies the operator or person who had control of said vehicle at the time of offense, and then said operator shall be found in violation.
7. Nothing in this section shall act to remove the discretionary authority of any police officer in regards to these matters.

I. Enforcement of Parking:

This ordinance shall be enforced by any Police Officer of the Deering Police Department, or by any other Police Officer with jurisdiction, either actual jurisdiction or constructive jurisdiction via any authorized Mutual Aid Agreement. Nothing in this section shall remove an individual officer's discretion in regards to the actual enforcement or issuance of fines and penalties relating to this section.

J. Appeal of Civil Forfeiture/Fine:

If any person fails to pay any Civil Penalty Fine within the required time period for response, OR otherwise requests an appeal or court hearing of such Civil Penalty Fine under this section, the Police Department shall issue a summons to said person to appear in the District Court of Jurisdiction for arraignment and such applicable hearings, that being the 6th Circuit Court- Hillsborough.

Section IV - Speed Limits

In accordance with the provisions of the New Hampshire revised Statutes Annotated, Chapter 265, Section 63, the Board of Selectmen finds by traffic investigation that the prima facie speed limits contained with New Hampshire Revised Statutes Annotated, Chapter 265, Section 60 are greater than reasonable for certain streets with the Town of Deering, and therefore established the following alteration of speed limits as the reasonable prima facie limits for those streets, as follows:

- A. Unless otherwise posted, it shall be unlawful for any person to operate a motor vehicle on any Town of Deering Roadways at a speed greater than 30 miles per hour. Signs advising drivers of such should be posted upon the entrance into the jurisdiction of the Town of Deering upon each Town of Deering Roadway. No other signs shall be necessary to enforce this sub-section, assuming that such signs are, in good faith, kept posted in a visible and proper manner. (2003)
- B. Unless otherwise posted, it shall be unlawful for any person to operate a motor vehicle on the following public ways in the town at a speed greater than 25 miles per hour:
 1. Manselville Road
 2. Union Street
 3. Mill Street
 4. Longwoods Road between Longwoods Auto and Union/Mill Street
 5. Old County Road between the northern intersection of Mountain View Drive and the intersection with Route 149.

- C. The Town of Deering shall not make any rule defining the speed limits upon NH Route 149 without the express approval of the NH Department of Transportation, OR in a bona-fide emergency situation as directed by the Chief of Police, the Chief of the Fire Department, the Road Agent, the Emergency Manager, or by the Incident Commander of such emergency.
- D. Speed limits within the Town of Deering shall be enforced by the Police Department under rules and guidelines governed under applicable New Hampshire laws and rules.
- E. Emergency Vehicles, as defined in NH Statute, and operating under those rules and regulations, may be exempted from such speed rules under certain circumstances as set forth under law.

Section V - One-way Public Ways

In accordance with the provisions of the New Hampshire revised Statutes Annotated, Chapter 265, Section 63, the Board of Selectmen finds by traffic investigation that certain streets within the Town of Deering should be controlled as for safety, viewpoints, and roadway construction, and therefore established the following regulations as to direction of travel, as follows:

- A. Traffic on Farrell Hill Road between the intersection of Pleasant Pond Road and the intersection of NH Route 149 shall be directed as one-way, southbound only, at all hours of the day or night.
- B. Exemptions for Certain Vehicles: All emergency vehicles, when acting within a bona fide emergency response, or any public maintenance vehicles, buses, and delivery vehicles may be exempt.
- B. The Police Department shall act to enforce this ordinance under rules and guidelines governed by applicable New Hampshire laws and rules.

Section VI – Stop Signs/Yield Signs

The Board of Selectman, upon the advice of any or all members of the Deering Highway Safety Committee, may act to direct the erection of stop signs or yield signs upon any intersection or roadway, pursuant to NH-RSA 265, Section 63, the Board of Selectmen finds by traffic investigation that certain streets within the Town of Deering should be controlled as for safety, viewpoints, and roadway construction, and therefore established the following regulations as to control of intersections, as follows:

- A. No vehicle shall be driven through such a stop sign without coming to a full and complete stop, and once stopped, shall not proceed until it is safe to do so based upon the traffic conditions present.
- B. No vehicle shall be driven through such a yield sign without slowing to an appropriately decreased speed and properly giving way to any other traffic as may be present.
- C. The Police Department shall act to enforce this ordinance under rules and guidelines governed by applicable New Hampshire laws and rules.
- D. Exemption of Certain Vehicles: All emergency vehicles when acting within a bona fide emergency response, may be exempt so long as they are being operated in a manner that does not recklessly endanger another and are complying with applicable emergency vehicle response rules and laws.

Section VII – Restricting Passenger Vehicles Traveling on Other Than Ways

Motor Vehicles designed and registered solely for use upon a roadway should only be driven upon such roadways, to include Class I through Class VI Public Ways, but not excluding any designated private roadways or driveways.

- A. Vehicles shall not be driven on any sidewalk or upon any roadway shoulder, except to enter a permanent or temporary driveway, or at the direction of a police officer, firefighter or public maintenance or utility worker.
- B. Passenger Vehicles shall not be driven upon any designated OHRV or recreational trail, except to enter or cross any permanent or temporary driveway, or at the direction of a police officer, firefighter, or public maintenance or utility worker.

- C. Exemption of Certain Vehicles: Any emergency vehicle or public works vehicle being operated in a bona fide emergency, or in a preventative patrol manner, or for maintenance or repairs of town infrastructure, shall be allowed to travel on otherwise restricted roadways, trails, or properties. Any member of the Town's Police, Fire, Rescue, or Public Works, when acting in an official capacity, may operate a privately-owned vehicle upon such otherwise restricted roadways, trails, or properties.
- D. The Police Department shall act to enforce this ordinance under rules and guidelines governed by applicable New Hampshire rules and laws.

Section VIII – Seasonal Weight Limits (1977)

In accordance with the provisions of the New Hampshire revised Statutes Annotated, Chapter 265, Section 63, the Board of Selectmen finds by traffic investigation that certain streets within the Town of Deering should be controlled as for safety, viewpoints, and roadway construction, and therefore established the following regulations as to vehicular and load weight limits and sizes, as follows:

- A. In order to preserve the Town Highways, all Town of Deering Roads shall be closed to trucking during the period from March 1st to May 15th, or until declared open by the Selectmen and/or the Road Agent for the Town.
- B. Exemptions for Certain Vehicles: This section shall NOT apply to Pickup Trucks under 16,000 lbs. gross vehicle weight, Emergency Vehicles, Milk Vehicles, Fuel Delivery Vehicles, Town Highway Maintenance Vehicles, or School Busses.
- B. The enforcement of such weight limits shall be by the Police Department, by and through a summons to appear in the appropriate court of Jurisdiction, that being the 6th Circuit – Hillsborough District Court, for arraignment on a complaint alleging such a violation.

Section IX – Enforcement

The provisions of this entire ordinance regarding parking and traffic control shall be enforced by any Police Officer of the Deering Police Department, or by any other Police Officer with jurisdiction, either actual jurisdiction or constructive jurisdiction via any authorized Mutual Aid Agreement. Nothing in this section shall remove an individual officer's discretion in regards to the actual enforcement or issuance of fines and penalties relating to this section.

Section X – Default or Appeal

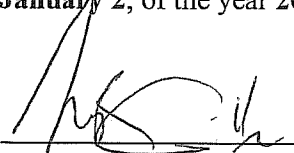
If any person fails to pay any Civil Penalty Fine assessed due to any violation of this ordinance, within the required time period for response, OR otherwise requests an appeal or court hearing of such Civil Penalty Fine under this section, the Police Department shall issue a summons to said person to appear in the District Court of Jurisdiction for arraignment and such applicable hearings, that being the 6th Circuit Court- Hillsborough.

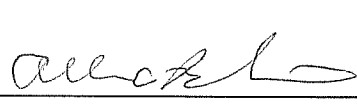
Section XI - Severability

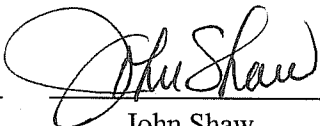
In the event any section, subsection, sentence, clause or phrase of this Ordinance shall be adjudicated to be invalid or unconstitutional, such part or phrase is declared to be severable, and all remaining portions of this Ordinance shall remain in full force and effect.

CERTIFICATION:

The above Ordinance for the Town of Deering was approved, with said amendments and updates on: **January 2**, of the year **2019** by a vote of the Board of Selectman.


Aaron Gill, Chair


Allen Belouin


John Shaw

TOWN OF DEERING, NEW HAMPSHIRE
LITTERING AND DUMPING ON TOWN PROPERTY

Enacted 1974
Amended 2013
Amended 2019

Section I - POLICY STATEMENT & AUTHORITIES

The purpose of this ordinance is to set forth and govern the dumping of any refuse or garbage upon public or town properties, as authorized under New Hampshire RSA 31:39 I(a), 265:102, 265:103, and 163-B, or other statutes as applicable, for the health, safety, and cleanliness of the Town of Deering.

Section II - DEFINITIONS

For the purposes of this Section, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Garbage or Refuse: shall mean any product, byproduct, manmade or processed item, poisonous item or liquid, dead animal in part or whole, or anything else of a liquid or physical nature as discarded, either temporarily or permanently, by any person.

Town Commons: shall mean any public lands, places, or waters within the Town of Deering, to include but not be limited to publicly owned and maintained parks, cemeteries, beaches, lakes, streams, rivers, ponds, parking lots, roadways, trails, or other such lands or places that may be owned, leased, controlled, or otherwise maintained by any public or government entity for the use, livelihood, or enjoyment of the general public or any public worker.

Town Buildings: shall mean any buildings or structures owned, leased, controlled, or maintained by the Town of Deering OR any other building that may be owned, leased, controlled, or maintained by any other government entity, to include but not be limited to the cartilage of such buildings and any refuse receptacles associated to such building(s).

Person: for the purposes of this ordinance, person shall mean any person, singularly or in concert with another, as well as any corporation, business, group of persons, or other such association.

Singular Item: shall mean any single small piece of refuse or garbage, or any manner of such that would fill less than one paper shopping bag by volume.

Multiple/Large Items: shall mean any multiple items or refuse, or any manner of such that would not be able to be contained within one paper shopping bag

Section III –ORDINANCE – Littering or Illegal Dumping (1974)

The dumping of any garbage or refuse on or around the Town Commons, Town Lands, Public Ways, Public Trails, Public Waters, and Town Buildings is prohibited at all manners and times.

Section IV - EXEMPTIONS

- A. A person may deposit garbage or refuse upon such property that is designated by the Town or State, or by any of its agencies or political subdivisions for the disposal of such litter, in as much as such person is authorized or otherwise permitted by the Town of Deering to use such property in such a manner; OR

- B. Such litter is placed into a litter receptacle or container installed on such property; OR
- C. Such person is the owner or tenant in lawful possession of such property, or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of said owner or tenant, all in a manner consistent with the public welfare.

Section V – ENFORCEMENT

This ordinance shall be enforced by any Police Officer of the Deering Police Department, or by any other Police Officer with jurisdiction, either actual jurisdiction or constructive jurisdiction via any authorized Mutual Aid Agreement. Nothing in this section shall remove an individual officer's discretion in regards to the actual enforcement or issuance of fines and penalties relating to this section.

Section VI - PENALTIES

- A. Any person who violates the provisions of this Chapter by depositing singular item, may be issued Town Ordinance Violation for each offense and shall be subject to a fine of \$250.00 for each known first offense, nor more than \$1,000.00 for each subsequent offense. Such fines as assessed shall be paid to the Town of Deering and answered via the Police Department within 72 hours. Violators shall be responsible for paying all costs and fees involved with any clean up and/or repairs relative to such violation.
- B. At the discretion of the investigating law enforcement officers, a suspect in such a case may be arrested and cited into District Court on a violation of criminal statutes in lieu of a Civil Penalty Fine under this ordinance.
- C. Any person, firm, or corporation who violates the provisions of this Chapter by depositing large or multiple items, may be subject to arrest under applicable New Hampshire State law and shall be ordered to appear in the District Court of Jurisdiction, that being the 6th Circuit Court-Hillsborough, for arraignment on said charges, which shall be a Misdemeanor Offense under NH-RSA 163-B.

Section VII – APPEAL

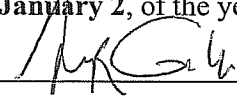
If any person fails to pay any Civil Penalty Fine within the required time period for response, OR otherwise requests an appeal or court hearing of such Civil Penalty Fine under this section, the Police Department shall issue a summons to said person to appear in the District Court of Jurisdiction for arraignment and such applicable hearings, that being the 6th Circuit Court- Hillsborough.

Section VIII - SEVERABILITY

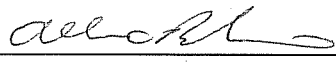
If any provisions of this Section or the application of such provisions to any person or circumstances shall be held invalid, the validity of the remainder of this Section and applicability of such provisions to other persons or circumstances shall not be affected thereby.

CERTIFICATION:

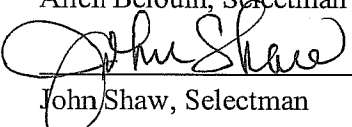
The above Ordinance for the Town of Deering was approved, with said amendments and updates on: **January 2, of the year 2019** by a vote of the Board of Selectman.



Aaron Gill, Chair



Allen Belouin, Selectman



John Shaw, Selectman

TOWN OF DEERING, NEW HAMPSHIRE

OPEN CONTAINERS OF ALCOHOLIC BEVERAGES

Enacted 1994
Amended 1999
Amended 2013
Amended 2019

Section I – Purpose Statement and Authority

The purpose of this Section is to establish standards for the control of alcoholic beverages upon public properties within the Town of Deering. This ordinance replaces and/or amends the Open Container ordinance as passed and adopted in March 1994, with inclusion of any previous amendments, as authorized under New Hampshire Statute 47:17.

Section II - Definitions

For the purposes of this Section, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Alcoholic Beverage: shall mean any beverage that contains any amount of alcohol volume, as defined in Chapter 175 of the NH Statutes.

Public Way, Public Sidewalk, Public Parking Lot: shall mean any such area as otherwise defined within Town of Deering municipal ordinance or under applicable NH Statutes.

Public Beach: shall mean any beach area, adjacent picnic area, adjacent public areas, and any parking areas thereof, within the Town of Deering.

Other Public Areas: shall include but not be limited to any property or lands as owned, leased, controlled, or otherwise governed by the Town of Deering, the State of New Hampshire, or any other public or government agency.

Open Container: shall mean any container of liquid beverage with its seal broken, including but not limited to cups, glasses, cans, bottles, kegs, barrels, or any other conveyance to hold liquid.

Possession: shall mean actual or constructive possession, to include any manner of possession, including but not limited to containers, coolers, bags, boxes, or any other such conveyance that shall be determined to be the property of or accessible by any such possessory person.

Section III – ORDINANCE: Open Containers of Alcoholic Beverage Prohibited on Public Property (1994)

- A. No Person shall have in their possession any unsealed or open container of any alcoholic beverage or alcoholic liquor as defined in Chapter 175 of the New Hampshire Revised Statutes Annotated, upon any public way, or public street, public sidewalk, public parking lot, public property, or public beach or in any vehicle parked there within the limits of the Town of Deering.
- B. No person shall have in their possession any unsealed or open container of alcoholic beverage within any Town of Deering Building, to include but not be limited to the Town Hall and Offices.

Section IV – Exemptions and Special Event Permits

- A. The NH Liquor Commission, the Chief of Police or his designee, the Town Administrator, or the Board of Selectman may grant special, singular event permission(s) to any person or persons for the use of alcoholic beverages within the confines of a public area that the Town has control over in connection with any gathering or function on such conditions as it may deem advisable.
- B. The Town of Deering shall maintain policies regarding the issuance of permits and authorities for such exempted events, including such policies as may require applications, police review, police security details, fire security details, hall rental fees, security deposits, or other such reasonable restrictions.
- C. Where required by State Law, organizers of any special event shall abide by such alcohol licensing “event” permit(s) as required by the NH Liquor Commission, in addition to abiding by this Town Ordinance.

Section V – Enforcement

This ordinance shall be enforced by any Police Officer of the Deering Police Department, or by any other Police Officer with jurisdiction, either actual jurisdiction or constructive jurisdiction via any authorized Mutual Aid Agreement. Nothing in this section shall remove an individual officer’s discretion in regards to the actual enforcement or issuance of fines and penalties relating to this section.

Section VI - Penalty

Any person, firm, or corporation who violates the provisions of this Chapter shall be guilty of a Town Ordinance Violation for each offense and shall be subject to a fine of not less than \$50.00 dollars, nor more than \$200.00 for each offense. Such fines as assessed shall be paid to the Town of Deering via the Police Department within 72 Hours (5 days) of the date of issuance.

Section VII – Appeal

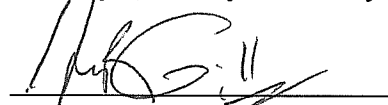
If any person fails to pay any Civil Penalty Fine within the required time period for response, OR otherwise requests an appeal or court hearing of such Civil Penalty Fine under this section, the Police Department shall issue a summons to said person to appear in the District Court of Jurisdiction for arraignment and such applicable hearings, that being the 6th Circuit Court- Hillsborough.

Section VIII - Severability

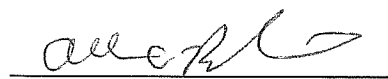
If any provisions of this Section or the application of such provisions to any person or circumstances shall be held invalid, the validity of the remainder of this Section and applicability of such provisions to other persons or circumstances shall not be affected thereby.

CERTIFICATION:

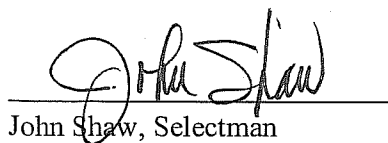
The above Ordinance for the Town of Deering was approved, with said amendments and updates on: **January 2**, of the year **2019** by a vote of the Board of Selectman.



Aaron Gill, Chair



Allen Belouin, Selectman



John Shaw, Selectman

Town of Deering, NH 03244
Hawker, Peddler, Itinerant Vendor Ordinance

Enacted 2013

Amended 2019

Section I – PURPOSE & AUTHORITY

The purpose of the adoption of this Ordinance is to promote the safe flow of vehicular and pedestrian traffic on public ways; prevent the incidence of fraud and other commercial and individual or property crimes; reduce litter and pollution; and promote the health, safety, and welfare of the public and our citizenry, as authorized under New Hampshire RSA 31:102a, 47:17, 320:1, and 321:1.

This Ordinance shall control any selling or display or offering for sale of food, beverages, merchandise or services of any kind, whether by a person or from a stand or motor vehicle or otherwise within the areas affected. These activities may be known or referred to as street vending, peddling, soliciting, hawking or itinerant vending.

Section II – DEFINITIONS

Merchandise: shall mean any food, beverage, clothing, utensils, wares, toys, tools, and other articles or items offered for sale to the public, but not including newspapers, magazines, pamphlets, and handbills.

Non-Profit Organization: shall mean any association or organization, which in accordance with United States Internal Service Regulations, distributes no part of its income to its members, directors, or officers and which is established for a civic, educational, cultural, religious, social, political, scientific, philanthropic, or charitable purpose.

Person: shall mean any natural person, corporation, partnership, association, club or society or any other form of association or organization that is not otherwise defined as a non-profit organization above.

Vender/Hawker/Peddler: shall mean any person participating in a street fair owning, operating, managing, or supervising a stand to sell merchandise or promote any nonprofit organization purposes, OR any person setting up a stand or parked motor vehicle in any place within the town for the purposes of selling goods or merchandise as defined above. In this ordinance, a “vendor” shall include but not be limited to those otherwise known or defined as “hawkers and peddlers.”

Flea Market: shall mean any market, usually held outdoors, with more than one vendor offering merchandise to be sold or bartered.

Permitee: shall mean the primary person who is applying for or has been granted a permit to act as a vendor, hawker, or peddler within the Town of Deering.

Sub-Permitee: shall mean any additional employees, sub-contractors, volunteers, trainees, or any other person associated with the primary permittee and/or that permittee’s business.

Section III – ORDINANCE: General Prohibition

Street vending, peddling, soliciting, hawking and itinerant vending, as defined in RSA 320:1, RSA 321:1, and RSA 31:102a, is prohibited on the public ways and all properties within in the Town of Deering except as permitted by the Town pursuant to this Ordinance and only in compliance with the terms of this Ordinance.

Section IV – ORDINANCE: Prohibited Conduct: Vendor/Hawkers/Peddlers

A vendor/hawker/peddler is any person who sells or offers to sell food, beverage or merchandise from a stand, motor vehicle or his person. A vendor shall not:

- A. Engage in vending/hawking/peddling which impedes pedestrian or vehicular traffic.
- B. Engage in vending/hawking/peddling which is not itinerant in nature and at no time park permanently or temporarily in a designated “No Parking” zone.
- C. Engage in vending/hawking/peddling which violates the standards and regulations of this Ordinance and the provisions of State statutes regulating hawkers, peddlers, and itinerant vendors.
- D. Create or cause to be created any human or mechanical noise which creates a nuisance or otherwise disturbs the peace and enjoyment in the surrounding area.
- E. Engage in vending/hawking/peddling at any time except during Daylight Saving Time between 8:00 a.m. – 8:00 p.m. and during Standard Time between 8:00 a.m. – 6:00 p.m.
- F. Engage in vending/hawking/peddling at any place within the Town of Deering, without possessing a license for such as issued by the State of New Hampshire, for each person engaged or employed for this purpose within the Town.
- G. Engage in vending/hawking/peddling at any place within the Town of Deering without possessing a permit for such activity as issued by the Town of Deering, by and through the approval of the Chief of Police, for each such person, be they permittee or sub-permittee, engaged in or employed for this purpose within the Town.
- H. No sub-permittee shall engage in any vending, hawking, or peddling without being accompanied in person or in close proximal and physical supervision by the primary permittee at all times.

Section V – EXEMPTIONS

The following exemptions shall apply in general to the requirements for vendors/hawkers/peddlers.

- A. Any public event sponsored by a non-profit organization provided that any concessions or sales must be related to the event.
- B. Any singular event which takes place in Town recreation areas and is part of a Town sponsored event or has the express written permission of the Board of Selectmen.
- C. Any singular event which takes place on land owned or controlled by the public school system and has the express written permission of the school board.
- D. Any Vendor/Hawker/Peddler Permit issued pursuant to the adoption of this ordinance;
- E. Farm Roadside stands per RSA 21:34-a III;
- F. Farmers Markets per RSA 21:34-a V.
- G. Any vending stand erected upon one’s own private property within the Town, provided that the vendor has satisfied all other applicable state laws and local business ordinances and rules.

Section VI – PERMIT PROCEDURES for Vending/Hawking/Peddling

The following process shall define the manner in which a person may apply for and be granted a Permit by the Town of Deering for the purposes of Vending/Hawking/Peddling.

- A. A person either on his own behalf or on behalf of a group of persons, wishing to vend shall file with the Chief of Police, a vendor application containing:

1. The name, all aliases past and present, date of birth, social security number, permanent and mailing addresses, and phone number, both landline and cellular, of the primary applicant;
 2. The nature and type of activity proposed;
 3. The name and/or names of the business(es) covered under the permit;
 4. The name, all aliases past and present, date of birth, social security number, permanent and mailing addresses, and phone number, both landline and cellular, of any associates, trainees, assistants, or intended co-permittees related to the primary permittee and/or the business permittees;
 5. If itinerant or vehicular in nature, a copy of the valid registration of said vehicle bearing the name and information of the owner, and the names of any individual permittee that shall have authority to drive said vehicle and a copy of said driver's valid license, and a copy of said drivers NH Drivers Record AND any such record from any other state for which said driver holds a Vehicle Operators License, said copy of Driver's Record having been printed by the Associated Department of Motor Vehicles within the prior twenty days;
 6. A copy of the permittees AND sub-permittees Criminal Record History in the State of NH and any other state in which the permittee or sub-permittee has lived or has been arrested in, said copies of such criminal records having been printed by the Associated Criminal Identification Bureau within the prior twenty days;
 7. Copies of applicable NH State licenses and permissions, specifically to include as applicable, the permittees and sub-permittees NH Hawkers & Peddlers License, NH Vendors License, Agricultural and Food License(s), or other related State Issued business or sales license;
 8. Any additional information of a reasonable nature that the Chief of Police feels is necessary to ensure the public's safety. The permittee and sub-permittee SHALL sign a waiver and release of Confidential Information that shall grant permission to the Chief of Police to check any such criminal, driving, medical/psychological, and financial records as deemed appropriate, and to make copies of such records;
- B. Each permit application for any permittee or sub-permittee, will be reviewed by the Chief of Police, who may also confer with and share said applications for review by the Road Agent or his designee, the Fire Chief or his designee, the Rescue Chief or his designee, the Town Administrator or his designee, and/or any member of the Board of Selectman;
- C. The Owner of the Vending/Hawking/Peddling Permit Operation must have and be able to demonstrate appropriate liability insurance (*acceptable proof to consist of certificate of insurance listing Town of Deering as certificate holder*) when using public property, and have all applicable NH State Permits.
- D. The permit fee for a Town of Deering Vendor/Hawker/Peddler Permit, valid within the calendar year and the specified time period as issued will be \$25.00 for the first four weeks (28 days from date of issue); \$10.00 for each consecutive four week period (28 days from the end of the initial period); and/or \$100.00 for the year. If a break of more than two weeks (14 days) occurs between any permitted periods, a new permit application shall be filed and shall be subject to the appropriate new application fees. The fee schedule may be amended from time to time by resolution of the Deering Board of Selectmen.
- E. The permit fee for a Town of Deering Vendor/Hawker/Peddler Permit, for any Sub-Permittee, valid within the calendar year and the specified time period as issued, shall be \$10.00 for each consecutive four week period (28 days from date of issue), but only after the primary permittee has been issued a valid permit under this ordinance.

- F. All fees for initial applications shall be received by the Town of Deering in the form of a certified or bank check at the time the application is submitted. If such fees are not received at this time, the application shall not be acted upon in any manner and shall not be issued. All fees for additional consecutive permit periods shall be received at by the end of the business day at least four days prior to end of the current permit period.

Section VII – PERMIT APPROVAL or DENIAL

- A. The Chief of Police or his/her designee shall determine whether the applicant has:
1. Submitted a complete and accurate application;
 2. Met the provisions and purposes of the Ordinance; and
 3. Provided adequate arrangements to ensure the safety of the public persons covered under the permit, and the prevention from damage of public and private property has been provided.
- B. Upon consideration of all items in Section V, the Chief of Police has the authority to approve or disapprove the application for the permittee and/or sub-permittee(s), or any combination thereof. This decision shall be based on the finding by the Chief of Police as described above, or in the case of his absence, by his designee or by the Board of Selectman. A decision any permit application should be made no later than fifteen (15) working days (excepting weekends) after receipt of the application.
- C. If the application is disapproved and the permit is denied, the Chief of Police or the entity denying such permit shall provide written reasons to the applicant at the time of notification of disapproval of application and denial of permit. Permit applications may be obtained during normal Town Hall business hours from the Selectmen's Office or Police Department.
- D. The Chief of Police, the Town Administrator, and/or Board of Selectmen may amend or revoke a permit if it appears that the arrangements contained in the permit will no longer prevent injury to person or property due to a change in circumstances under which the permit for possession was granted.

Section VIII – APPEAL of PERMIT DENIAL or REVOCATION

A person may appeal to the Board of Selectmen the denial of a permit by filing a written notice within fifteen (15) business days of denial of the permit. The Board of Selectmen shall forthwith consider the appeal at a hearing at which the applicant presence has been requested. The Board of Selectmen may affirm or reverse the decision, or attach such additional conditions to the permit as will, in their best judgment, protect the public safety and persons covered under the permit, and the prevention from damage of public and private property. If the applicant is not present at this hearing for any reason, the denial or revocation of such permit shall be held as proper. If a permit has been denied or revoked, there shall be no refund of any application or permit fees.

Section IX – ENFORCEMENT

Violations of this ordinance shall be enforced by any Police Officer of the Deering Police Department, or by any other Police Officer with jurisdiction, either actual jurisdiction or constructive jurisdiction via any authorized Mutual Aid Agreement. Nothing in this section shall remove an individual officer's discretion in regards to the actual enforcement or issuance of fines and penalties relating to this section.

Section X – PENALTIES

- A. A person who violates any provision of this Ordinance shall be charged with a Violation and assessed a civil fine not less than \$100.00 nor more than \$500.00. The fine must be paid to the Town of Deering, via a certified or bank check, within 72 hours from date of issue or all primary and related permits will be revoked.
- B. A second or subsequent violation will result in an immediate revocation of all associated permits, and no further permits shall be issued to any person(s) related to such permit violations for a period of five years.

- C. Upon the neglect or failure of a person responsible for a sidewalk display or vending cart to promptly comply with an order to remove the same, a police officer may remove it or cause it to be removed and the Town may recover the expense of such removal from the person responsible.
- D. A Police Officer may elect, in lieu of assessing a Civil Forfeiture Fine, to summons a violator directly to any applicable court of Jurisdiction for arraignment on a complaint alleging such a violation.

Section XI – APPEAL of CIVIL FORFEITURE

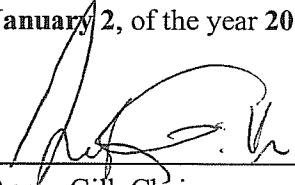
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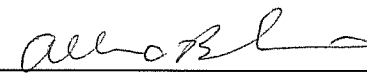
Section XII - SEVERABILITY

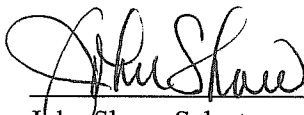
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~~January 2~~, of the year **2019** by a vote of the Board of Selectman.



Aaron Gill, Chair

Allen Belouin, Selectman

John Shaw, Selectman

Please Sign In

Eric Stauffer

Daniel B